



City of Hamilton
GENERAL ISSUES COMMITTEE
AGENDA

Meeting #: 22-023
Date: November 30, 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**
 - 4.1 September 21, 2022
5. **COMMUNICATIONS**
6. **DELEGATION REQUESTS**
7. **DELEGATIONS**
8. **STAFF PRESENTATIONS**
 - 8.1 Chedoke Creek Order - Historical Information and Remediation Update (PW19008(s)) (City Wide)
 - 8.2 Stormwater Funding Review (FCS22043(a)) (City Wide)
9. **CONSENT ITEMS**

- 9.1 Arts Advisory Commission Staff Liaison Notes 22-005, September 27, 2022
- 9.2 Equity, Diversity and Inclusion Framework Update (HUR19019(c)) (City Wide)
- 9.3 Downtown Hamilton Business Improvement Area (BIA) Revised Board of Management (PED22203) (Ward 2)
- 9.4 2022 S and P Global Ratings Credit Rating Review (FCS22083) (City Wide)

10. DISCUSSION ITEMS

- 10.1 Downtown Hamilton Business Improvement Area (BIA) Proposed Budget and Schedule of Payment (PED22204) (Ward 2)
- 10.2 Red Hill Valley Parkway Inquiry Update (LS19036(q)) (City Wide)
- 10.3 Bill 23, Proposed More Homes Built Faster Act, 2022 as it relates to the Development Charges Act (FCS22085) (City Wide)
- 10.4 Use of Delegated Authority During Any Restricted Period Following Nomination Day (CM22019) (City Wide)

Please refer to Item 14.3 for Private and Confidential Appendix "B" to this report.

11. MOTIONS

- 11.1 Increase to Councillors' Office Budgets

12. NOTICES OF MOTION

- 12.1 Stormwater Rate Review

13. GENERAL INFORMATION / OTHER BUSINESS

- 13.1 Amendments to the Outstanding Business List

- a. Proposed New Due Dates:

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

- Current Due Date: September 21, 2022

- Proposed New Due Date: June 14, 2023

- b. Parkland Acquisition Strategy
 - Current Due Date: September 7, 2022
 - Proposed New Due Date: July 10, 2023
 - c. Commonwealth Games 2030 Update
 - Current Due Date: November 30, 2022
 - Proposed New Due Date: January 18, 2023
 - d. Protection of Privacy
 - Current Due Date: November 30, 2022
 - Proposed New Due Date: April 19, 2023
 - e. Grant or Low-Interest Loans from FCM
 - Current Due Date: November 30, 2022
 - Proposed New Due Date: July 10, 2023
 - f. Corporate Strategic Growth Initiatives – Annual Update
 - Current Due Date: November 30, 2022
 - Proposed New Due Date: January 18, 2023
 - g. Annual Report on the Impacts of the No Growth Option
 - Current Due Date: November 30, 2022
 - Proposed New Due Date: April 19, 2023
 - h. Status Update respecting the Equity, Diversity and Inclusion Roadmap and Implementation Plan
 - Current Due Date: November 30, 2022
 - Proposed New Due Date: January 18, 2023
- b. Items to be Removed:
- a. Costs Related to the City’s COVID-19 Vaccination Policy
(Addressed at the August 12, 2022 GIC - Report HUR21008(d))

14.1 Closed Session Minutes - September 21, 2022

Pursuant to Section 9.3, Sub-sections (e) and (f) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (e) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose

14.2 Acquisition of Land in the City of Hamilton (PED22092(a)) (Ward 15)

Pursuant to Section 9.3, Sub-sections (c), (e) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (c), (e) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains a proposed or pending acquisition or disposition of land by the municipality or local board; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

14.3 Appendix "B" to Report CM22019 respecting the Use of Delegated Authority During Any Restricted Period Following Nomination Day

Pursuant to Section 9.3, Sub-sections (c) and (e) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (c) and (e) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains a proposed or pending acquisition or disposition of land by the municipality or local board; and, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

Please refer to Item 10.4 for the public portions of this report.

15. ADJOURNMENT



GENERAL ISSUES COMMITTEE MINUTES 22-018

9:30 a.m.

September 21, 2022

Council Chambers, City Hall, 2nd Floor
71 Main Street West, Hamilton, Ontario

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

Absent: Councillors T. Whitehead, J. Partridge, S. Merulla – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Update Regarding Ontario Land Tribunal Appeals of the Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(g)) (City Wide) (Added Item 14.2)

(Pearson/Wilson)

- (a) That the direction provided to staff in closed session, be approved;
- (b) That Report LS16029(g), respecting the Update Regarding Ontario Land Tribunal Appeals of the Rural and Urban Hamilton Official Plans – Urban Boundary Expansion and Appendix 'B', be received and remain confidential; and
- (c) That Appendix 'A' to Report LS16029(g) respecting the Update Regarding Ontario Land Tribunal Appeals of the Rural and Urban Hamilton Official Plans – Urban Boundary Expansion, remain confidential at this time.

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

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

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

2. Mayor's Task Force on Economic Recovery - Update (PED22124) (City Wide) (Item 7.1)

(Eisenberger/Nann)

That the matter, respecting the Final Report of the Mayor's Task Force on Economic Recovery, be identified as complete and removed from the General Issues Committee Outstanding Business List.

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

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

3. Bayfront Industrial Area Strategy – Phase 2 (PED14117(d)) (City Wide) (Item 8.1)

(Nann/Johnson)

- (a) That the Draft Bayfront Industrial Area Strategy – Strategy and Action Plan, attached as Appendix “A” to Report PED14117(d), be approved *in principle*;

- (b) That the Bayfront Industrial Area Urban Design Guidelines, attached as Appendix "B" to Report PED14117(d), be approved,
- (c) That staff be directed to apply Bayfront Industrial Area Urban Design Guidelines to future development applications, as appropriate, within the Bayfront Industrial Area;
- (d) That staff, within the Economic Development Division, be directed to monitor the implementation of the actions contained within the Bayfront Industrial Area Strategy; and,
- (e) That staff, within the responsible Divisions, report back to the General Issues Committee, as required through the annual budget process with any actions that would require additional resourcing.

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

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

4. Agreement Regarding Access to Hamilton/Burlington Piers (PED21064(a) / PW22075) (City Wide) (Item 10.1)

(Eisenberger/Powers)

- (a) That staff be authorized and directed to enter into negotiations with the Hamilton-Oshawa Port Authority on the assumption of responsibility by the City of Hamilton for the maintenance of public access on the Hamilton portion of the Hamilton/Burlington Piers, and to report back to General Issues Committee with a recommended agreement for Council's consideration; and

- (b) That staff finalize a risk assessment for the Hamilton/Burlington Piers and include the information along with the report to Council on the proposed agreement.

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

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

5. Emergency Operations Centre COVID-19 Recovery Phase and After-Action Reporting (CM22010(a)) (City Wide) (Item 10.2)

(Ferguson/Clark)

That Report CM22010(a), respecting the Emergency Operations Centre COVID-19 Recovery Phase and After-Action Reporting, be received.

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

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

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

6. Conservation Authority Board Composition (CM22017) (City Wide) (Item 10.3)

(Ferguson/Farr)

- (a) That, ***as the City of Hamilton does not agree with Niagara Region's request to increase their membership from five to eight members on the Niagara Peninsula Conservation Authority Board***, the use of the legislative formula for determining board sizes in the *Conservation Authorities Act* during the review of the Niagara Peninsula ~~and Grand River~~ Conservation Authority's board composition ***for the three (3) City of Hamilton Representatives to include the Ward 9 Councillor, the Ward 11 Councillor, and a citizen member***, be supported;
- (b) ***That the use of the legislative formula for determining board sizes in the Conservation Authorities Act during the review of the Grand River Conservation Authority's board composition, be supported;***
and,
- (c) ***That a copy of this resolution be provided to Niagara Region, Haldimand County, the Niagara Peninsula Conservation Authority and the Grand River Conservation Authority for their information.***

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

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

7. **Facility Naming Sub-Committee Report 22-002, September 12, 2022 (Item 10.4)**

(Pearson/Ferguson)

- (a) **Naming of Parkette at 376 Dalglish Trail, Glanbrook (PW22076) (Ward 9) (Item 10.1)**

That Report PW22076, respecting the Naming of Parkette at 376 Dalglish Trail, Glanbrook be REFERRED back to the Facility Naming Sub-Committee for further consultation.

- (b) **Terms of Reference of the Facility Naming Sub-Committee (Added Item 10.2)**

That the Terms of Reference for the Facility Naming Sub-Committee, attached hereto as Appendix A, be approved, as amended.

MAIN MOTION, as Amended, CARRIED

8. **Business Improvement Area Advisory (BIA) Committee Report 22-008, September 13, 2022 (Item 10.5)**

(Ferguson/Clark)

- (a) **Waterdown Business Improvement Area Expenditure Request (Item 11.1)**

That the expenditure request from the Waterdown Business Improvement Area, in the amount of \$5,750.10 for the purchase of 49 hanging baskets to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved.

- (b) **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 \$14,271.77 for Special Event Costs (entertainment and musician expenditures for BIA events throughout the year) to be funded from the Offset to the Shared Parking Revenue (Contribution from Reserve to Current Account 815010-47101), be approved.

- (c) **Barton Village Business Improvement Area Expenditure Request (Item 11.3)**

- (i) That the expenditure request from the Barton Village Business Improvement Area, in the amount of \$ 6,218.17 for the cost to hire individuals to clean/ maintain the public road allowance (Fall 2022),

and for Office Maintenance and Improvement (Office signage) to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved;

- (ii) That the expenditure request from the Barton Village Business Improvement Area, in the amount of \$10,192.27 for Special Event Costs (Barton Village Festival), Promotion of the Barton Village BIA and our events (Anything is Possible on Barton St, First Friday's, Pumpkinwalk), Beautification initiatives on streets, parks and pedestrian nodes (banners), Cleaning and Maintaining Public Road Allowance, to be funded from the Offset to the Shared Parking Revenue (Contribution from Reserve to Current Account 815010-47101), be approved; and,
- (iii) That the expenditure request from the Barton Village Business Improvement Area, in the amount of \$10,192.27 for Special Event Costs (Barton Village Festival), Promotion of the Barton Village BIA and our events (Anything is Possible on Barton St, First Friday's, Pumpkinwalk), Beautification initiatives on streets, parks and pedestrian nodes (banners), Cleaning and Maintaining Public Road Allowance, to be funded from the Offset to the Shared Parking Revenue Deferred from 2021 (Contribution from Reserve to Current Account 815010-47101), be approved.

(d) Ancaster Business Improvement Area Expenditure Request (Item 11.4)

- (i) That the expenditure request from the Ancaster Business Improvement Area, in the amount of \$5,597.78 for the purchase of spring/summer flowers and new office equipment to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved; and,
- (ii) That the expenditure request from the Ancaster Business Improvement Area, in the amount of \$5,283.45 for the cost of spring/summer flowers, and fall flowers, to be funded from the Offset to the Shared Parking Revenue (Contribution from Reserve to Current Account 815010-47101), be approved.

(e) Stoney Creek Business Improvement Area Expenditure Request (Item 11.5)

That the expenditure request from the Stoney Creek Business Improvement Area, in the amount of \$7,862.53 for the purchase of holiday lighting and street decor, the extra outlets needed for such, and streetscape planters to be funded from the Community Improvement Plan

(CIP) Contribution Program (BIA Payments Account 815010-56905), be approved.

(f) Locke Street Business Improvement Area Expenditure Request (Item 11.6)

- (i) That the expenditure request from the Locke Street Business Improvement Area, in the amount of \$2,771.51 for the cost of holiday lighting and streetscape decor, along with streetscape planters to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved; and,
- (ii) That the expenditure request from the Locke Street Business Improvement Area, in the amount of \$11,774.03 for the cost of holiday lighting and streetscape decor, along with streetscape planters to be funded from the Offset to the Shared Parking Revenue (Contribution from Reserve to Current Account 815010-47101), be approved.

(g) Westdale Village Business Improvement Area Expenditure Request (Item 11.7)

- (i) That the expenditure request from the Westdale Village Business Improvement Area, in the amount of \$ 11,118.12 for the cost of holiday lighting and streetscape decor, along with streetscape planters and maintenance to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved; and,
- (ii) That the expenditure request from the Westdale Village Business Improvement Area, in the amount of \$16,067.66 for the cost of holiday lighting and streetscape decor, along with streetscape planters and maintenance to be funded from the Offset to the Shared Parking Revenue (Contribution from Reserve to Current Account 815010-47101), be approved.

(h) Downtown Dundas Business Improvement Area Expenditure Request (Item 11.8)

- (i) That the expenditure request from the Downtown Dundas Business Improvement Area, in the amount of \$15,416.91 for the cost of branded banners, office equipment and maintenance, street maintenance, street furniture maintenance, and hanging baskets/planters for fall/winter to be funded from the Community

Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved; and,

- (ii) That the expenditure request from the Downtown Dundas Business Improvement Area, in the amount of \$24,568.94 for the cost of Christmas décor, Christmas décor storage and maintenance, and hanging baskets for spring/summer to be funded from the Offset to the Shared Parking Revenue (Contribution from Reserve to Current Account 815010-47101), be approved.

(i) Downtown Hamilton Business Improvement Area Expenditure Request (Item 11.9)

That the expenditure request from the Downtown Hamilton Business Improvement Area, in the amount of \$5,644.56 for the purchase of street planters to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved.

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

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

9. Hamilton-Wentworth District School Board Liaison Committee Report 22-003, September 12, 2022 (Item 10.6)

(Clark/Farr)

- (a) Berms at Bernie Morelli Recreation Centre/Bernie Custis Secondary School (Joint City – Hamilton-Wentworth District School Board Report) (Ward 3) (PW22082) (Item 10.1)**

That Report PW22082, respecting Berms at Bernie Morelli Recreation Centre/Bernie Custis Secondary School (Joint City – Hamilton-Wentworth District School Board Report) (Ward 3), attached to Hamilton-Wentworth District School Board Liaison Committee Report 22-003 as Appendix “A”, be received.

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

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

10. Advisory Committee for Persons with Disabilities Report 22-009, September 13, 2022 (Added Item 10.7)

(Eisenberger/Johnson)

(a) Attendance at the National Conference on Ending Homelessness, November 2 – 4, 2022 (Item 11.1)

WHEREAS, the Canadian Alliance to End Homelessness is hosting the National Conference on Ending Homelessness, November 2 – 4, 2022, in a hybrid format, offering the option to register for in person in Toronto or remote participation;

WHEREAS, the Advisory Committee for Persons with Disabilities recognizes there are concerns related to escalating costs of disabilities and barriers to social inclusion that can result in homelessness, as expressed in its correspondence to Hamilton’s General Issues Committee, dated July 21, 2022; and

WHEREAS, interest has been expressed by members of the Advisory Committee for Persons with Disabilities in participating remotely in the National Conference on Ending Homelessness, November 2 – 4, 2022.

THEREFORE, BE IT RESOLVED:

That the registration fee for up to two Advisory Committee for Persons with Disabilities members to participate remotely in the National Conference on Ending Homelessness, November 2 – 4, 2022, hosted by the Canadian Alliance to End Homelessness, to be funded from the Advisory Committee for Persons with Disabilities' 2022 approved budget for conferences and related travel expenses, to an upset limit of \$875, be approved.

(b) Request from Anthony Frisina for a Leave of Absence (Item 11.2)

WHEREAS, pursuant to the Advisory Committee Procedural Handbook, members of the Committee who miss more than three meetings during their term without Committee approval, may be subject to replacement on the Committee and may not be eligible for re-appointment;

THEREFORE, BE IT RESOLVED:

That the request from Anthony Frisina for a leave of absence from the Advisory Committee for Persons with Disabilities for the duration of up to three months, be approved.

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

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

11. **Hamilton Future Fund Board of Governors Report 22-002 - September 16, 2022 (Added Item 10.8)**

(Wilson/Pearson)

(a) Proposed Amendment to the Public Engagement and Consultation Framework on Hamilton Future Fund Governance and Reserve Strategy (Item 10.1)

(i) Future Fund A Reserve

That staff be directed to report back to the Audit & Finance and Administration Committee, that the Hamilton Future Fund Board of Governors supports the 2002 Council approved principle that Future Fund A Reserve serve as a Self-Sustaining Fund, satisfying the principle of permanence, with a target balance of \$100 million.

(ii) Hamilton Future Fund Governance Review and Reserve Strategy (FCS22045) (City-Wide)

That staff be directed to report back to the Audit & Finance and Administration Committee, that the Hamilton Future Fund Board of Governors recommends that Appendix A to Report FCS22045 be amended by adding “not-profit” to the affordable housing area of focus, in place of the amendment to item 4 of the Audit, Finance & Administration Committee Report 22-022 – May 30, 2022, Hamilton Future Fund Governance Review and Reserve Strategy (FCS22045) (City-Wide), to read as follows:

Use of Reserves

Under both options, the Hamilton Future Fund will continue to invest in City’s Strategic Priorities. Citizens will be consulted on investments in the following areas of focus:

- Municipal infrastructure asset management
- Investments in not-profit affordable housing
- Time limited investments in Strategic Priorities
- Supplemental funding for City Enrichment Fund

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

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

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

12. City of Hamilton Poet Laureate and Youth Poet Laureate (Item 11.1)

(Eisenberger/Farr)

WHEREAS, April is National Poetry Month and the Arts & Culture community significantly contributes to our community through festivals, showcases, events, and individual talents;

WHEREAS, the Federal Government, Provincial Government, and many Canadian Municipalities have adopted a Poet Laureate Program to spotlight significant events and initiatives through the written and spoken work; and,

WHEREAS, Poet Laureate Programs have enhanced stakeholder engagement and relationships with community partners and libraries through their work in arts, culture, literacy, and reading;

THEREFORE, BE IT RESOLVED:

That Tourism and Culture staff be directed to develop and present a framework to the General Issues Committee for the implementation of a Poet Laureate Program & Youth Poet Laureate Program, which details annual projects, operational costs including honorariums, term length, selection criteria and the Terms of Reference for a Community Selection Committee that is inclusive to members of the public and community partners.

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

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

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

13. Requirements for the Implementation of a 311 Customer Service Call Platform (Item 11.2)

(Eisenberger/Farr)

WHEREAS, the City of Hamilton responds to over half a million calls per year (via 546-CITY);

WHEREAS, the City's call consolidation program is estimated to be completed by early 2023;

WHEREAS, the funding required to implement a 311 platform will be incorporated in the 2023 Customer Relationship Management (CRM) capital budget request;

WHEREAS, the Customer Contact Centre has over time evolved into a 311 service by a different number; and,

WHEREAS, a 311 would provide ease of use for remembering and dialing, further enhancing the service experience for residents as well as corporate resource efficiencies;

THEREFORE, BE IT RESOLVED:

That staff be directed to report back through the 2023 Capital and /or Operating budget processes as to the requirements for the implementation of a 311 customer service call platform.

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

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

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

14. Removal of Berms Located at Bernie Morelli Recreation Centre, 876 Cannon Street East, and Bernie Custis Secondary School, 1055 King Street East (Ward 3) (Added Item 11.3)

(Nann/Johnson)

WHEREAS, Report PW22082 regarding the considerations and costs to remove the landscape berms at Bernie Morelli Recreation Centre, 876 Cannon Street East, and Bernie Custis Secondary School, 1055 King Street East, was received at the Hamilton-Wentworth District School Board Liaison Committee meeting on September 12, 2022;

WHEREAS, Hamilton-Wentworth District School Board staff have confirmed that they have authority to cover \$32,500, or 50% of the funds required for removal of the berms; and

WHEREAS, the City does not have a funding source to cover the remaining 50%, or \$32,500.

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to submit a capital detail sheet for the project to remove the berms located at Bernie Morelli Recreation Centre, 876 Cannon Street East, and Bernie Custis Secondary School, 1055 King Street East, to a maximum City contribution of \$32,500 for consideration during the 2023 Capital Budget process; and
- (b) That staff be directed and authorized to enter into a cost sharing agreement with the Hamilton-Wentworth District School Board to confirm the conditions of the funding, the removal of the berms and the ongoing maintenance for the project to remove the berms located at Bernie Morelli Recreation Centre, 876 Cannon Street East, and Bernie Custis Secondary School, 1055 King Street East; and
- (c) That the Mayor and City Clerk authorized and directed to approve and execute any and all required agreements and ancillary documents in relation to the removal of berms at Bernie Morelli Recreation

Centre/Bernie Custis Secondary school, with such terms and conditions satisfactory to the City Solicitor.

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

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

15. Support for the Issuance of a By the Glass License for a distillery at 745 Woodhill Road, Hamilton ON L0R 2B0 (Ward 12) (Added Item 11.4)

(Ferguson/Johnson)

WHEREAS the owners of 745 Woodhill Road would like to open Rockhaven Distillery Ltd. on their family farm as a destination in Hamilton and to bolster the agri-tourism community. They hope to open this year and be the first rural distillery in the City;

WHEREAS Planning staff have advised that the Rural Plan by-laws allowing for a craft distillery are now in effect;

WHEREAS Rockhaven has been licenced by the Canada Revenue Agency to produce spirits.

WHEREAS the Alcohol and Gaming Commission of Ontario (AGCO) requires written notice from the Council of the Municipality within which the applicant's site is located confirming that it has passed a resolution in support of the issuance of a Manufacturer's Limited Liquor Sales Licence ("By the Glass"), for tastings.

WHEREAS per City Licencing regulations, the owner requires Council support for the distillery location (745 Woodhill Road) and a motion is required to be passed for submission to the AGCO;

THEREFORE, BE IT RESOLVED:

That the Council of the City of Hamilton confirms their support for the issuance of a Manufacturer's Limited Liquor Sales Licence ("By the Glass") for Rockhaven Distillery Ltd. located at 745 Woodhill Road, Hamilton, Ontario.

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

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

16. Digital Tools to Enhance Public Transit Safety for Hamilton Street Railway (HSR) Riders in the City of Hamilton (Added Item 11.5)

(Eisenberger/Farr)

WHEREAS, public transit and the Hamilton Street Railway (HSR) are essential services that the City of Hamilton is proud to offer all residents and visitors alike;

WHEREAS, the City of Hamilton and the HSR strive to offer a convenient, affordable, safe and welcoming environment for all transit users;

WHEREAS, the City of Hamilton is committed to reviewing and examining best practices and tools to enhance convenience and safety while fostering a welcoming environment for all public transit riders on the HSR;

WHEREAS, other municipalities have successfully deployed transit safety apps that allow transit riders to discreetly report issues of concern for themselves or others, such as harassment, suspicious activity, safety concerns while on a public transit vehicle, or at a transit station or stop involving themselves or fellow riders, to Transit Control ensuring a rapid response if warranted.

THEREFORE, BE IT RESOLVED:

That City Staff, including the departments of Digital Innovation, Public Works, Communications, and the HSR, be directed to develop a plan for the implementation of a transit safety app, either as a stand-alone tool, or included as a feature in the existing HSR app and report back to the General Issues Committee with options for the implementation.

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

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

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

10. DISCUSSION ITEMS

- 10.7 Advisory Committee for Persons with Disabilities Report 22-009, September 13, 2022
- 10.8 Hamilton Future Fund Board of Governors Report 22-002, September 16, 2022

12. NOTICES OF MOTION

- 12.1 Removal of Berms Located at Bernie Morelli Recreation Centre, 876 Cannon Street East, and Bernie Custis Secondary School, 1055 King Street East (Ward 3)

- 12.2 Digital Tools to Enhance Public Transit Safety for Hamilton Street Railway (HSR) Riders in the City of Hamilton
- 12.3 Support for the Issuance of a By the Glass Licence for a distillery at 745 Woodhill Road, Hamilton ON L0R 2B0 (Ward 12)

14. PRIVATE AND CONFIDENTIAL

- 14.2 Update Regarding Ontario Land Tribunal Appeals of the Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(g)) (City Wide)

CHANGE TO THE ORDER OF THE ITEMS

That added Item 14.2, Update Regarding Ontario Land Tribunal Appeals of the Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(g)) (City Wide), be moved up on the agenda to immediately follow Item 4.1, the approval of the previous minutes to accommodate the external consultants.

(Pauls/Ferguson)

That the agenda for the September 21, 2022 General Issues Committee meeting, be approved, as amended.

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

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

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor B. Clark declared a disqualifying pecuniary interest to Item 14.2, Report LS16029(g), respecting the Update Regarding Ontario Land Tribunal Appeals of the Rural and Urban Hamilton Official Plans – Urban Boundary Expansion, as Urban Solutions has clients with land in the Elfrida district whose principal has a business interest with his son in a retail business.

Councillor J. P. Danko declared a non-disqualifying interest to Item 10.6, Hamilton-Wentworth District School Board Liaison Committee Report 22-003, September 12, 2022, and Item 12.1, Removal of Berms Located at Bernie Morelli Recreation Centre, 876 Cannon Street East, and Bernie Custis Secondary School, 1055 King Street East (Ward 3), as his wife is the Chair of the School Board.

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

(i) September 7, 2022 (Item 4.1)

(VanderBeek/Farr)

That the Minutes of the September 7, 2022 General Issues Committee meeting be approved, as presented.

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

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

(d) PRIVATE AND CONFIDENTIAL (Item 14)**(i) Update Regarding Ontario Land Tribunal Appeals of the Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(g)) (City Wide) (Added Item 14.2)****(a) (Pearson/Nann)**

That external consultant Jamie Cook, Watson and Associates, be permitted to attend the Closed Session portion of the meeting with respect to Report LS16029(g), Update Regarding Ontario Land Tribunal Appeals of the Rural and Urban Hamilton Official Plans – Urban Boundary Expansion.

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

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

(b) (Danko/Ferguson)

That Committee move into Closed Session respecting Item 14.2, pursuant to Section 9.1, Sub-sections (e) and (f) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (e) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

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

No	-	Mayor Fred Eisenberger
Yes	-	Ward 1 Councillor Maureen Wilson

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

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

(e) COMMUNICATION ITEMS (Item 5)

(Farr/Nann)

That the following Communications Items be received and referred to consideration of Item 10.3:

- (i) Correspondence from Niagara Region, respecting the Niagara Peninsula Conservation Authority (NPCA) Board Representation (Item 5.1)
- (ii) Correspondence from Haldimand County, respecting the Niagara Peninsula Conservation Authority (NPCA) Board Representation (Item 5.2)

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

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

Absent - Ward 14 Councillor Terry Whitehead
Absent - Ward 15 Councillor Judi Partridge

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

(f) STAFF PRESENTATIONS (Item 8)

(i) Bayfront Industrial Area Strategy – Phase 2 (PED14117(d)) (City Wide) (Item 8.1)

Tiffany Singh, Planner 1; Paddy Kennedy, Dillon Consulting; and, Melissa Kosterman, Dillon Consulting, provided the presentation respecting Report PED14117(d) - Bayfront Industrial Area Strategy – Phase 2.

(a) (Pearson/Farr)

That the presentation respecting Report PED14117(d) - Bayfront Industrial Area Strategy – Phase 2, be received.

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

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

(b) (Nann/Johnson)

(a) That the Draft Bayfront Industrial Area Strategy – Strategy and Action Plan, attached as Appendix “A” to Report PED14117(d), be approved;

(b) That the Bayfront Industrial Area Urban Design Guidelines, attached as Appendix “B” to Report PED14117(d), be approved;

- (c) That staff be directed to apply Bayfront Industrial Area Urban Design Guidelines to future development applications, as appropriate, within the Bayfront Industrial Area;
- (d) That staff, within the Economic Development Division, be directed to monitor the implementation of the actions contained within the Bayfront Industrial Area Strategy; and
- (e) That staff, within the responsible Divisions, report back to the General Issues Committee, as required through the annual budget process with any actions that would require additional resourcing.

(Clark/Farr)

That sub-section (a) of Report PED14117(d) - Bayfront Industrial Area Strategy – Phase 2, **be amended**, to add the words “***in principle***”, as follows:

- (a) That the Draft Bayfront Industrial Area Strategy – Strategy and Action Plan, attached as Appendix “A” to Report PED14117(d), be approved ***in principle***;

Result: Amendment, CARRIED by a vote of 6 to 5, as follows:

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

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

(g) DISCUSSION ITEMS (Item 10)

(i) Conservation Authority Board Composition (CM22017) (City Wide)
(Item 10.3)**(Johnson/Clark)**

WHEREAS, the *Conservation Authority Act*, 1993, states that the board composition of conservation authorities shall be determined based on population of a participating municipality within the conservation authority's jurisdiction, unless there is an alternative to which all participating municipalities agree;

WHEREAS, this population-based formula dictates that the Niagara Peninsula Conservation Authority Board of Directors shall be comprised of five members from Niagara Region, three members from the City of Hamilton, and two members from Haldimand County;

WHEREAS, Niagara Region has requested eight members be appointed to the Niagara Peninsula Conservation Authority, instead of their legislated entitlement of five;

THEREFORE, BE IT RESOLVED:

- (a) That sub-section (a) in Report CM22017, respecting the Conservation Authority Board Composition, ***be amended*** by:
- (i) adding the words “, ***as the City of Hamilton does not agree with Niagara Region's request to increase their membership from five to eight members on the Niagara Peninsula Conservation Authority Board,***”, specific to the Niagara Peninsula Conservation Authority;
 - (ii) deleting ‘and Grand River’; and
 - (iii) adding the words “***for the three (3) City of Hamilton Representatives to include the Ward 9 Councillor, the Ward 11 Councillor, and a citizen member***”, to read as follows:
 - (a) That, ***as the City of Hamilton does not agree with Niagara Region's request to increase their membership from five to eight members on the Niagara Peninsula Conservation Authority Board,*** the use of the legislative formula for determining board sizes in the *Conservation Authorities Act* during the review of the Niagara Peninsula ~~*and Grand River*~~ Conservation Authority's board composition ***for the three (3) City of Hamilton Representatives to***

include the Ward 9 Councillor, the Ward 11 Councillor, and a citizen member, be supported;

- (b) That Report CM22017, respecting the Conservation Authority Board Composition, ***be amended*** by adding a new sub-section (b), specific to the Grand River Conservation Authority, as follows:

(b) That the use of the legislative formula for determining board sizes in the Conservation Authorities Act during the review of the Grand River Conservation Authority's board composition, be supported; and,

- (c) That Report CM22017, respecting the Conservation Authority Board Composition, ***be amended*** by adding a new sub-section (c) to read as follows:

(c) That a copy of this resolution be provided to Niagara Region, Haldimand County, the Niagara Peninsula Conservation Authority and the Grand River Conservation Authority for their information.

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

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

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

**(ii) Facility Naming Sub-Committee Report 22-002, September 12, 2022
(Item 10.4)****(Pearson/Ferguson)****(a) Naming of Parkette at 376 Dalglish Trail, Glanbrook
(PW22076) (Ward 9) (Item 10.1)**

That the parkette, internally referred to as Summit Parkette, located at 376 Dalglish Trail Glanbrook, be named Dalglish Trail Parkette.

**(b) Terms of Reference of the Facility Naming Sub-Committee
(Added Item 10.2)**

That the Terms of Reference for the Facility Naming Sub-Committee, attached hereto as Appendix A, be approved, as amended.

(Clark/Danko)

That sub-section (a) to the Facility Naming Sub-Committee Report 22-002, September 12, 2022, ***be amended***, as follows:

**(a) Naming of Parkette at 376 Dalglish Trail, Glanbrook
(PW22076) (Ward 9) (Item 10.1)**

That Report PW22076, respecting the Naming of Parkette at 376 Dalglish Trail, Glanbrook be REFERRED back to the Facility Naming Sub-Committee for further consultation.

Amendment, CARRIED

For disposition of this matter, please refer to Item 7.

(h) NOTICES OF MOTION (Item 12)**(i) Removal of Berms Located at Bernie Morelli Recreation Centre, 876
Cannon Street East, and Bernie Custis Secondary School, 1055 King
Street East (Ward 3) (Added Item 12.1)****(Nann/Johnson)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Removal of Berms Located at Bernie Morelli Recreation Centre, 876 Cannon Street East, and Bernie Custis Secondary School, 1055 King Street East (Ward 3).

Result: MOTION, CARRIED by a 2/3 majority vote of 10 to 0, as follows:

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

For disposition of this matter, please refer to Item 14.

(ii) Support for the Issuance of a By the Glass Licence for a distillery at 745 Woodhill Road, Hamilton ON L0R 2B0 (Ward 12) (Added Item 12.3)

(Ferguson/Johnson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Support for the Issuance of a By the Glass Licence for a distillery at 745 Woodhill Road, Hamilton ON L0R 2B0 (Ward 12).

Result: MOTION, CARRIED by a 2/3 majority vote of 10 to 0, as follows:

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

Absent - Ward 14 Councillor Terry Whitehead
Absent - Ward 15 Councillor Judi Partridge

For disposition of this matter, please refer to Item 15.

(iii) Digital Tools to Enhance Public Transit Safety for Hamilton Street Railway (HSR) Riders in the City of Hamilton (Added Item 12.2)

(Eisenberger/Farr)

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Digital Tools to Enhance Public Transit Safety for Hamilton Street Railway (HSR) Riders in the City of Hamilton.

Result: MOTION, CARRIED by a 2/3 majority vote of 9 to 0, as follows:

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

For disposition of this matter, please refer to Item 16.

(i) PRIVATE & CONFIDENTIAL (Item 14) (Continued)

(i) Closed Session Minutes – September 7, 2022 (Item 14.1)

(Clark/Pearson)

- (a) That the Closed Session Minutes of the September 7, 2022 General Issues Committee meeting, be approved; and,
- (b) That the Closed Session Minutes of the September 7, 2022 General Issues Committee meeting remain confidential.

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

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

(j) ADJOURNMENT (Item 15)**(Clark/Danko)**

That there being no further business, the General Issues Committee be adjourned at 3:03 p.m.

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

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


Respectfully submitted,

Russ Powers, Deputy Mayor
Chair, General Issues Committee

Angela McRae
Legislative Coordinator,
Office of the City Clerk



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	November 30, 2022
SUBJECT/REPORT NO:	Chedoke Creek Order - Historical Information and Remediation Update (PW19008(s)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Cari Vanderperk (905) 546-2424 Ext. 3250
SUBMITTED BY:	Cari Vanderperk Director, Watershed Management Public Works Department
SIGNATURE:	

COUNCIL DIRECTION

N/A

INFORMATION

Chedoke Creek is an urban watercourse located in the west end of the City of Hamilton (City) emptying into Cootes Paradise. For the most part, the lower portion of the creek follows alongside Highway 403 where it extends through a combination of underground diversions and concrete channels. The creek bed becomes natural, north of Glen Road, to the outlet point into Cootes Paradise. Much of the Chedoke Creek watershed has been transformed over time as a result of urban development. It continues to be the receiving body for stormwater, combined sewer discharges, as well as two (2) of the City's Combined Sewer Overflow (CSO) tanks. The tanks are designed to discharge combined sewage during a large storm event, at the discretion of the Woodward Wastewater Treatment Plant operator, in order to mitigate basement and overland flooding.

In June of 2018 the City began receiving reports of abnormal water quality in Chedoke Creek from residents and community partners. Public Health and Public Works staff began investigating the issue including collecting water quality samples, completing

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video inspections of sewers in the area, and reviewing all wastewater facilities with potential overflows into Chedoke Creek.

On July 18, 2018, staff advised the Mayor and Members of Council that investigations at Chedoke Creek revealed an active discharge from the City's Main/King CSO tank located at 707 King Street West in Cathedral Park. The discharge was identified to be the result of a bypass gate being partially open (approximately 5%) at the Main/King CSO tank since January 28, 2014.

The discharge to Chedoke Creek was reported to the Ministry of Environment Conservation and Parks (MECP) Spills Action Centre as a spill on July 18, 2018. The bypass gate was also fully closed on July 18, 2018 and the discharge was confirmed to have been stopped on July 19, 2018.

On September 28, 2018, a consultant who was retained by the City issued a report that estimated the volume of the spill to be 24.0 billion litres of combined sewage over a period of approximately 4.5 years.

Internal Investigation:

Immediately after the discharge to Chedoke Creek was identified to have originated from the Main/King CSO tank, an internal investigation commenced and included an in-depth review of the following:

- Technical drawings;
- Original design schematics of the tank;
- Operator and site entry log books;
- Inspection records;
- Supervisory Control and Data Acquisition (SCADA) records;
- Standard operating procedures;
- Process Control Narratives; and,
- Sampling data.

As a result of this review, along with interviews with over 12 staff members and consultants, there were multiple contributing factors identified that led to the discharge going undetected for such a long period including the following:

- The bypass gate at the Main/King CSO tank was opened partially (approximately 5% or 14.8 cm) on January 28, 2014, at approximately 11:50 p.m., but there are no records of City staff attending the facility that night and in the absence of an emergency it is unusual for City staff to visit a CSO facility at that time of night;

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- There was confusion caused by the naming convention for the bypass gate, and as a result its purpose was not well understood by staff. Proper naming of the gate during the design phase of the CSO tank to accurately reflect its function likely would have prevented any operation of the gate;
- The automated monitoring system did not detect the discharge from the CSO tank, nor was the discharge visible to staff during monthly facility inspections. Due to the depth (14 m below grade) and location of the gate a confined space entry is required to enter its vicinity;
- Water quality samples for Chedoke Creek were being collected by partner agencies and analysed at the City of Hamilton's Environmental Laboratory. However, it became clear that all of the parties that were reviewing the data were doing so as stand-alone data points as opposed to longer term trends (the latter of which would have indicated something abnormal occurring in Chedoke Creek much earlier); and,
- A separate control gate at the CSO tank failed in (approximately) January 2018 which caused the discharge volumes to increase (30% of the total discharge volume is estimated to have occurred in 2018). This gate failed in such a way that the automated monitoring system did not detect the failure, which in turn did not alert operators to the failure.

To-date, staff have not been able to determine why the bypass gate was opened or by whom in 2014.

MECP Investigation & Enforcement Branch Investigation and Charges:

In September 2018, Hamilton Water staff became aware that the MECP local district office had referred the Chedoke Creek spill investigation file to the MECP's Investigation & Enforcement Branch (IEB) for a more fulsome investigation. At the September 16, 2018 Council meeting, the Mayor and Council were informed of the referral through a verbal update provided by the City Solicitor.

A series of interviews with various City of Hamilton staff members (current and former) and consultants was conducted by the IEB investigator from October 2018 through to February 2020. The City was also required to provide the IEB with records, procedures and other documents associated with the Main/King CSO tank and the discharge event.

On December 9, 2020, the MECP served the City with two (2) charges in relation to the Main/King CSO discharge into Chedoke Creek. The charges are pursuant to Section 14 of the *Environmental Protection Act* for discharging a contaminant, namely, raw sewage, into the natural environment during the period of January 29, 2014 to July 18,

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2018, and Section 30 of the *Ontario Water Resources Act* for discharging material, namely, raw sewage, into water which may impair the quality of the water for the period of January 29, 2014 to July 18, 2018.

These charges are currently before the courts and an update will be provided in a separate report from the City's Legal Services Division.

Corrective and Preventative Actions:

Since the discovery of the Main/King CSO discharge, Hamilton Water has implemented a number of corrective and preventative actions, the highlights of which are:

- In the weeks following the identification of the discharge more than 242,000 litres of material was removed from the surface of the creek and disposed of at the Woodward Wastewater Treatment Plant;
- A boom is installed annually from April to November to collect any floatable materials from the CSO tank and upstream inputs;
- The bypass gate has been physically locked/sealed preventing accidental operation and eliminating the possibility of unintended discharges;
- A video camera has been installed to observe the bypass gate and ensure no unintended discharge is occurring;
- The sensor that detects discharges from the CSO tank, and the autosampler that samples those discharges have both been relocated so that no discharges can occur without being detected;
- The second gate has been repaired; As part of a larger package of CSO tank upgrades to be delivered in 2023, the sensor for this gate will be replaced so that a similar failure cannot take place without detection (this technology was piloted from 2020 through 2022 at the Woodward WWTP);
- Detailed site inspections at all CSO facilities have been completed with no other similar issues identified. The inspection routines for these facilities were updated to require regular physical inspections for all critical gates and equipment
- The automated monitoring (SCADA) system was programmed to show error message "pop-up" to immediately alert operators of issues with critical gates or equipment at all CSO facilities;
- The naming conventions for the Main/King CSO tank were updated to rename the bypass gate from the "influent well overflow gate" to "maintenance bypass gate". All other CSO tank naming conventions have been verified for accuracy and understanding;
- The Enhanced City of Hamilton Outstations Team was created, made up of an Operator, Electrician, Instrumentation Technician and Millwright, who perform regular inspections at all of the CSO facilities and look at each facility as a whole to verify its operational functionality;

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- All documents have been updated and properly controlled, this includes standard operating procedures for the CSO facilities and enhanced operator training;
- Hamilton Water developed and implemented the Wastewater Quality Management System (WWQMS) to ensure effective and disciplined management for the City's wastewater systems through control of records, the development of standardized logs and procedures, and the requirement for annual review and reporting processes;
- A Wastewater Overflows and Bypasses Monitoring website was created. This website includes a publicly accessible map that is updated every 15 minutes providing the status for each monitored combined sewer overflow location;
- Hamilton Water developed a Surface Water Quality Program (SWQP) that samples surface water locations monthly, throughout the city. The purpose of this program is to work with internal and external stakeholders to develop and monitor baseline surface water quality conditions. Data is provided through the Open Hamilton Data Portal for monitoring, trending and research purposes;
- Numerous consultant studies have been completed and posted to the City's website;
- The Chedoke Creek Water Quality Framework Study was completed which involved a high-level screening and prioritization of the available options for improvements to the Chedoke Creek watershed. It was developed through the participation of internal and external stakeholders;
- Hamilton Water created the Watershed Management Office, with a dedicated Director position to lead the City's first Watershed Action Plan which aims to prioritize and action City led recommendations provided from partner agencies involved in the Hamilton Harbour Remedial Action Plan; and,
- Hamilton Water installed small-scale treatment systems such as an aerator and floating treatment wetland in Chedoke Creek to act as pilots to determine effectiveness for possible larger scale systems in the future.

Ministry of Environment Conservation and Park's (MECP) Orders:

The MECP has served the City with multiple orders related to Chedoke Creek since August 2018, pursuant to their authority under the *Environmental Protection Act (EPA)* and the *Ontario Water Resources Act (OWRA)*. The bulk of the requirements of the multiple orders can be summarized by three key Orders.

First Order:

Provincial Officer's Order No. 1-J25YB (first Order) was served to the City by the MECP on August 2, 2018 which outlined an extensive list of requirements, most notably requiring the City to determine the quantity of combined sewage that was discharged, the impacts, and proposed mitigation measures, if any, to address the discharge.

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The City retained the services of WSP E&I Canada Limited (WSP), formerly Wood Environmental Solutions Inc., to act as the Qualified Person under the first Order to analyse various remedial options. The report generated by WSP recommended direct removal of sediment that may be associated with the discharge that had accumulated on the bottom of Chedoke Creek by hydraulic dredging. However, because WSP's recommendations were based on limited field data due to the tight timelines applied by the MECP, and because the sediment in the creek likely derived from multiple sources (e.g. not just the Main/King CSO discharge event), WSP identified that a Municipal Class Environmental Assessment was recommended prior to implementing any remedial options.

WSP estimated any remedial action, including completion of the Municipal Class Environmental Assessment, to take 22-28 months with construction occurring in the fall/early winter due to the limited window of opportunity to work in a natural watercourse that is highly regulated during fish spawning season.

The City submitted the WSP report to the MECP as per the first Order deadline of January 31, 2019. While awaiting the MECP's review of the WSP report, the City engaged the services of another consultant with expertise in these matters, SLR, to conduct a peer review of the WSP report since many questions remained unanswered due to the limited time WSP had to complete their report. In May 2019, SLR opined that there were uncertainties associated with WSP's assessment due to the lack of field data and the tight timelines imposed by the MECP's first Order, which did not fully support the direct removal of sediment option and that further study was required. While continuing to await the MECP's review of the WSP report, the City decided to retain SLR to conduct field work to generate the missing data, and to complete an Ecological Risk Assessment (ERA) which would determine the most responsible remedial action. The ERA was expected to be completed by mid February 2020. The MECP was kept apprised of the City's decisions throughout this period.

Second Order:

Director's Order No. 1-MRRCX (second Order) was served to the City by the MECP on November 28, 2019, requiring the City to complete an ERA for Chedoke Creek by February 15, 2020. The second Order also required an Environmental Impact Evaluation in Cootes Paradise by May 1, 2020, something the City had not yet been required to explore. Within the response to the second Order, the MECP expected the City to identify a preferred remedial option and associated implementation timelines.

The objective of the ERA was to assess whether metals, polycyclic aromatic hydrocarbons (PAHs), nutrients and bacteria (*E. coli*), collectively known as Contaminants of Potential Concern (COPC), found in Chedoke Creek posed unacceptable risks to aquatic life, amphibians and aquatic-dependent wildlife. The

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findings show that prior to and after the 2014 to 2018 discharge event, there were persistent elevated levels of COPC in the sediment. In surface water, nutrient and bacteria levels were higher during the discharge event, but decreased in the study area after the discharge to levels at or below those observed prior to the discharge event. In addition, E. coli levels observed in 2018-2019, after the discharge, were lower in the study area than at some locations upstream of the Main/King CSO tank. The ERA noted that given these findings along with disadvantages and risks associated with direct removal (dredging), that remediation of the creek would appear unnecessary to address effects from the sewage discharge and that no remedial action should be taken by the City. The results of the ERA and SLR's recommendation were presented at the February 13, 2020 General Issues Committee in Report PW19008(g)/LS19004(g), and a response was submitted to the MECP by the February 15, 2020 deadline indicating that no remedial action would be taken in Chedoke Creek.

The objective of the Environmental Impact Evaluation was to assess whether there was an environmental impact to Cootes Paradise from the Main/King CSO tank discharge. The evaluation included four (4) ecosystem components: water quality, sediment quality, aquatic vegetation, and fish community. Using a variety of over 90 existing information sources, the report included comparisons of data (where available) representing conditions before, during and after the Main/King CSO discharge event. Generally, it was found that the CSO discharge event created short-term water quality impacts but no long-term impacts to Cootes Paradise were observed based on the information reviewed. The evaluation concluded that no remediation activities were recommended pertaining to the CSO discharge event and that there was also no evidence of ongoing environmental impact. The results of the Environmental Impact Evaluation were presented at the April 29, 2020 Council meeting in Report PW19008(h) and submitted to the MECP by the May 1, 2020 deadline indicating that no remedial action would be taken in Cootes Paradise.

Third Order:

Director's Order No. 1-PE3L3 (third Order) was served to the City by the MECP on December 4, 2020, included a requirement for the City to submit a Workplan that identified an approach for targeted dredging in Chedoke Creek. The City again retained the services of WSP to serve as the Qualified Person to address the third Order requirements. The Chedoke Creek Workplan was presented at the February 17, 2021 General Issues Committee meeting in Report PW19008(j) and submitted to the MECP by the February 22, 2021 deadline. A summary of the Chedoke Creek Workplan is attached as Appendix "A" to Report PW19008(s).

The third Order required that the targeted dredging identified in the Chedoke Creek Workplan be completed by October 31, 2021, or such other date as approved by MECP. This deadline would later be extended to December 31, 2022 due to the

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extensive permitting and approvals process required for in-water works and the associated timelines required to receive permits from the various regulatory agencies, all of which the MECP may not have contemplated when issuing the third Order.

The third Order also required the City to submit a Workplan for the broader Cootes Paradise and Western Harbour Remediation. This Workplan was presented at the July 5, 2021 General Issues Committee meeting in Report PW19008(m) in draft form. The final version was distributed to members of Council appended to Communications Update HW.21.03 and submitted to the MECP by the July 23, 2021 deadline. This Workplan proposed approaches to address the impacts associated with the increased nutrients discharged to Cootes Paradise and the Western Hamilton Harbour Area, that cannot be recovered by the targeted dredging of Chedoke Creek. A summary of the Cootes Paradise Workplan is attached as Appendix "B" to Report PW19008(s).

In addition to the above, the third Order required extensive community and stakeholder engagement to ensure the impacted landowner and community partners were in alignment and agreement with the Workplans.

Community Engagement:

The consultation process was an integral component of the Workplans and was designed to meet the requirements for considering affected stakeholders as described in the third Order. The consultation plan consisted of organized discussions, meetings and correspondence with key community partners and local agencies. The impacted landowner was identified as the Royal Botanical Gardens with whom the City engaged extensively throughout the planning phases of the project and into the construction phase. In the Spring of 2022, a virtual public meeting was held by the Ward 1 Councillor's office for local residents to learn about the planned construction activities and for the project team to address any questions and concerns. Notification to the general public continues to be accomplished by media releases, technical briefs and through the updates on the project website.

In addition, starting in early 2021, the City engaged Indigenous Nations and Peoples to determine key points of interface and opportunities for meaningful involvement. This included a presentation on the Workplans to the City's Indigenous Advisory Committee and discussions with the Mississaugas of the Credit First Nation, the Huron-Wendat Nation, the Six Nations of the Grand River Elected Council, and the Haudenosaunee Confederacy Chiefs Council (HCCC) through their representative agency, the Haudenosaunee Development Institute (HDI).

Consultation efforts with the Mississaugas of the Credit First Nation, the Huron-Wendat Nation and the Six Nations of the Grand River Elected Council concluded in favour of the Workplans and measures to mitigate any negative environmental impact as related

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to dredging efforts and plans to remediate Chedoke Creek. HCCC/HDI representatives stopped participating in the Spring of 2021 and indicated strongly that the work should not proceed without their consent and approval, which had not been provided by the HCCC/HDI to either the City or the MECP.

Protests and Project Delays:

As per the Chedoke Creek Workplan, in late July 2022, a contractor for the City of Hamilton, Milestone Environmental Contracting Inc. (Milestone), began mobilizing equipment and preparing the Dredge Material Management Area at Kay Drage Park with the intention of starting the in-water targeted dredging work on August 22, 2022.

On August 18, 2022, preparation work at the site was paused after two individuals representing the HDI blocked access to the site via the Kay Drage Park Bridge with a vehicle and stated that they were exercising their treaty rights to attend the site. The HDI representatives indicated that they and others would continue to come to the work site and would not permit the work to proceed until certain conditions had been met and their consent for the project had been sought and received.

Work on the site was paused so that the project team could develop an Operational Safety Plan to restart the dredging work, to allow for discussions with the HDI to address their concerns, and for Staff to provide recommendations outlined in Report PW19008(r), to the September 7, 2022 General Issues Committee.

The recommendations from Report PW19008(r) authorized staff to continue consultations with the Mississaugas of the Credit First Nation, the Huron-Wendat Nation, the Six Nations of the Grand River Elected Council, and the Haudenosaunee Confederacy Chiefs Council (through their representative agency, the HDI) on the Chedoke Creek Remediation Project as well as to negotiate and enter into agreements, where appropriate, to provide for Indigenous Environmental Monitors from each Nation to attend the work site throughout the duration of the project.

As an update to the recommendations from Report PW19008(r), staff have entered into environmental monitoring agreements with both the Mississaugas of the Credit First Nation and the Six Nations of the Grand River Elected Council. Each agreement includes a fee upset limit for the duration of the dredging portion of the project of \$40,000. Conversations with the Huron-Wendat Nation continue, and the project team awaits their decision on whether they also wish to have members of their community participate in monitoring for the project. Additionally, each of the three nations were offered a tour of the project site. Members of the Six Nations of the Grand River Elected Council and their Lands and Resources Department accepted the offer and participated in a site tour which took place on November 3, 2022.

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The City continued to engage in dialogue and correspondence with HDI representatives to attempt to address their concerns and explore options to have HDI members participate in monitoring for the project with the provision of capacity funding. The City and the HDI have been unable to come to an agreement that provides reasonable accommodation to allow this project to proceed without further delay. Unfortunately, staff have encountered obfuscation and changing demands. At this time, all communications from the City to the HDI are being conducted through representative legal counsel. The most recent communication from the HDI regarding capacity funding indicated that costs to engage with the HDI are now totaling \$350,000.

Staff have kept the MECP updated on the project status and the progress of discussions with the HDI. The MECP recently confirmed in writing their authority regarding the issuance of Orders and that it is the City's responsibility as delegated by the Province to consult with the HDI regarding their concerns. While the MECP has indicated verbally that they may be open to an extension to the December deadline based on the recent circumstances, that position has not been confirmed in writing at this time. Failure to achieve the deadlines stipulated in a Director's Order No. 1-PE3L3 may result in further charges and penalties. The City's consultant WSP E&I Canada Limited assessed the critical path of the project and identified that the in-water dredging work would have needed to start by September 22, 2022 for the completion of the dredging to be achievable by December 31, 2022.

Between September 21 and October 5, 2022, multiple attempts were made to resume the project, in line with the requirements outlined in the MECP Order to the City. However, those attempts were met with disruptions by HDI representatives attending the worksite, refusing to abide by safety protocols that had been put in place so that they could safely protest while observing the work, and creating health and safety risk both for themselves and for the City's contractor. On October 5, 2022 Milestone received a letter from the sub-contractor, who owns and operates the hydraulic suction dredger, invoking their right to refuse work due to dangerous and intimidating behaviour from the HDI representative(s) on site, and advising that they will continue to refuse to work until a safe and secure work environment is provided for their employees. As a result, the City's contractor Milestone also advised the City on October 5, 2022, that all project work would cease until safe, uninterrupted and unimpeded access to the work site can be provided by the City.

On October 6, 2022, the City agreed to allow all contractors for the project to standby, and not continue to attempt dredging works until further notice. Some equipment, such as the hydraulic suction dredger have now been demobilized from the site in order to reduce daily standby costs, and the only staff on-site consist of a skeleton crew during daylight hours for site monitoring purposes. Representatives from the HDI continue to attend the work site regularly to assess whether any work is being attempted.

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All community partners that have been engaged throughout this project have been kept apprised of the status as changes occur.

Request for MECP Intervention and Deadline Extension:

Due to the ongoing challenges that have been experienced with the delays to the Chedoke Creek Remediation Project, on October 6, 2022 the City sent a letter to the MECP District Manager formally requesting:

1. That the MECP immediately issue an order to the HDI under Subsection 196(2) of the *Environmental Protection Act* and Subsection 104(3) of the *Ontario Water Resources Act*, requiring that they permit the City to have access to the work area; and,
2. That the MECP immediately extend the deadlines in the Director's Order to, at a minimum, December 31, 2023.

At the time of writing this report, a formal response from the MECP has not yet been received. Should the MECP agree to issue and enforce the requested order, the City will engage with Milestone about resuming works. However, as stated in the letter to the MECP, completion of the in-water works before December 31, 2022, is now unachievable. Decisions need to be made regarding the best path forward, as such the City's consultant is currently evaluating options with the contractor and will be making recommendations to the City shortly.

Costs:

The actions by the HDI have resulted in significant delays to the Chedoke Creek Workplan and an estimated \$700,000 in additional costs to the community (as of October 31, 2022). Additional costs continue to be incurred on a daily basis, while the City's contractor is on standby.

The total budgeted amount of this work, including the tendered construction bid price for the targeted dredging, is shown in the table below. Combined, the costs shown in both tables total approximately \$10M, which is within the allocated budget for the targeted dredging project.

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Summary of Costs Incurred to Date

Item	Cost
Small Scale Offsetting	\$ 35,933
Costs from 2018-2020	\$ 2,008,290
Emergency Procurement - WSP E&I Canada Limited, formerly Wood Environmental Solutions Inc. (Workplans, Data Collection, Design and Permitting)	\$ 791,144
Estimated Standby Costs (Aug 18 - Oct 31, 2022)	\$ 700,000
Milestone Environmental Contracting Inc. (Targeted Dredging of Chedoke Creek - Work Performed)	\$ 1,390,627
Total	\$ 4,925,994

Committed Work Remaining

Item	Cost
Non-Competitive - WSP E&I Canada Limited, formerly Wood Environmental Solutions Inc. (Contract Administration, Investigative Field Work and Post Monitoring)	\$ 780,156
Tender - Milestone Environmental Contracting Inc. (Targeted Dredging of Chedoke Creek)	\$ 4,529,365
Total	\$ 5,309,521

To address the outcomes of the Cootes Paradise Workplan, approximately \$20M has been programmed into the 2023 Water, Wastewater, and Storm Rates Capital Budget. Within the next five years and once known, any additional required resources will be added into future budgets accordingly.

Communications Strategy:

The City's Communications and Strategic Initiatives Division continues to support this project with a broader communications strategy that involves highlighting remediation work and ongoing investments in water quality and wastewater infrastructure work across the city. Various tactics including media outreach, updates to the project page on the City website, video and graphics production and use of social media are being utilized. This ensures the community and stakeholders are kept apprised of the Chedoke Creek remediation progress.

SUBJECT: Chedoke Creek Order - Update (PW19008(s)) (City Wide)
Page 13 of 13

An interactive webpage for the remediation efforts was launched on May 2, 2022 to support ongoing communications, and approximately 4000 project notices were sent to residents in the surrounding area on June 24, 2022.

To learn more about the status of dredging activities and the remediation efforts identified in the Cootes Paradise Workplan, please visit www.hamilton.ca/chedokecreekremediation.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PW19008(s) – Chedoke Creek Workplan Summary

Appendix “B” to Report PW19008(s) – Cootes Paradise Workplan Summary

Chedoke Creek Workplan Summary

The Chedoke Creek Workplan, as required by the third Order and approved by the MECP, identifies the remedial strategy for targeted dredging in Chedoke Creek. Construction mobilization was initiated in July 2022, with the plan for targeted dredging to start the week of August 22, 2022. Operations would be conducted seven days a week, 8am to 6pm. Dredging was scheduled to be completed by December 31, 2022 or sooner, which aligned with the revised Order deadline.

The targeted dredging, which starts at the north end of Chedoke Creek and will move southwards toward the Kay Drage Park access road, is guided by an on-board GPS system used on the hydraulic suction dredger. The average combined dredge depth is approximately 1.0 metres which is expected to remove an estimated 11,300 cubic metres of sediment from the bottom of the creek.

Prior to the in-water dredging activities, each work area in the creek is isolated from the surrounding water environment using a turbidity/silt curtain that includes a weighted line to maintain bottom contact, and a floating line to isolate the work area at the surface. Fish and wildlife are excluded from the work area prior to the dredging activities by a qualified aquatic biologist, mitigating potential interaction with the dredging operations. The turbidity/silt curtains also isolate the work area in order to contain sediment and debris within the immediate zone of dredging and prevent contaminant transport downstream.

To support the transportation of the sediment/water slurry, a floating pipeline was assembled on shore in sections and floated into position. The floating pipeline is connected to the hydraulic suction dredger and the land-based pipeline leading to the Dredge Material Management Area located in Kay Drage Park. The maximum pipeline length from the north dredge area to the Dredge Material Management Area is approximately 850 metres. This will be shortened in length as the project progresses to the south.

The Dredge Material Management Area consists of an automated polymer injection system, two Geotube dewatering cells, a temporary holding pond and piping to the sewer discharge point. Dewatering cell one will have eight (8) Geotubes while cell two is designed with an additional three (3) Geotubes. The dewatering cells are constructed with one (1) metre high perimeter berms and lined with an impermeable membrane prior to setting up the Geotubes.

The dewatering process begins with pumping the dredged sediment/water slurry from the hydraulic suction dredger into the polymer injection system to help bind the solids together. The slurry then moves into the appropriate Geotube dewatering cell. The water then drains by gravity from the Geotubes while the sediment remains inside.

The separated water leaving the Geotubes enters a collection trench and subsequently flows into the temporary holding pond, both of which are also lined with an impermeable membrane. Water from the holding pond is discharged continuously over a 24 hour period through the approved sewer discharge location. The contractor will stop the water discharge to the sewer during heavy rain events as outlined in the Construction Dewatering Permit. However, dredging and dewatering operations are not required to stop during rainfall because the temporary holding pond will be able to handle excess Geotube filtrate water. Only if the temporary holding pond nears its 1,000m³ capacity during a rainfall event will dredging and dewatering operations be required to cease. The sediment, remaining in the Geotubes, is planned to be transported to a non-hazardous waste disposal facility.

The disposal timeline will depend on the dredging completion date and the dewatering rate of the sediments. The contractor will monitor the dewatered sediment prior to disposal to ensure the material is classified as solid non-hazardous waste, fully dewatered, dry and passes a slump test. Once the sediment is fully removed from site, the dewatering cells and temporary holding pond will be decommissioned with restoration work will then take place to return affected areas of Kay Drage Park back to its preconstruction state.

Cootes Paradise Workplan Overview

The purpose of the Cootes Paradise Workplan, as required by the third Order and approved by the MECP, is for the City to complete enhanced remedial measures that will improve the condition of Cootes Paradise in addition to the targeted dredging.

The Cootes Paradise Workplan includes the works listed in the following table which mainly fall into two (2) forms, those that reduce the nutrients from the inflowing water, and those in-water works that treat or remove nutrients and other contaminants either through a one-time reduction or continuously through uptake. In order to determine which works will be preferred, the City is required under the *Environmental Assessment (EA) Act* to evaluate any large-scale initiatives through the Municipal Class EA process.

Potential Works:

Annual Removal Projects	Large Scale Floating Vegetative Mats
	Outcomes from Lower Chedoke Master EA Study
One-Time Removal Projects	Exploratory Study to Dredge in specific locations within Cootes Paradise
	Sediment Nutrient Inactivation within Cootes Paradise
Watershed Projects (Point/Non-Point Annual Removals)	Outcomes from Chedoke Watershed Stormwater Retrofit Master EA Study
	Outcomes from Application of Redevelopment Sites – Stormwater Management Policy
	Outcomes from Application of Retrofits for Road Rehabilitation Projects / Low Impact Development Best Management Practices Policy
Other	Ainsley Woods Class EA (Sewer Separation)

Consultant assignments for each of the three (3) Class EAs identified in the table above are in various stages of initiation. The studies will include a detailed environmental, social, and economic assessment of opportunities to improve water quality and address related water quantity matters. Viable alternatives will be evaluated through additional fieldwork, analysis (modelling), stakeholder, and Indigenous Peoples and Nations engagement. The timing and capital budgets of the identified preferred solutions from each Class EA study will be further identified once each study is completed.

Next steps for the Cootes Paradise Workplan will consist of the execution of the three (3) Class EAs and subsequent development of the EA websites and Public Information Centres. The Road Retrofits Rehabilitation and Stormwater Management Policy reviews will continue throughout 2022 and into 2023 with the appropriate City departments.

Lastly, the exploratory study to dredge in Cootes Paradise and sediment nutrient inactivation projects have been combined into one (1) assignment with the investigative field work conducted in 2022/23.

It is important to note that the Order does not specify completion deadlines for the proposed initiatives identified in the Cootes Paradise Workplan, however the City is expected to complete each of the three (3) Cootes Paradise Workplan Class EA studies by the end of 2023, as communicated to the MECP.



CHEDOKE CREEK ORDER UPDATE

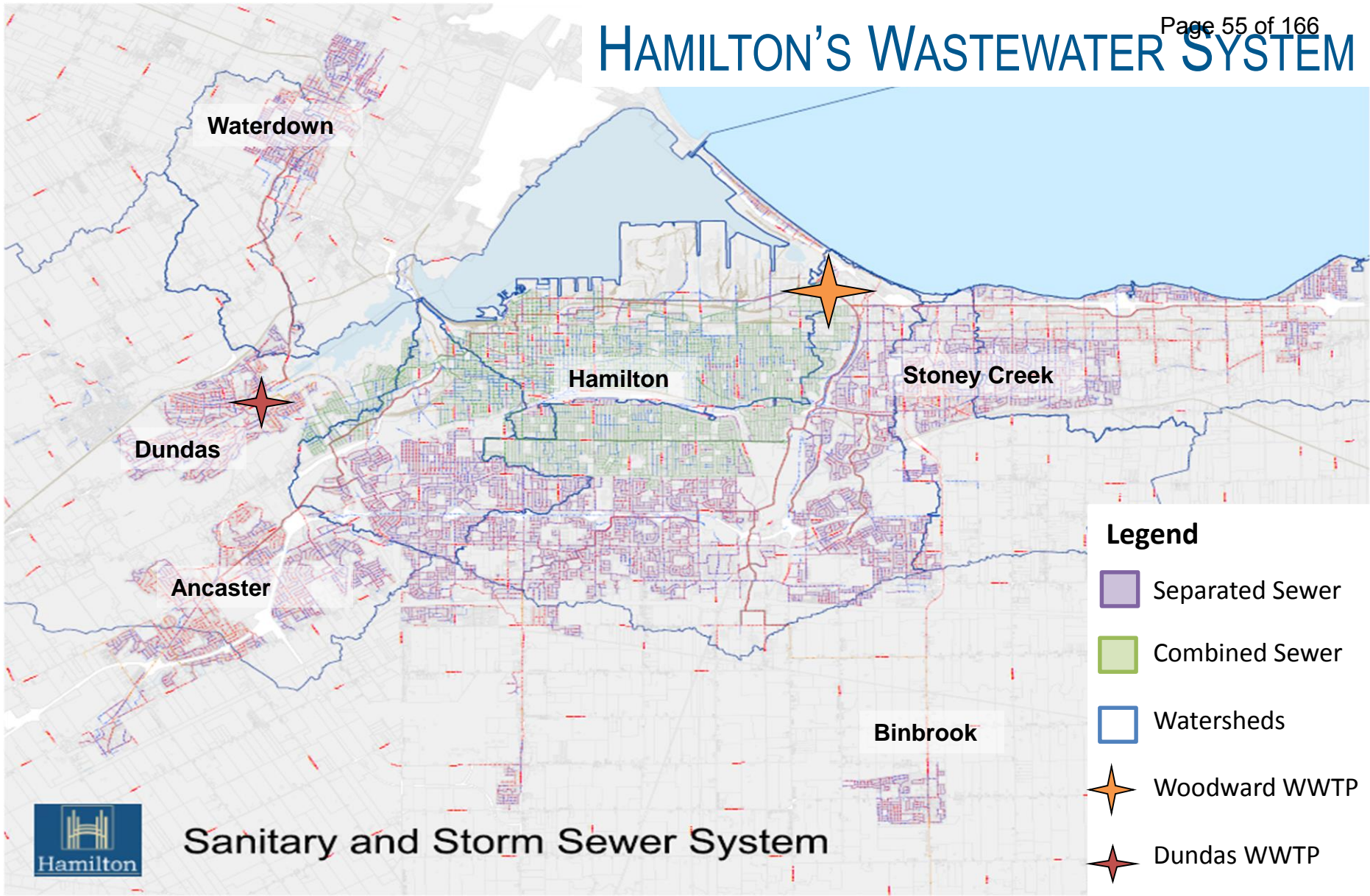
November 30, 2022






PRESENTATION OUTLINE

- Hamilton's Wastewater System
- What caused the Chedoke Creek spill?
- Internal Investigation Findings
- MECP Investigation and Charges
- Corrective & Preventative Actions taken
- MECP Orders
- Chedoke Creek Workplan
- Cootes Paradise Workplan
- Communication Plan
- Next Steps

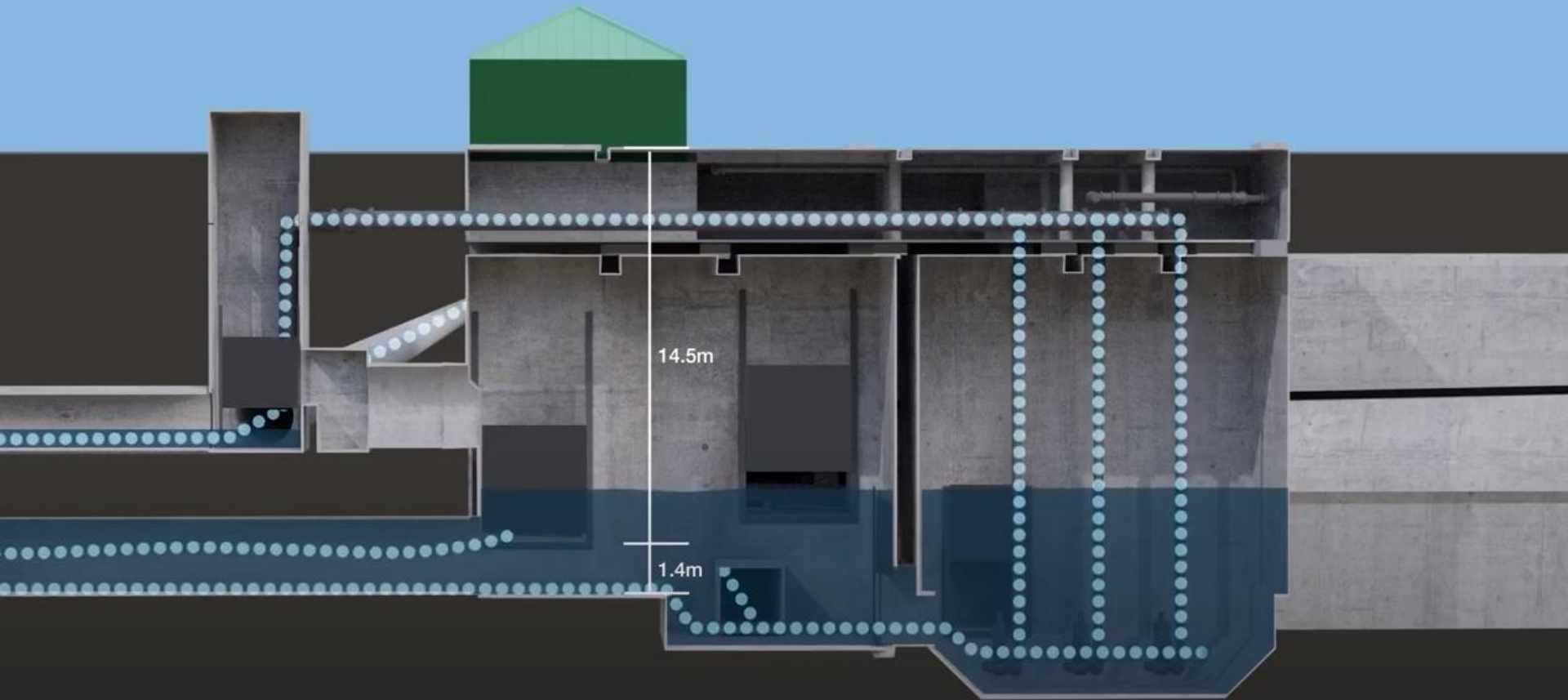


HAMILTON'S WASTEWATER SYSTEM



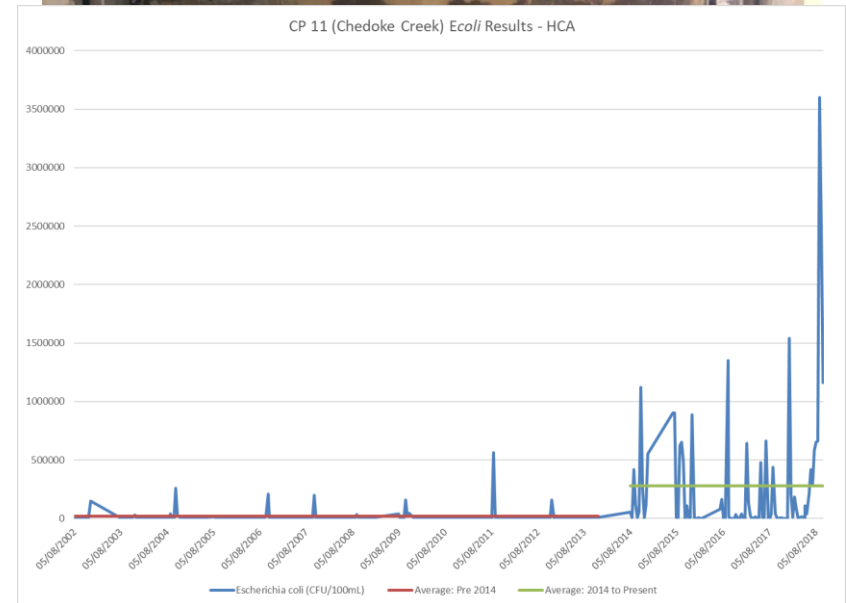
- Legend**
-  Separated Sewer
 -  Combined Sewer
 -  Watersheds
 -  Woodward WWTP
 -  Dundas WWTP

January 28, 2014 - July 2018



INTERNAL INVESTIGATION FINDINGS

- Bypass gate at Main/King CSO tank was opened partially (approximately 5% or 14.8 cm) on January 28, 2014, at approximately 11:50 p.m. Who opened it and why is unknown.
- Bypass gate naming convention in design documents was misleading.
- Gate was not easily accessible for physical inspection.
- Water quality samples for Chedoke Creek were not being trended by City nor other agencies.
- Second gate failure in (approximately) January 2018.

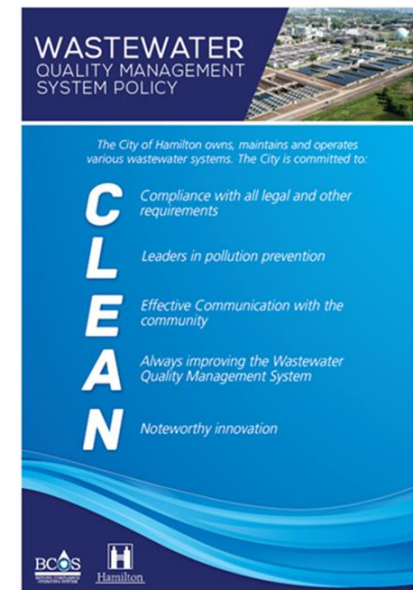


- MECP's Investigation & Enforcement Branch (IEB) began investigation In September 2018.
- Interviews conducted from October 2018 through to February 2020.
- The City provided the IEB with records, procedures and other documents associated with the Main/King CSO tank and the discharge event.



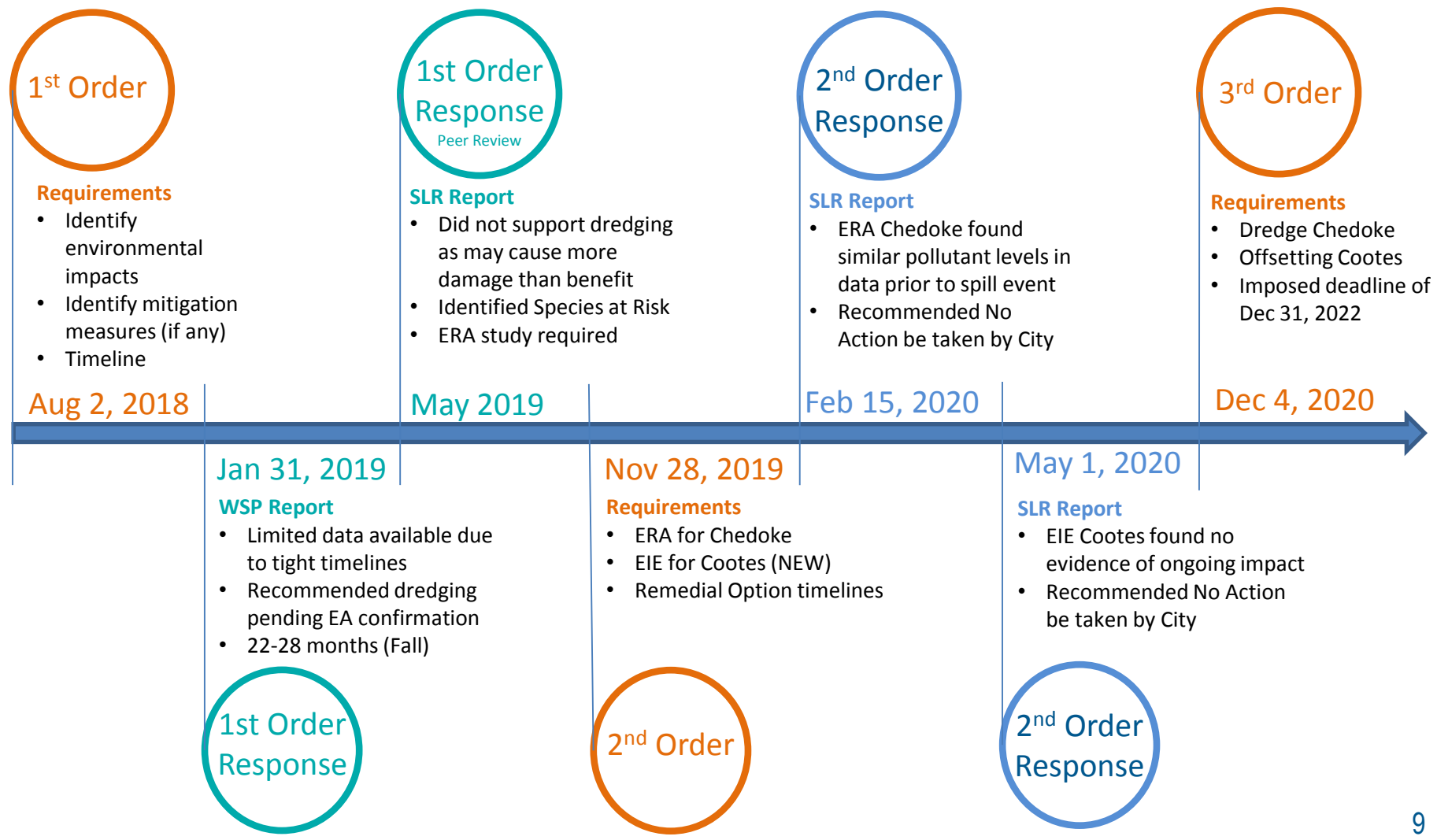
- On December 9, 2020, the MECP served the City with two (2) charges in relation to the Main/King CSO discharge into Chedoke Creek.
 - Section 14 of the *Environmental Protection Act*
 - Section 30 of the *Ontario Water Resources Act*
- These charges are currently before the courts and an update will be provided in a separate report from the City's Legal Services Division.

- Bypass gate closed and physically locked
- 242,000 liters of floatable material removed
- Installation of a boom to collect material downstream of CSO
- Computer Programming Error Corrected
- Updated control documents and enhanced operator training
- Enhanced City of Hamilton Outstations Team created
- Wastewater Quality Management System created
- Creation of Surface Water Quality Program
- Wastewater Overflows and Bypasses Monitoring website created
- Chedoke Creek Water Quality Framework Study
- Creation of the Watershed Management Office
- Installation of small-scale treatment within Chedoke Creek



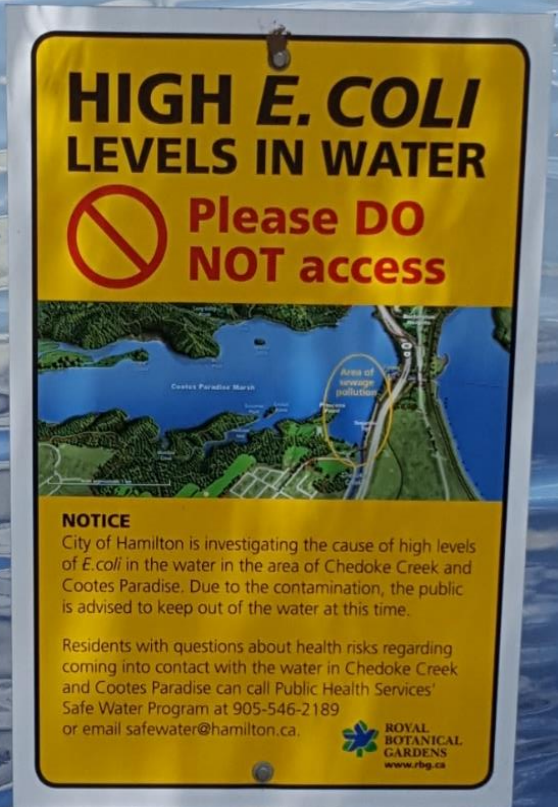
MECP ORDERS

- ERA – Environmental Risk Assessment
- EIE – Environmental Impact Assessment
- EA – Municipal Class Environmental Assessment



CURRENT MECP ORDER

Director's Order Number 1-PE3L3 (Dec 2020)



First Part (Removal)

- Chedoke Creek Workplan

Second Part (Offsetting)

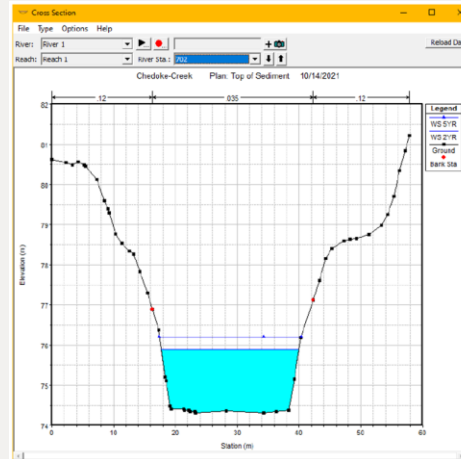
- Cootes Paradise Report
- Cootes Paradise Workplan

Preparation Works:

- Sediment sampling & bathymetry
- Topography via LiDAR
- Hydraulic and hydrologic modelling
- Species at Risk investigation and relocation
- Contractor tendering and evaluations



Photo source: https://www.inaturalist.org/guide_taxa/722282



Engagement

External Stakeholders:

- Royal Botanical Gardens
- Bay Area Restoration Council
- Hamilton Harbour Remedial Action Plan
- Conservation Halton
- Hamilton Conservation Authority
- Fisheries and Oceans Canada
- Ministry of Transportation
- Environment Hamilton
- Environment and Climate Change Canada
- Ministry of the Environment, Conservation and Parks

Indigenous Nations & First Peoples

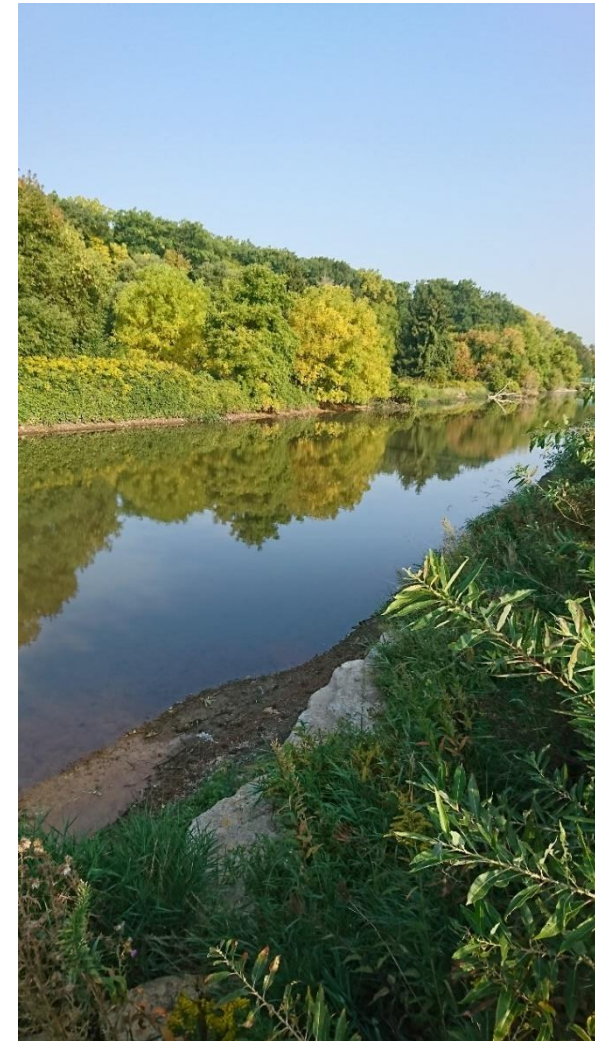
- Mississaugas of the Credit First Nation
- Six Nations of the Grand River (Elected Council)
- Haudenosaunee Confederacy
- Huron-Wendat First Nation

Internal City Stakeholders:

- Parks
- Recreation
- Waste Management
- Hamilton Street Railway
- Transportation Operations
- Landscape Architectural Services
- Environmental Monitoring and Enforcement

Local Institutions:

- Diocese of Hamilton
- Westdale Secondary School
- Georges-P.-Vanier High School



Permitting Requirements

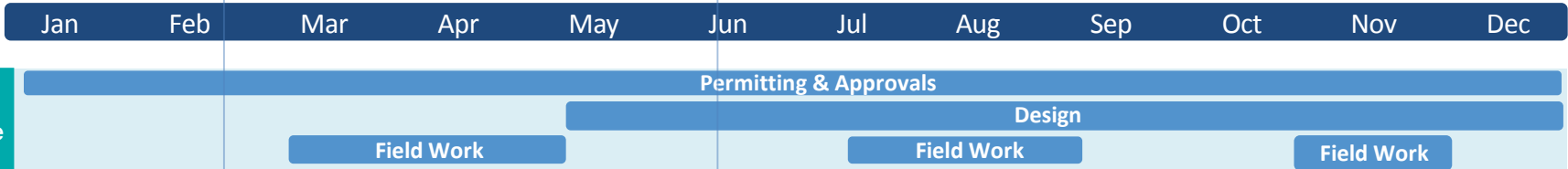
External	Required Permitting
Ministry of Environment, Conservation and Parks	Overall Benefit
	Permit to Take Water
Hamilton Conservation Authority	Work Permit
Ministry of Transportation	Building and Land Use
Transport Canada	Navigation
Fisheries and Oceans Canada	<i>Species at Risk Act</i>
Royal Botanical Gardens	Research
Internal	Required Permitting
Sewer Use Bylaw	Construction Dewatering

CHEDOKE CREEK WORKPLAN

2021

Chedoke Creek
WP Submitted
Feb 22

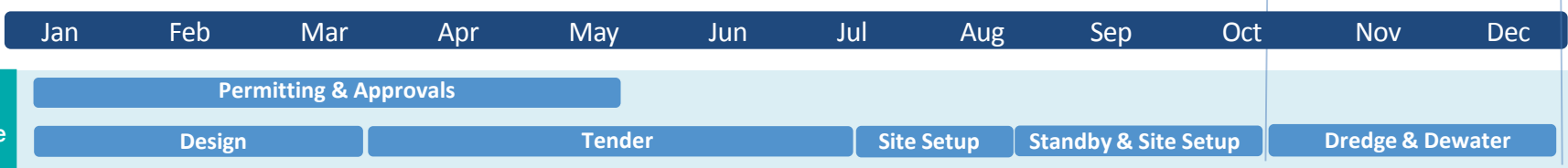
Chedoke Creek
WP Approved
Jun 11



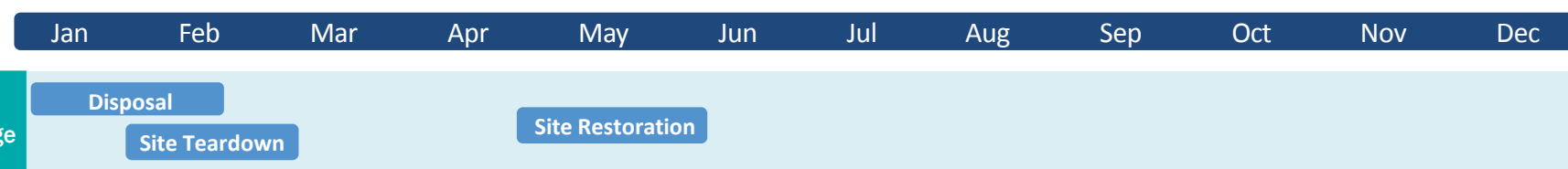
2022

Start
Dredge

Order
Deadline



2023



CHEDOKE CREEK WORKPLAN

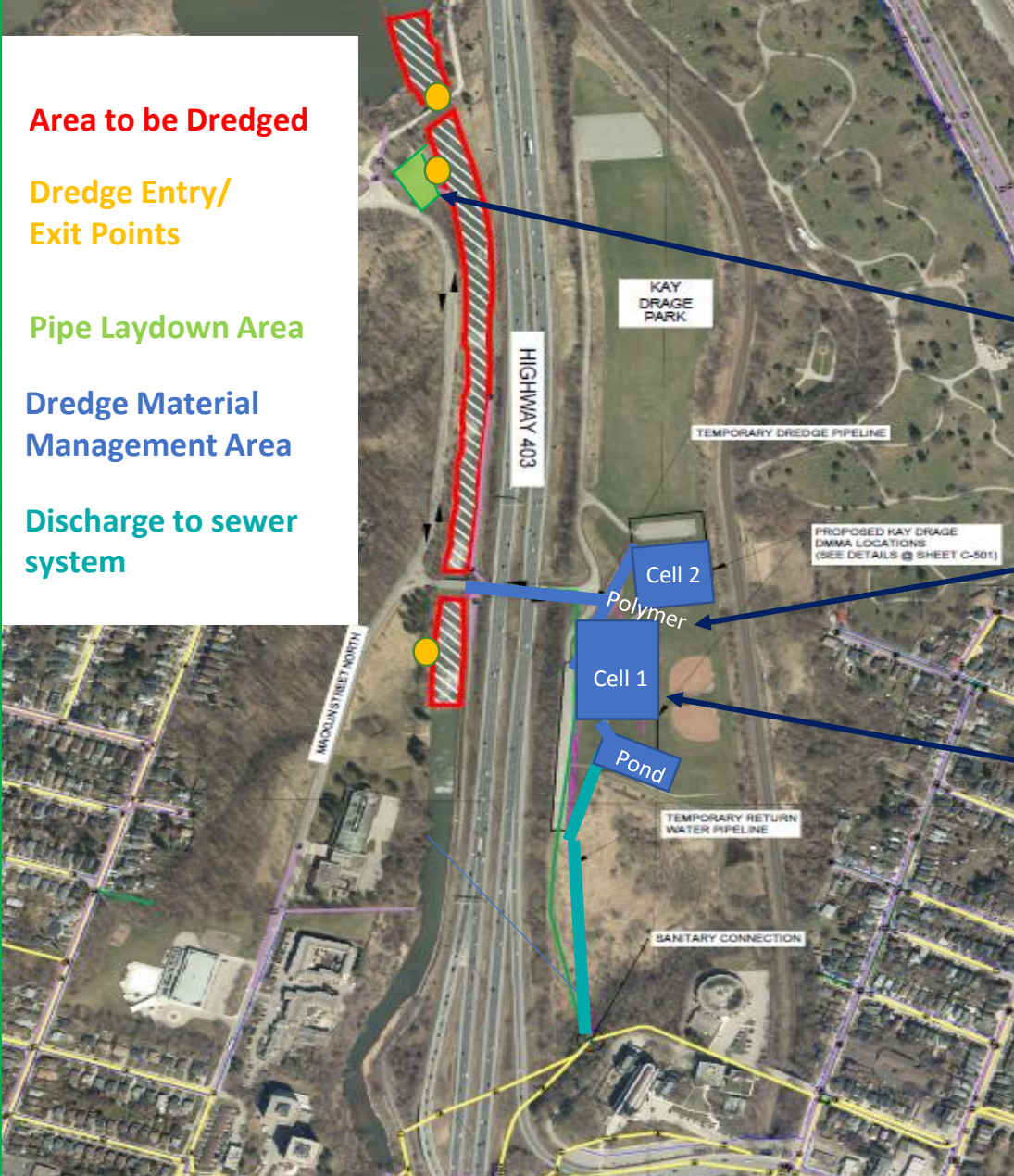
Area to be Dredged

Dredge Entry/
Exit Points

Pipe Laydown Area

Dredge Material
Management Area

Discharge to sewer
system



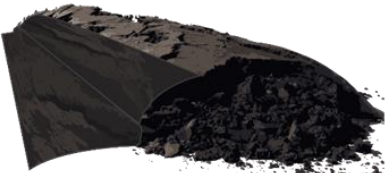
1. Dredge



2. Polymer



3. Dewater



4. Disposal

PROTESTS & PROJECT DELAYS

August 18, 2022 work was paused

HDI claimed the City required their consent to complete the dredging work

HDI insisted the City provide funding for environmental monitors



Image credit: Hamilton Spectator

In mid September Council approval was given to negotiate Environmental Monitoring Agreement with each of the First Nations

PROTESTS & PROJECT DELAYS

Multiple attempts to begin dredging

Developed operational safety plan for the site

Oct 5th – Contractor work refusal received

Oct 6th – City agreed to pause project



Oct 6th - Letter requesting MECP intervention and deadline extension was sent

INCURRED TO DATE

Item	Cost
Small Scale Offsetting	\$ 35,933
Costs from 2018-2020	\$ 2,008,290
Emergency Procurement - Wood's Services <i>(Workplans, Data Collection, Design and Permitting)</i>	\$ 791,144
Standby Costs (Aug 18 - Oct 31 2022)	\$ 688,613
Milestone Environmental Contracting Inc. <i>(Targeted Dredging of Chedoke Creek)</i>	\$ 1,390,627
Total	\$ 4,914,607

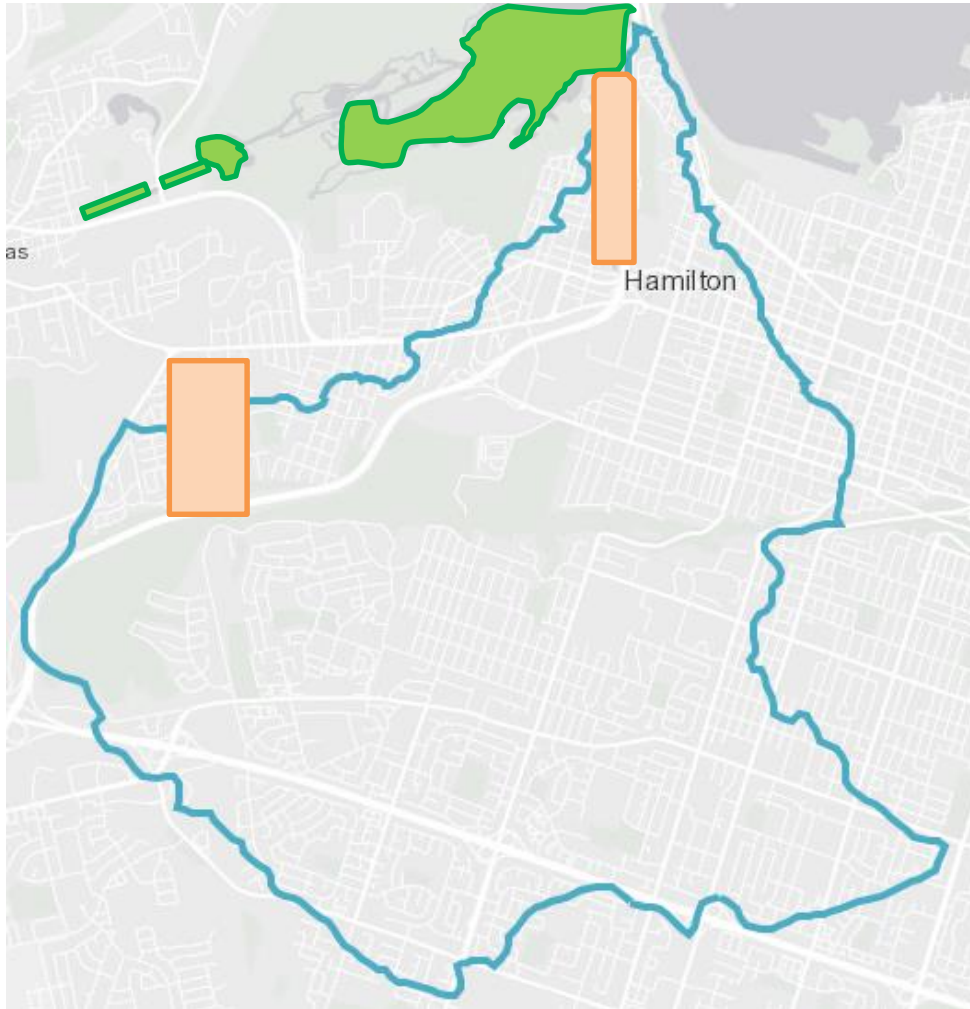
COMMITTED WORK REMAINING

Item	Budget
Wood's Services <i>(Contract Administration, Investigative Field Work and Post Monitoring)</i>	\$ 780,156
Milestone Environmental Contracting Inc. <i>(Targeted Dredging of Chedoke Creek)</i>	\$ 4,195,888
Total	\$ 4,976,044

COOTES PARADISE WORK PLAN (Offsetting)

	TP (est. tonnes)	TKN (est. tonnes)
Discharge Event (Deposited)	47	312
Targeted Dredge (Removal)	24	31
Deficit	23	281

COOTES PARADISE WORK PLAN (Offsetting)



Chedoke Stormwater Retrofit EA

Ainslie Wood Sewer Separation EA

Lower Chedoke EA

Additional Investigative Studies/Projects

Road Retrofits Rehabilitation Policy

Stormwater Management Policy

COMMUNICATIONS PLAN

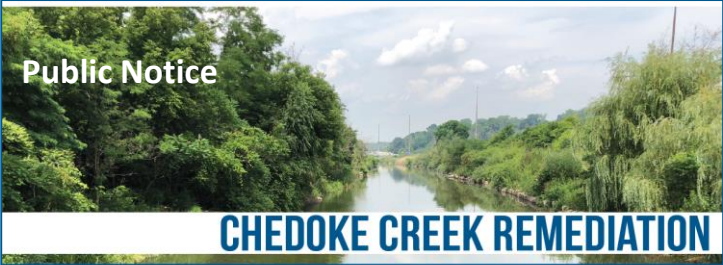
City of Hamilton @cityofhamilton · 27m

As part of the Chedoke Creek remediation project, the Dejardin pedestrian bridge will close tomorrow at 11am in order for the dredge machine to enter into the creek. The bridge is expected to reopen at 5pm. For more details about the remediation project: hamilton.ca/ChedokeCreekRe...



Twitter Post


2 4



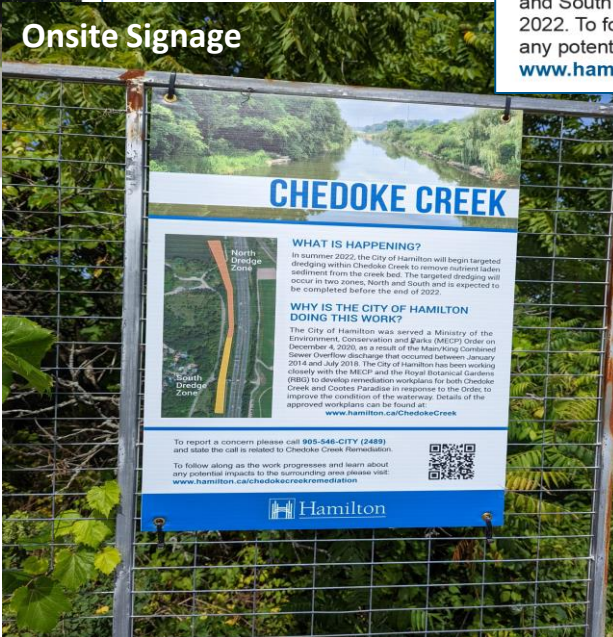
Public Notice

CHEDOKE CREEK REMEDIATION

Beginning this summer, the City of Hamilton will start targeted dredging activities within Chedoke Creek to remove nutrient laden sediment from the creek bed. The targeted dredging will occur in two zones, North and South and is expected to be completed before the end of 2022. To follow along as the work progresses and learn about any potential impacts to the surrounding area please visit: www.hamilton.ca/chedokecreekremediation



Onsite Signage




CHEDOKE CREEK

WHAT IS HAPPENING?
In summer 2022, the City of Hamilton will begin targeted dredging within Chedoke Creek to remove nutrient laden sediment from the creek bed. The targeted dredging will occur in two zones, North and South and is expected to be completed before the end of 2022.

WHY IS THE CITY OF HAMILTON DOING THIS WORK?
The City of Hamilton was served a Ministry of the Environment, Conservation and Parks (MECP) Order on December 4, 2020, as a result of the Main King Certified Sewer Overflow discharge that occurred between January 2014 and July 2018. The City of Hamilton has been working closely with the MECP and the Royal Botanical Gardens (RBG) to develop remediation workplans for both Chedoke Creek and Cootes Paradise in response to the Order to improve the condition of the waterway. Details of the approved workplans can be found at: www.hamilton.ca/ChedokeCreek

To report a concern please call 905-546-CITY (2489) and state the call is related to Chedoke Creek Remediation.

To follow along as the work progresses and learn about any potential impacts to the surrounding area please visit: www.hamilton.ca/chedokecreekremediation



Hamilton

Chedoke Creek Remediation

Chedoke Creek Spill & Remediation Activities

Council Communication Updates

Chedoke Creek updates provided to Hamilton City Council and Standing Committees.

[Chedoke Communication Updates](#)

Chedoke remediation workplan

The City of Hamilton was served a Ministry of the Environment, Conservation and Parks (MECP) Order on December 4, 2020, as a result of the Main/King Combined Sewer Overflow discharge that occurred between January 2014 and July 2018. The City of Hamilton has been working closely with the MECP and the Royal Botanical Gardens (RBG) to develop a remediation workplan for both Chedoke Creek and Cootes Paradise in response to the Order.



www.hamilton.ca/chedokecreekremediation

NEXT STEPS



- The Project Team is reviewing options, timelines and budgetary impacts for restarting the project
- The Project Team is working with permitting agencies for permits extensions and exemption to in-water work restrictions
- The Project Team is working with the MECP on appropriate extension to the Order deadline
- Options and recommendations from a Legal perspective will be outlined in a separate confidential report

QUESTIONS





CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
 Financial Planning, Administration and Policy Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	November 30, 2022
SUBJECT/REPORT NO:	Stormwater Funding Review (FCS22043(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Katie Black (905) 546-2424 Ext. 6415
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATION

That the guiding principles outlined in Appendix “A” to Report FCS22043(a) be approved to be used to direct the evaluation of alternative stormwater funding models as part of the Stormwater Funding Review for Council’s consideration.

EXECUTIVE SUMMARY

At its meeting June 20, 2022, Council approved Public Works Committee Report 22-010 from its meeting on June 13, 2022 containing Report FCS22043 with the following direction as part of Phase One of the Stormwater Funding Review (Review):

“That staff report back to the General Issues Committee to provide Guiding Principles for consideration that will direct the evaluation of alternative stormwater rate funding structures as part of the Stormwater Funding Review.”

In September 2022, the City of Hamilton retained AECOM Canada Ltd (AECOM) through the use of the Roster and City Policy #9 – Consulting and Professional Services for this work.

The purpose of Report FCS22042(a) is to seek Council’s approval of Guiding Principles identified in Appendix “A” to undertake a Stormwater Funding Review (Review). Hamilton's stormwater program is currently funded mostly through combined wastewater / stormwater rates and to a much lesser extent by property taxes, with development charges contributing to stormwater infrastructure related to new development.

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: Stormwater Funding Review (FCS22043(a)) (City Wide) – Page 2 of 4

As the City has experienced financial challenges under the present funding system, the intent of the Review will be to identify and evaluate alternative stormwater funding structures to recover stormwater related costs reflected in the annual rate and tax operating supported budgets (i.e. revenue neutral). The Review will not be evaluating alternative stormwater funding structures with an objective of increasing total revenues. Alternative stormwater funding structures may impact various customer sectors differently with the associated impacts to be identified for Council by the Review.

The Review will entail an assessment of Hamilton's current stormwater funding model and a variety of stormwater funding structures utilized by different municipalities in Ontario. The various funding models will be assessed for alignment against the Guiding Principles in Appendix "A" to Report FCS22043(a).

Report FCS22043 outlined a proposed timeline incorporating several phases for the Review including:

- Phase One – Discovery
- Phase Two – Detailed Analysis
- Phase Three – Implementation

As the City was able to engage AECOM earlier than originally anticipated, should the Guiding Principles be approved, the Review will be completed by February 2023 when Council Education Sessions will take place. The original timeline outlined in Report FCS22043 had contemplated the Education Sessions occurring in May 2023. The Education Sessions will allow for the opportunity for AECOM and staff to provide information related to how the City's stormwater funding structure compares with other municipalities and best practices. Staff will report back with any adjustments to the proposed timeline following the Council Education Sessions.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Hamilton's stormwater program is currently funded mostly through combined wastewater / stormwater rates and to a much lesser extent by property taxes, with development charges contributing to stormwater infrastructure related to new development. Prior to 2004, the stormwater program was funded primarily by property taxes.

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SUBJECT: Stormwater Funding Review (FCS22043(a)) (City Wide) – Page 3 of 4

Beginning in 2004, approximately 85% of the stormwater management costs were transferred from the tax levy to the rate supported budget. The total transfer of \$10.2 M to the rate budget was essentially off-set by the financial savings resulting from the Goods and Services Tax (GST) rebate for municipalities effective April 1, 2004. The transfer to the rate supported budget was intended to ease some pressures on the property tax levy.

Additionally, the transfer recognized that a portion (approximately 36%) of the City's wastewater (sanitary) system was a combined system with stormwater. In the combined system, the sewers, located primarily in the oldest sections of the City, collect both domestic sewage and stormwater runoff. This combined flow is collected, stored and treated prior to discharge from the Woodward Wastewater Treatment Plant (WWTP).

In December 2021, Council approved a motion that directed staff to report back with a review of the benefits and challenges of various stormwater program funding options.

Report FCS22043 was brought forward to the Public Works Committee in June 2022 with the following recommendations:

- a) that staff be authorized and directed to issue a Request for Proposals for Consulting Services to conduct a Stormwater Funding Review;
- b) that the Phase One cost of the Stormwater Funding Review, with an upset limit of \$200,000, be funded from the Stormwater reserve (108010);
- c) that staff report back to the General Issues Committee to provide Guiding Principles for consideration that will direct the evaluation of alternative stormwater rate funding structures as part of the Stormwater Funding Review.

As such, AECOM has been retained as a Roster assignment to conduct a Stormwater Funding Review. AECOM has an experienced team who have completed stormwater funding studies and / or stormwater rate implementations for a number of Ontario municipalities including: Kitchener, Guelph, Mississauga, Markham, Ottawa, Waterloo, Stratford, Sault Ste Marie, Thunder Bay, Barrie, Brantford, Ajax and Sudbury.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not Applicable

RELEVANT CONSULTATION

Staff in Corporate Services, Public Works (Hamilton Water) and Planning and Economic Development departments have been consulted and support the recommendation of Report FCS22043(a).

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Report FCS22043(a) seeks to establish the Guiding Principles (Principles) to support the evaluation of alternative stormwater funding structures. It is important to establish the principles in advance of undertaking the technical work. Once the Principles are established and fixed, then the Review process will evolve from them.

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

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

SUBJECT: Stormwater Funding Review (FCS22043(a)) (City Wide) – Page 4 of 4

It must also be recognized that there needs to be a balance in how the Principles are applied to each alternative and that trade-offs may be required. The process of reviewing the stormwater funding structures must consider the extent to which each principle affects each component of the structure.

Appendix “A” to Report FCS22043(a) provides a description of what the Principles are intended to achieve. A successful stormwater funding structure will result when an appropriate balance is achieved between the various principles being considered.

ALTERNATIVES FOR CONSIDERATION

Not Applicable

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Community Engagement and Participation**

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

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 FCS22043(a) – Hamilton Stormwater Funding Project Guiding Principles Review

KB/dt

Guiding Principles Recommended for the Evaluation of Stormwater Funding Models

Principle	Description of Intent
fair and equitable	Customer contributions are proportional to their impact on the system and the cost to run the system (i.e., user-pay). User fees are non-discriminatory amongst customers and sectors.
climate resilient & environmentally sustainable	Encourages customers to become more resilient to climate change through adoption of on-site controls to reduce run-off, while providing the City with funding needed to increase system-level stormwater resiliency and protect natural resources and waterbodies from the impacts of stormwater and the harmful pollutants it carries.
affordable and financially sustainable	Provides sustainable, predictable, and dedicated funding. Uses full cost pricing to meet entire stormwater revenue needs at the City's desired level of service. Allows for regular fee reviews to keep pace with changes in the cost-of-service delivery or desired service levels. Allows the City to address infrastructure deficiencies and unfunded liabilities. Considers the financial impact on various customer sectors and is comparable with other municipalities.
justifiable	Residents and businesses understand how much they contribute to stormwater management and for what the money is being used. Customers have been consulted and involved in the decision-making process, particularly those that will be most affected. Consistent with best practices and applicable laws in order to guarantee that the funding structure is justifiable and transparent if challenged
simple to understand and manage	Should be readily understood by staff, Council and customers. System is efficiently maintained by City's staff.

8.2

Stormwater Funding Review

General Issues Committee Presentation

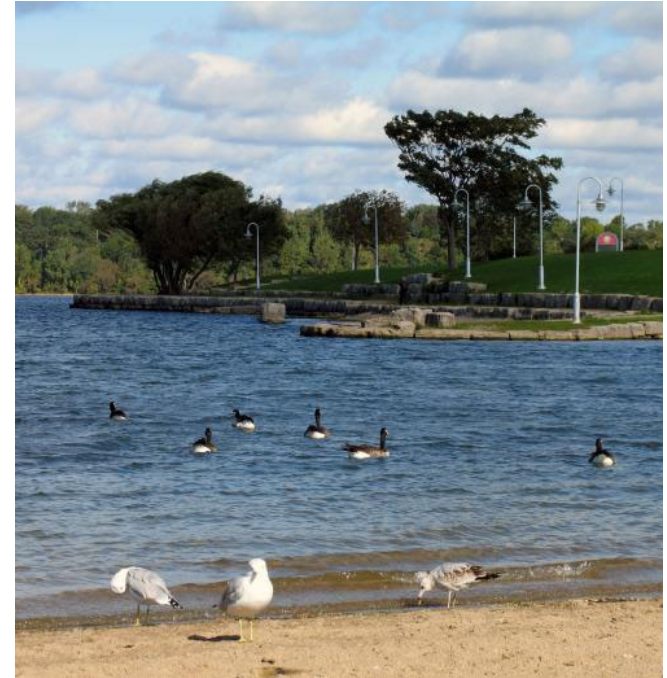
City of Hamilton

November 30, 2022

Presented by: Nancy Hill, Mike Gregory

Agenda

1. Why are we here?
2. AECOM's experience with similar projects
3. Guiding principles
4. Project timeline
5. Next steps



Why Are We Here?

December 2021

Council approved a motion that directed staff to report back with a review of the benefits and challenges of various stormwater program funding options

∨

June 2022

Council authorized staff:

- to issue an RFP for consulting services to conduct a Stormwater Funding Review
 - report back with Guiding Principles for consideration that will direct the evaluation of alternative stormwater rate funding structures
-

Ontario Stormwater Rates

Thunder Bay

Sault Ste. Marie

Sudbury

Ottawa

Orillia

Barrie

Aurora

Vaughan

Brampton

Guelph

Waterloo

Kitchener

London

Middlesex Centre

St Thomas

Orillia

Barrie

Aurora

Vaughan

Brampton

Guelph

Waterloo

Kitchener

London

Middlesex Centre

St Thomas

Newmarket

Whitchurch Stouffville

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Mississauga

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Thames Centre

Newmarket

Whitchurch Stouffville

Richmond Hill

Markham

Ajax

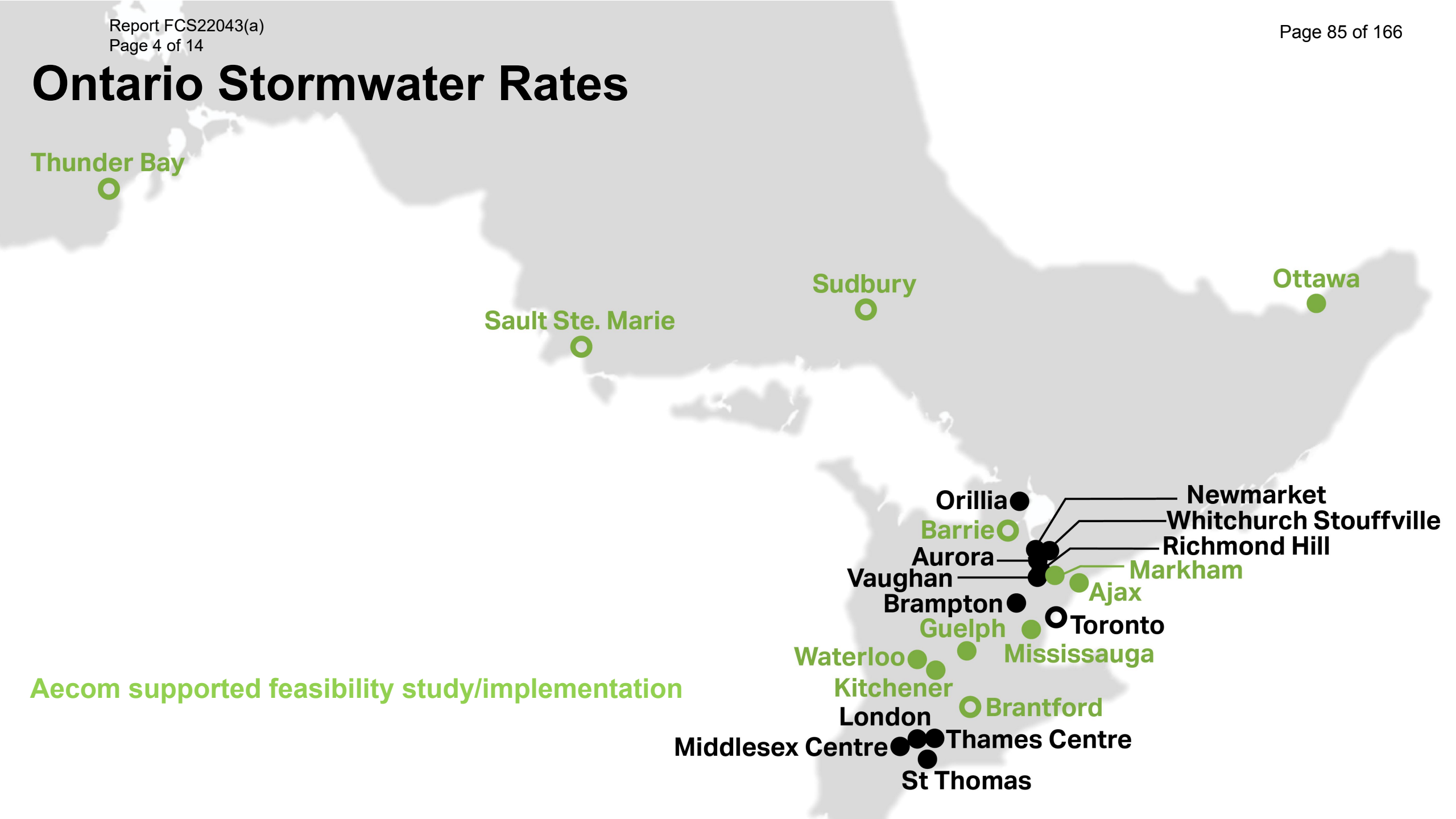
Toronto

Mississauga

Brantford

Thames Centre

Aecom supported feasibility study/implementation



Guiding Principles

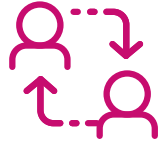
For the evaluation of stormwater funding models

Guiding Principles

1. Fair & equitable
2. Climate resilient & environmentally sustainable
3. Affordable & financially sustainable
4. Justifiable
5. Simple to understand & manage

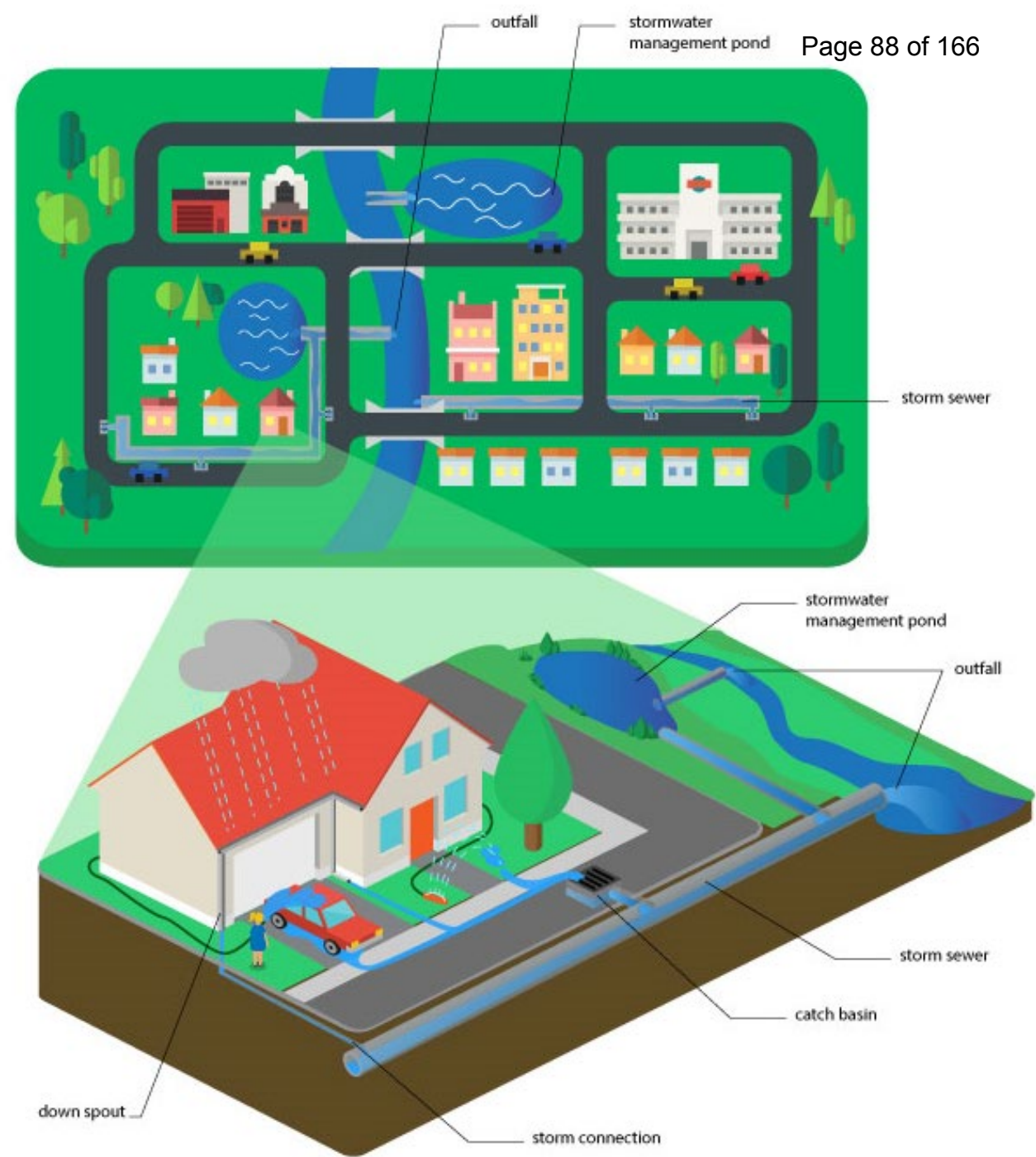


Fair & Equitable



Customer contributions are *proportional* to their *impact* on the system and the *cost* to run the system (i.e., user-pay)

User fees are non-discriminatory amongst customers and sectors



Climate Resilient & Environmentally Sustainable



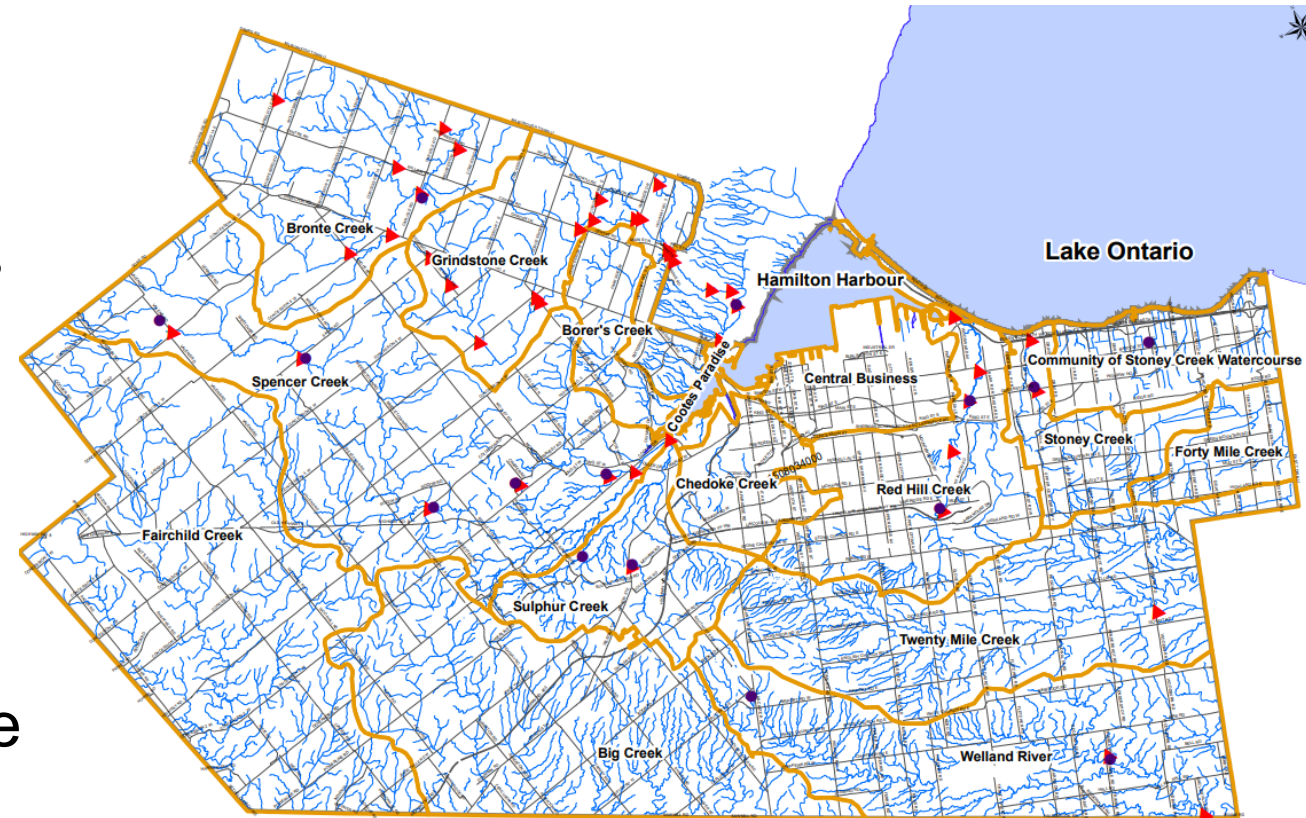
Encourages customers to become more *resilient* to climate change through *adoption* of on-site controls to reduce run-off, while providing the City with funding needed to increase system-level *stormwater resiliency* and protect natural resources and waterbodies from the impacts of stormwater and the harmful pollutants it carries



Affordable & Financially Sustainable



- Provides *sustainable, predictable, and dedicated* funding
- Uses *full cost pricing* to meet entire stormwater *revenue needs* at the City's desired *level of service*
- Allows for regular *fee reviews* to keep pace with changes in the cost-of-service delivery or desired service levels
- Allows the City to address infrastructure *deficiencies* and unfunded *liabilities*
- Considers the *financial impact* on various customer sectors and is comparable with other municipalities



Source: Flow and Provincial Water Quality Monitoring Locations, Stormwater Master Plan, City of Hamilton

Justifiable



- Residents and businesses *understand* how much they contribute to stormwater management and for what the money is being used
- Customers have been *consulted* and involved in the decision-making process, particularly those that will be most affected
- Consistent with *best practices* and *applicable laws* in order to guarantee that the funding structure is justifiable and transparent if challenged



Simple to Understand & Manage



Readily understood
by staff, Council
and customers

Efficiently
maintained by
City's staff

CITY OF XXXX, XXXX STORMWATER MANAGEMENT UTILITY POLICIES AND PROCEDURES MANUAL

SECTION 2 – STORMWATER BILLING

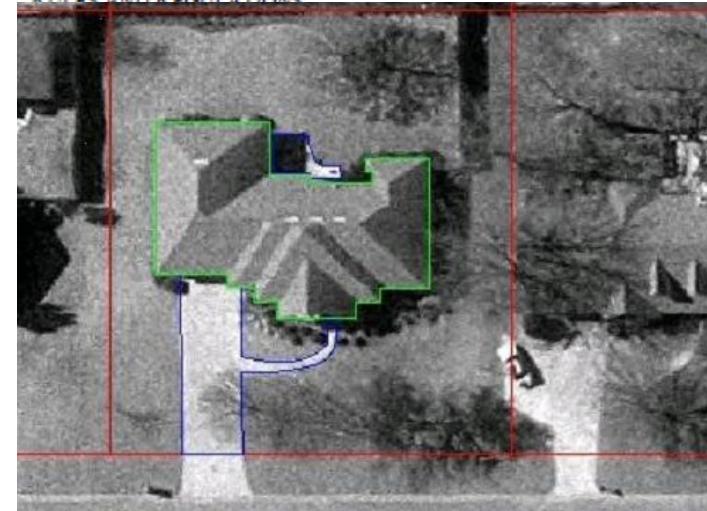
- 2.1 STORMWATER USER FEE FUND
- 2.2 UTILITY CUSTOMER CLASSIFICATION
- 2.3 STORMWATER USER FEE.....
- 2.4 BILLING AND PAYMENT
- 2.5 DELINQUENT CHARGES AND NON-PAYMENT PENALTIES
- 2.6 BILLING DATA UPDATE
- 2.7 SERVICE REQUESTS/DISCONTINUATION OF SERVICE
- 2.8 UTILITY BILLING GUIDELINES

SECTION 3 – FEE ADJUSTMENT AND CREDITS

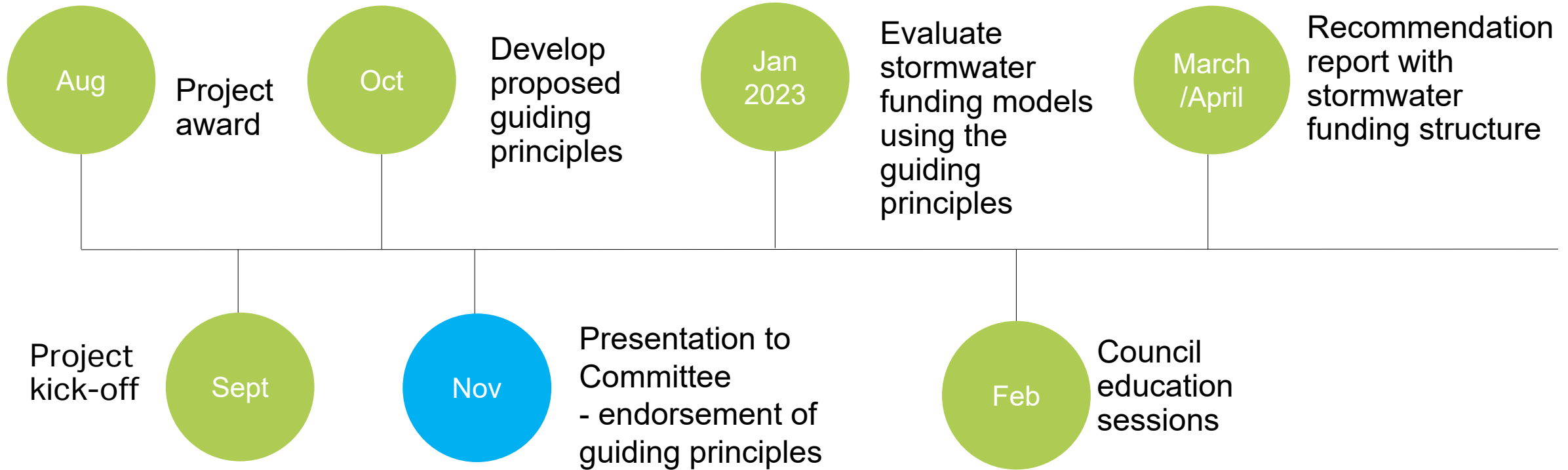
- 3.1 ERU ADJUSTMENTS.....
 - 3.1.1 *Additional Stormwater Adjustments*.....
- 3.2 NONRESIDENTIAL STORMWATER FACILITY CREDITS.....
 - 3.2.1 *Nonresidential Credit Components*
 - 3.2.2 *Applicability*.....
 - 3.2.2.1 Stormwater Facility Design Criteria (1-year Credit).....
 - 3.2.2.2 Stormwater Facility Operation & Maintenance
- 3.3 APPEALS.....

SECTION 4 - REGULATORY ENFORCEMENT.....

4.1 RULES AND REGULATIONS



Timeline



Next Steps



Today

Council endorsement of the Guiding Principles



February

Council education sessions:

- Review the assessment of stormwater models
- Include environmental, legal, financial, administrative considerations
- Best practices scan
- Public consultation needs



Contact Email:

Nancy.hill@aecom.com



Hamilton

**Arts Advisory Commission
NOTES 22-005**

Tuesday September 27, 2022
4pm-6pm

YouTube Channel Streaming for Virtual Meetings

Electronic meeting can be viewed at:

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton>

Present: Councillor Danko, Lisa LaRocca, Janna Malseed, Annette Paiement.

Also Present: Jeff Erbach, Manager Placemaking, Public Art & Projects


Pursuant to Section 11.5 of the City of Hamilton's Procedural By-law 21-021, as amended at 4:08pm the Staff Liaison to the Committee advised those in attendance that due to technical difficulties the meeting was considered adjourned, with the names of the members present and any decisions of the Arts Advisory Commission up to the point in time of the interruption were recorded in the minutes of the meeting.

Respectfully submitted,

Lauren Anastasi
Administrative Secretary
Tourism & Culture Division
Planning and Economic Planning
Department



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	November 30, 2022
SUBJECT/REPORT NO:	Equity, Diversity and Inclusion Framework Update (HUR19019(c)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jodi Koch (905) 546-2424 Ext. 3003
SUBMITTED BY:	Lora Fontana Executive Director Human Resources City Manager's Office
SIGNATURE:	

COUNCIL DIRECTION

At the September 22, 2021 General Issues Committee Meeting, as part of Committee's consideration of Report HUR19019(b), a motion was made as follows:

- (a) That the Senior Leadership Team be directed to implement the following:
 - (i) Equity, Diversity, and Inclusion (EDI) Framework as outlined in Appendix "A" to Report HUR19019(b);
 - (ii) EDI Roadmap and Implementation Plan as outlined in Appendix "B" to Report HUR19019(b); and
 - (iii) Ensure their respective staff are required to attend the mandatory training outlined in Recommendation (b) to be delivered to Council members, the Senior Leadership Team, all Supervisor and above employees, and Union Executive Leadership in 2022 and 2023 in accordance with the timelines outlined in Appendix "C" to Report HUR19019(b);
- (b) That Human Resources staff be directed to source suitable training from an external provider(s) on EDI, relating to such elements including, but not limited, to anti-racism, anti-oppression, unconscious bias, and inclusionary best practices as outlined in Appendix "D" to Report HUR19019(b);

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**SUBJECT: Equity, Diversity and Inclusion Framework Update
(HUR19019(c)) (City Wide)**

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- (c) That an amount not to exceed \$200,000, to be funded from Tax Stabilization Reserve Account #110046, to facilitate the Equity, Diversity and Inclusion 2022 and 2023 training and continued consultant organizational and leadership assessments, be approved; and,
- (d) That the equivalent of three (3) FTE and associated budget be added to the complement of the Human Rights Division in the 2022 budget to provide necessary resources and structure to support the EDI Roadmap and Implementation Plan;
- (e) That Human Resources staff be directed to source options for systems/process enhancements to support Diversity and Inclusion data metric dashboard requirements;
- (f) That staff be directed to revise the EDI Toolkit to ensure alignment with the EDI Framework and Implementation Plan and introduce as a staff resource in 2022;
- (g) That staff be directed to report back to the General Issues Committee by December 31, 2022 with a status update respecting the Equity, Diversity and Inclusion Roadmap and Implementation Plan

INFORMATION

With the EDI Framework and Implementation Plan approved, Human Resources staff proceeded to take actions to fulfil Council direction. The EDI Framework is not the end goal, but rather it is part of an ongoing and iterative process. It requires an in-depth understanding of our current state and our desired future state. Appendix "A" to Report HUR19019(c) illustrates the City of Hamilton Framework as we continue efforts towards embedding EDI into our thought processes, decision making, and corporate culture. This standardized approach will directly contribute to enhanced decision making and organizational outcomes by embedding EDI principles into the foundation of all we do.

With the demonstrated leadership and commitment from Senior Leadership Team (SLT), the approved staff resources, and the support and involvement of the highly engaged and passionate members of the EDI Steering Committee, we were able to focus on the overall Implementation Plan. The following highlights the achievements made in 2022 with respect to key components of the EDI Framework.

Data Collection

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Data collection has continued with Employment Equity Voluntary Demographic Information being collected for current employees, applicants, and new hires throughout the organization. The Employment Equity designated groups are a standard offering in our HRIS, which allows us to securely store and maintain limited employee demographics. It is our intent to expand the data collection when we implement a new HRIS system with greater capabilities. EDI Steering Committee members played a critical role in identifying opportunities to enhance survey completion within their respective areas. The survey requests employees to self-identify in accordance with the following four designated groups:

1. Self-identify as a Woman
2. Self-identify as Aboriginal/Indigenous
3. Self-identify as Visible Minority/Racialized
4. Self-identify as a Person with a Disability

Employees can choose to answer yes, no or prefer not to answer to any or all of the questions.

Currently, a total of 4528 active employees have completed the survey as of October 31, 2022. This represents a 58.4% overall response rate. We are addressing technology challenges, such as employees without email addresses, to drive completion rates. As of October 31, 2022, the respective workforce representation and departmental completion rates are as follows:

Total Employees By Department				Distribution of Respondents			
Department	Total Headcount	Total Respondents	Response Rate	Women	Aboriginal	Visible Minority	Persons with Disability
All	7752	4528	58.4%	47.7%	2.2%	12.4%	5.5%
City Housing	195	161	82.6%	52.8%	3.7%	10.6%	9.3%
City Manager's Office	136	130	95.6%	75.4%	0.8%	16.9%	2.3%
Corporate Services	519	490	94.4%	59.8%	1.2%	16.9%	4.7%
Healthy & Safe Communities	3767	1699	45.1%	60.6%	2.0%	12.7%	5.9%
Planning & Economic Development	824	592	71.8%	52.4%	2.4%	10.3%	5.4%
Public Works	2306	1455	63.1%	23.8%	2.7%	11.2%	5.2%

In order to assess how our current representation compares to our community composition and that of the local labour market, we compared our results to a number of benchmarks.

We first compared our results to the 2016 Statistics Canada data on the population in Hamilton. The most recent 2021 Statistics Canada data releases were not yet available at the time of this report writing.

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**SUBJECT: Equity, Diversity and Inclusion Framework Update
(HUR19019(c)) (City Wide)**

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It should be noted that this information represents total population and is not reflective of those seeking participation in the workforce as it includes children and others not seeking work. The Disability figure is representative of the findings from the 2017 Canadian Survey on Disability which, again, has a much broader definition of disability than most respondents would anticipate.

These discrepancies are why the Labour Market Availability data is the preferred comparator for the purposes of Employment Equity reporting. Labour Market Availability (LMA) data refers to the number of people in the workforce from which employers can hire. The 2016 Statistics Canada Labour Market Availability for Hamilton shows slightly different numbers as a result. We then also compared to the Canadian Labour Market Availability data. This is the benchmark for compliance with the Employment Equity Act.

We then, finally, compared the City of Hamilton percentages to federally regulated private sector employers (n=536) governed by Employment Equity. When we compare City of Hamilton results to these various benchmarks, we see the following:

Self-Identify as:	City of Hamilton Staff Survey 2022 n=4528	City of Hamilton Staff Survey 2020 n=3315	2016 Statistics Canada Hamilton Population	2016 Statistics Canada Hamilton Labour Market Availability	Canadian Labour Market Availability	Federally Regulated Private Sector Results
Woman	47.7%	53.7%	51.1%	48.3%	48.2%	39.4%
Indigenous/Aboriginal	2.2%	2.4%	2.3%	2.0%	4.0%	2.3%
Visible Minority/Racialized	12.3%	10.9%	19.0%	17.6%	21.3%	23.8%
Person with a Disability	5.5%	5.9%	29.1%	n/a	9.1%	3.4%

Additional information on Voluntary Demographics for Applicants and New Hires suggest a positive trend year over year in terms of Women, Indigenous and Visible Minorities, with a continued opportunity to improve in terms of Persons with Disabilities (See Appendix B).

Employment Equity Survey Applicant Data YTD as of October 31, 2022							
Applicants By Department (YTD)				Distribution of Respondents			
Department	Total Headcount	Total Respondents	Response Rate	Women	Aboriginal	Visible Minority	Persons with Disability
All	54492	50941	93.5%	54.4%	2.1%	29.6%	4.2%
City Housing	604	372	61.6%	47.3%	4.0%	28.8%	5.6%
City Manager's Office	5543	5291	95.5%	61.8%	1.8%	28.2%	4.9%
Corporate Services	9136	8630	94.5%	54.1%	1.6%	35.9%	4.3%
Healthy & Safe Communities	17042	15293	89.7%	69.4%	2.2%	30.2%	4.6%
Planning & Economic Development	8028	7511	93.6%	51.3%	2.2%	27.5%	4.8%
Public Works	14139	13844	97.9%	37.0%	2.2%	26.9%	3.3%

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**SUBJECT: Equity, Diversity and Inclusion Framework Update
(HUR19019(c)) (City Wide)**

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Employment Equity Survey New Hire Data YTD as of October 31, 2022							
New Hires By Department (YTD)				Distribution of Respondents			
Department	Total Headcount	Total Respondents	Response Rate	Women	Aboriginal	Visible Minority	Persons with Disability
All	1455	394	27.1%	81.7%	2.0%	27.4%	5.6%
City Housing	9	4	44.4%	100.0%	0.0%	25.0%	0.0%
City Manager's Office	26	21	80.8%	76.2%	4.8%	9.5%	0.0%
Corporate Services	69	53	76.8%	84.9%	3.8%	39.6%	3.8%
Healthy & Safe Communities	758	183	24.1%	90.2%	2.2%	29.0%	7.7%
Planning & Economic Development	169	58	34.3%	82.8%	0.0%	15.5%	5.2%
Public Works	423	74	17.5%	58.1%	1.4%	29.7%	4.1%

Applied Action Plans – Employee Training and Development

As outlined in the Implementation Plan, a major component of the initial Applied Action Plans was employee training. To achieve this training goal, Human Resources Diversity and Inclusion staff identified training offered by Harvard ManageMentor which provided an introductory series of five training modules covering the following topics:

- What Diversity Is and Why It Matters
- Understand and Counter Bias
- Lead Inclusively
- Become a Diversity Advocate
- Advance Your Organization's Diversity Efforts

This online training known as Diversity, Inclusion, and Belonging was offered to all Supervisor and above employees with a targeted completion date of year end 2022. In addition to the five modules, the training is enhanced with a series of fourteen videos and two discussion guides for leaders to use to facilitate engagement with their respective work groups. To date, 444 out of 512 staff have completed the training, representing an 86.7% completion rate.

Several Human Resources staff, along with members of the EDI Steering Committee, completed Indigenous Awareness Canada Certification training. The four modules featured Indigenous led training on Peoples and Culture, Communication and Consultation, and Outreach, Recruit and Retain Indigenous Employment. Participants were required to complete over fifteen hours of training and a successfully pass a series of tests to achieve certification. Additionally, the Urban Indigenous Strategy team coordinated a session for SLT and several Directors on Working Effectively with Indigenous Peoples for Local Government.

In order to foster a culture of inclusion, a Corporate New Employee Orientation module on Inclusion, Diversity, Equity and Accessibility (IDEA) was also developed and launched in October 2022. This will be included as part of the mandatory new hire training as per SLT direction.

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We have also partnered with Egale Canada to perform a full review of our Transgender Protocol and related training to ensure our training provides updated context and information as part of mandatory staff training. The competitive Procurement process is currently underway for a comprehensive training offering for additional EDI training. This will allow for the all employee training to commence in early 2023.

Metrics and Measurement

In order to assess the effectiveness of the various EDI efforts, there is a continued need to measure progress and evaluate the need to refine and redirect efforts to achieve our EDI goals. Key measurements implemented include an Employment Equity survey completion rate of 80% and EDI Harvard ManageMentor training completion rate of 100%.

In addition, the Our People Survey was conducted in late 2021, with result sharing taking place across the organization in 2022. The results allow departments to identify opportunities to improve inclusiveness and engagement by hosting employee led discussions to develop and implement action plans.

The design of Employment Equity Dashboards was also commenced in 2022 with the expectation of delivering more comprehensive and robust analysis of our efforts to ensure our workforce reflects the Labour Market Availability and provide additional insights into retention and promotion for designated group members.

Summary and Next Steps

As part of our ongoing EDI journey, it is important to not only celebrate the substantial progress that has already occurred, but also to identify opportunities to further enhance the true spirit of inclusion and belonging. As such, it is critical that we review our data and make ongoing improvements to support this vital work.

The Employment Equity data continues to show that, year over year, the City of Hamilton is reflective of our community with respect to the number of women and Indigenous employees both in terms of current employees as well as applicants. While our current employee population of Visible Minority or Racialized staff are still below the Labour Market Availability, our applicant and new hire data indicates that we are attracting candidates and hiring above the levels indicated by the Labour Market Availability. In time, this trend should result in a workforce reflective of the Labour Market Availability for this group.

The remaining designated group, those who identify as Persons with Disabilities, continues to present the largest opportunity for improvement in all areas. Our Employment Equity data indicates that our current employee population, as well as

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**SUBJECT: Equity, Diversity and Inclusion Framework Update
(HUR19019(c)) (City Wide)**

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applicants and new hires, remains far below the Hamilton demographics of those who identify as having a disability. As such, we are undertaking a series of actions to better understand and address this gap with applicants and employees reflective of this demographic.

We have updated our EDI Strategic Plan from Equity, Diversity and Inclusion (EDI) branding to Inclusion, Diversity, Equity, and Accessibility (IDEA). The incorporation of Accessibility into the strategic document will assist in reinforcing the importance of accessibility across the organization. This will better reflect the various components essential to create and sustain a truly inclusive organization. We have begun discussion with the Advisory Committee for Persons with Disabilities (ACPD) on this approach and they are highly supportive of the change. We are grateful for their support in this effort to highlight the need to improve accessibility.

We have also engaged in the following actions:

- 1) Partnered with the Hamilton Wentworth District School Board (HWDSB) to support their Focus on Youth hiring initiatives for vulnerable students who face barriers in accessing employment. We hired a total of 34 students in 2022 from this program.
- 2) Engaged as an employment partner for Project SEARCH which is a program facilitated by the HWDSB for neuro-diverse students that would face challenges in the traditional academic stream.
- 3) Entered into a Letter of Understanding with CUPE Local 5167 to hire youth aged 18 – 24 years who are not currently students. CUPE Local 5167's willingness to support creative opportunities for youth is key to reducing barriers to paid work for some of the most vulnerable in the community.
- 4) Collaborated with our Co-op program partners at Mohawk College to ensure better accessibility for students with assistive devices in the workplace.
- 5) Connected with McMaster University's Student Success Centre and Career Access Professional Services program on developing supportive pathways to employment at the City of Hamilton for students and graduates with disabilities.
- 6) Engaged with Community Living Ontario to better understand ways to provide more inclusive recruitment and interviewing options for people with disabilities. A more comprehensive review of our hiring processes will be undertaken in 2023.

Staff will continue to identify and report back to Senior Leadership and Council on the opportunities to enhance our position as an employer of choice and to develop and

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**SUBJECT: Equity, Diversity and Inclusion Framework Update
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sustain a diverse workplace where everyone truly has accessible and equitable opportunity to belong and to fulfil their potential.

APPENDICES AND SCHEDULES ATTACHED

Appendix A to Report HUR19019(c) – EDI Framework

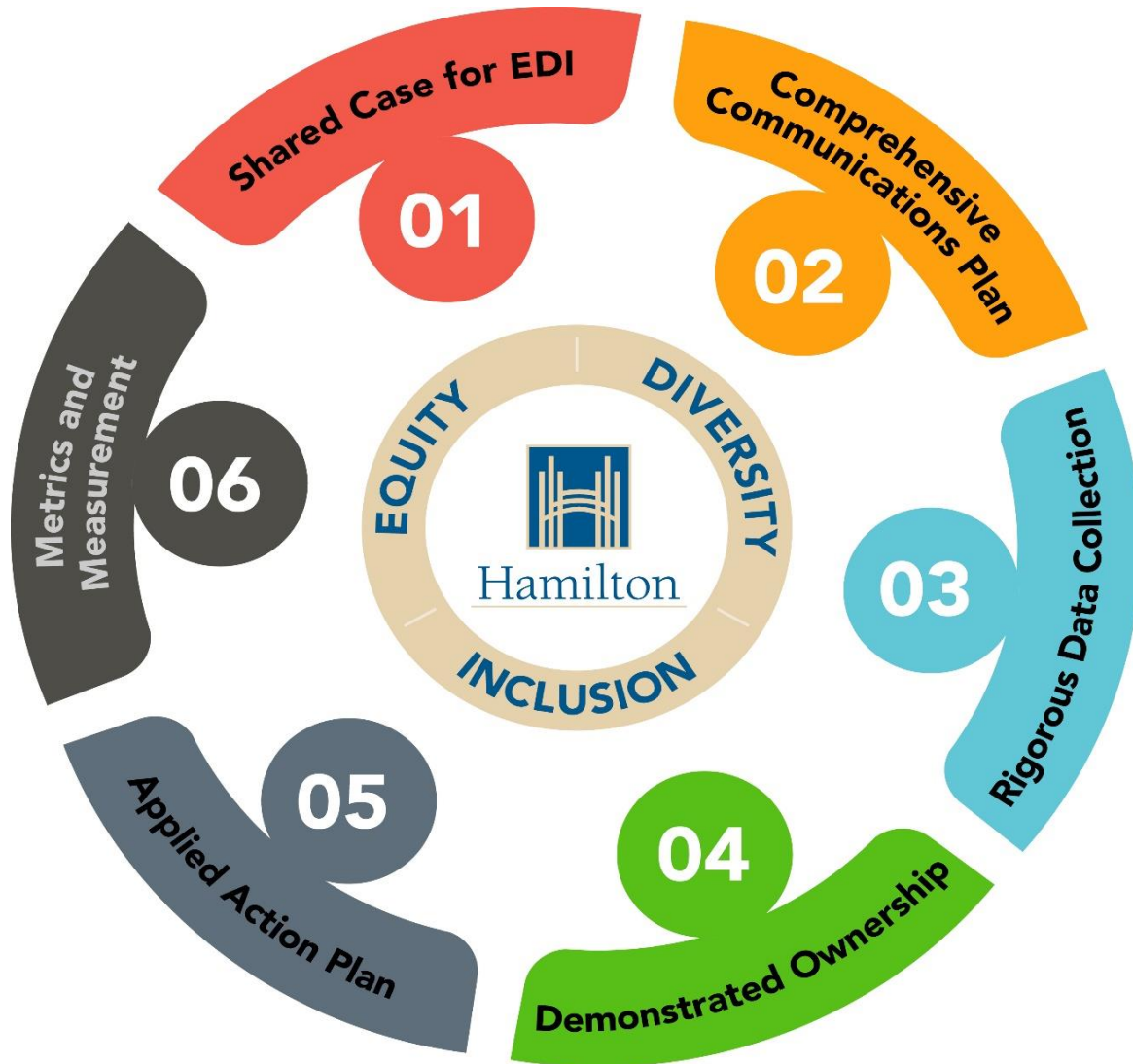
Appendix B to Report HUR19019(c) – Year Over Year Employment Equity Data

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EDI Framework



Year Over Year Employment Equity Data

Employment Equity Demographics*	Self-identify as a Woman (%)	Self-identify as Aboriginal / Indigenous (%)	Self-identify as Visible Minority / Racialized (%)	Self-identify as a Person with a Disability (%)*****
City of Hamilton Staff Survey (2020)	53.7	2.4	10.9	5.9
City of Hamilton Staff Survey (2021)	48.8	2.2	12.0	5.6
City of Hamilton Staff Survey ACTIVE RESPONDENTS (2022)	47.7	2.2	12.4	5.5
City of Hamilton Applicant Pool (2020)	40.8	1.7	20.6	2.5
City of Hamilton Applicant Pool (2021)	52.4	2.0	29.1	3.6
City of Hamilton Applicant Pool (2022 YTD October 31, 2022)	54.4	2.1	29.6	4.2
City of Hamilton New Hires (2020)	54.5	1.7	23.6	1.1
City of Hamilton New Hires (2021)	64.0	2.0	26.0	4.0
City of Hamilton New Hires (2022 YTD October 31, 2022)	81.7	2.0	27.4	5.6
Statistics Canada - Hamilton Population (2016)**	51.1	2.3	19.0	29.1
Statistics Canada - Hamilton Labour Market Availability (2016)**	48.3	2.0	17.6	n/a
Statistics Canada - Canadian Labour Market Availability (2016)***	48.2	4.0	21.3	9.1
Federally Regulated Private Sector Results (2017)****	39.4	2.3	23.8	3.4

Benchmark comparator notes

* Sample sizes vary for each comparator

** Based on total population, including children and others not seeking work

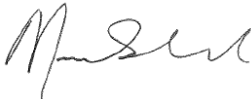
*** Refers to the number of people in the workforce from which employers can hire.

**** Captures workers and employers whose labour rights and responsibilities are defined by the Canada Labour Code

***** Definition of Disability differs between benchmark comparators



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	November 30, 2022
SUBJECT/REPORT NO:	Downtown Hamilton Business Improvement Area (BIA) Revised Board of Management (PED22203) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Cristina Geissler (905) 546-2424 Ext. 2632
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the following individuals be appointed to the Downtown Hamilton Business Improvement Area (BIA) Board of Management for the 2023-2026 term:

Evan Apostol, Markland Property Management;
Michelle Blanchard, Community Member;
Stefanie Bonazza, Alectra Utilities;
Una Bibbons, YMCA Careerworks;
Lisa LaRocca, Sonic Unyon;
Andrew Mantecon, First Ontario Credit Union;
Jason Morse, Morse & Associates;
Mark Wu, 2Gen.Net;
Francis Zanetti, Core Urban;
Ryan Moran, CoMotion;
Christal Physk, LEN.

EXECUTIVE SUMMARY

Appointment of the eleven individuals to the Downtown Hamilton Business Improvement Area (BIA) Board of Management for the 2023-2026 term.

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.

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SUBJECT: Downtown Hamilton Business Improvement Area (BIA) Board of Management (PED22203) (Ward 2) - Page 2 of 3

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable

Staffing: Not Applicable

Legal: The *Municipal Act 2001*, Sections 204-215 governs BIAs. Section (204) Subsection (3) stipulates “A Board of Management shall be composed of, (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 Annual General Meeting on Tuesday Oct 25, 2022, the Downtown Hamilton BIA Board of Management presented its nominations to the sitting Board of Management and to the membership, motioned and approved all appointments as outlined in their meeting minutes.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION

N/A

ALTERNATIVES FOR CONSIDERATION

N/A

SUBJECT: Downtown Hamilton Business Improvement Area (BIA) Board of Management (PED22203) (Ward 2) - Page 3 of 3

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.


APPENDICES AND SCHEDULES ATTACHED

N/A

CG/jrb



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	November 30, 2022
SUBJECT/REPORT NO:	2022 S&P Global Ratings Credit Rating Review (FCS22083) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Rosaria Morelli (905) 546-2424 Ext. 1390
SUBMITTED BY:	Mike Zegarac General Manager, Finance and Corporate Services Corporate Services Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable.

INFORMATION

On October 13, 2022, S&P Global Ratings (“S&P”) maintained the City of Hamilton’s credit rating at ‘AAA’ with a ‘Stable’ outlook.

Appendix “A” attached to Report FCS22083, respecting S&P Global Ratings report on City of Hamilton, dated October 13, 2022 (the “Report”), is S&P’s published report on the City.

The City has maintained a ‘AAA / Stable’ rating on the City’s long-term issuer credit and senior unsecured debt by S&P since June 1, 2022, which is when S&P raised the rating to ‘AAA’ with ‘Stable’ outlook from ‘AA+’ with ‘Stable’ outlook. The rating of ‘AAA’ is the highest possible rating on S&P’s rating scale.

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**SUBJECT: 2022 S&P Global Ratings Credit Rating Review (FCS22083)
(City Wide) – Page 2 of 5**

Prior to June 1, 2022, the City maintained a 'AA+ / Stable' rating on the City's long-term issuer credit and senior unsecured debt by S&P for each year since June 16, 2017, which is when S&P raised the rating to 'AA+' with 'Stable' outlook from 'AA' with 'Positive' outlook.

In the Report, the rating agency's outlook over the forecast period from 2022 to 2024, inclusive, reflects its expectation that the City will continue to implement prudent long-term financial planning policies to maintain strong budgetary performance and that deficits (which result after taking into account capital revenues and expenditures, as well as, operating revenues and expenditures) would continue to be modest. Over the period 2020 to 2024, S&P expect an after-capital deficit of 3% of total revenues, on average. S&P anticipate that the debt burden will remain relatively stable.

S&P noted their belief that Hamilton continues to show characteristics of a resilient economy, including diversification. S&P also noted the City's strong liquidity position, which is remarked to be a key strength in Hamilton's credit rating.

S&P mention in the Report a downside scenario that could result in a rating downgrade in the next two years: "if flat or declining revenues or higher spending led to sustained after-capital deficits of more than 5% of total revenues and the expected additional borrowings to increase the debt burden to more than 30% of operating revenues".

S&P highlight in the Report that they believe economic headwinds will not result in a deterioration of the City's budgetary performance as they expect that over the period of 2020 to 2024, the City will maintain high operating balances of 14% on average. They note that the City has a COVID-19 reserve fund that could be used to fund the forecasted gap for 2022 of C\$37.5 M.

The City of Hamilton Ratings Score Snapshot (shown on page 3 and page 4 of the Report) is presented in Table 1. The Snapshot shows S&P's assessment (score) of the City with respect to S&P's six key rating factors and shows the City's stand-alone credit profile and the City's issuer credit rating, both assigned by S&P. The six factors are institutional framework, economy, financial management, budgetary performance, liquidity and debt burden.

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**SUBJECT: 2022 S&P Global Ratings Credit Rating Review (FCS22083)
(City Wide) – Page 3 of 5**

**Table 1
City of Hamilton Ratings Score Snapshot**

Key Rating Factors	Scores
Institutional framework	1
Economy	1
Financial management	2
Budgetary performance	2
Liquidity	1
Debt burden	1
Stand-alone credit profile	aaa
Issuer credit rating	AAA

S&P bases its ratings on the six key rating factors. The assessment of institutional framework is on a six-point scale with '1' being the strongest score and '6' the weakest. The remaining five factors are assessed on a five-point scale with '1' being the strongest score and '5' the weakest. S&P's stand-alone credit profile is the result for the credit rating before any sovereign-related overriding factors, when relevant, are applied and the issuer credit rating is the City's credit rating.

With respect to the key rating factors, the City has the strongest scores (at '1') for institutional framework, economy, liquidity and debt burden and second-best scores (at '2') for financial management and budgetary performance. The City has a stand-alone credit profile score of 'aaa' and S&P applied no sovereign-related overriding factors to the profile. The issuer credit rating is 'AAA'.

Except for institutional framework, the scores are unchanged compared with last year's scores, shown in the Ratings Score Snapshot in S&P's Report dated October 27, 2021, attached as Appendix "A" to Report FCS21109 respecting 2021 S&P Global Ratings Credit Rating Review. The institutional framework score was upgraded to '1' from '2' by S&P on June 1, 2022 and in this review, S&P maintained this score of '1' for institutional framework.

The City's credit rating in comparison with other large Ontario municipalities is shown in Table 2. Unless marked otherwise, each of the ratings has a 'Stable' outlook.

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**SUBJECT: 2022 S&P Global Ratings Credit Rating Review (FCS22083)
(City Wide) – Page 4 of 5**

**Table 2
Credit Rating Comparison**

Municipality	S&P¹	Moody's²
Regional Municipality of Durham	AAA	Aaa
Regional Municipality of Halton	AAA	Aaa
City of London	–	Aaa
Regional Municipality of Peel	AAA	Aaa
Regional Municipality of Waterloo	–	Aaa
City of Guelph	AAA	–
City of Hamilton	AAA	–
Regional Municipality of York	AAA	Aaa
City of Barrie	AA+	–
City of Kingston	AA+	–
Regional Municipality of Niagara	AA+	–
City of Ottawa	AA+	Aaa
City of Toronto ³	AA (Positive)	Aa1
City of Windsor	AA+	–

¹ S&P Global Ratings

² Moody's Investors Services Inc.

³ also rated AA by Dominion Bond Rating Service Limited

– denotes not rated

A history of the City's credit ratings is shown in Table 3.

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**SUBJECT: 2022 S&P Global Ratings Credit Rating Review (FCS22083)
(City Wide) – Page 5 of 5**

**Table 3
City of Hamilton's¹ Credit Rating History**

Rating Agency	Rating (Outlook 'Stable' unless otherwise marked)	
S&P	AAA	2022 (October 13)
	AAA	2022 (June 1)
	AA+	2021
	AA+	2020
	AA+	2019
	AA+	2018
	AA+:	2017 (November 14)
	AA+	2017 (June 16)
	AA /Positive:	2016
	AA:	2008-2015
	AA /Positive:	2005-2007
	AA:	2001-2004
	AA:	1999-2000 ²
	AA+	1994-1999 ²
	AAA	1989-1994 ²
Moody's	Aa3	1995-2001
	Aa2	1988-1995
DBRS	AA	2004-2009
	AA+	1994-2004

¹ City of Hamilton and, prior to amalgamation, the Regional Municipality of Hamilton-Wentworth

² Prior to 2001, ratings shown under S&P are the ratings of Canadian Bond Rating Service, which was bought by S&P and its predecessor companies and announced on October 31, 2000.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS22083 – S&P Global Ratings, Hamilton, October 13, 2022

RM/dt

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City of Hamilton

October 13, 2022

This report does not constitute a rating action.

PRIMARY CONTACT

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Julia L Smith
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 416-507-3236
 Julia.Smith@spglobal.com

Credit Highlights

Overview

Credit context and assumptions

Supportive institutions and prudent financial management practices will bolster the City of Hamilton's creditworthiness.

Hamilton's diverse economy fared relatively well during the COVID-19 pandemic.

The city's long-term financial management practices will allow the city to continue posting healthy operating balances.

An extremely predictable and supportive institutional framework supports the ratings.

Base-case expectations

Budgetary performance will remain strong and debt will remain manageable.

The city will continue generating modest after-capital deficits as it proceeds with its capital plan.

The debt burden will remain relatively stable as debt repayment will offset new debt issuance.

Hamilton's robust liquidity will continue to support its creditworthiness.

On June 1, 2022, S&P Global Ratings raised its rating on the City of Hamilton to 'AAA' from 'AA+', following the revision of the Canadian municipal institutional framework assessment to extremely supportive and predictable from very predictable and well-balanced (see "Various Rating Actions Taken On Canadian Municipal Governments On Improved Institutional Framework Assessment," published June 1, 2022, on RatingsDirect). We estimate that the city will continue posting healthy operating balances and modest after-capital deficits as it proceeds with its capital plan. Hamilton will issue debt to help fund part of its capital spending but we expect the debt burden will remain manageable and relatively stable as debt repayment will offset new debt issuance. We estimate debt service coverage will remain higher than 100% in our forecast horizon.

Outlook

The stable outlook reflects S&P Global Ratings' expectations that, in the next two years, the city will continue to implement prudent long-term financial planning policies such that its budgetary performance remains strong, generating modest after-capital deficits. We expect the debt burden will remain relatively stable and will represent about 21% of operating revenues at year-end 2024. In

City of Hamilton

In addition, we estimate that its liquidity position will remain very high, with the debt service coverage ratio staying well above 100% over the next two years.

Downside scenario

We could lower the rating in the next two years if flat or declining revenues or higher spending led to sustained after-capital deficits of more than 5% of total revenues and we expected additional borrowings to increase the debt burden to more than 30% of operating revenues.

Rationale

Supportive institutions and prudent financial management practices will bolster the City of Hamilton's creditworthiness.

We believe Hamilton continues to demonstrate characteristics of a resilient economy, including diversification. Although historically rooted in steel production, the economy has expanded into other sectors, including advanced manufacturing, aerospace, agribusinesses, food processing, life sciences, digital media, and goods transport. Although municipal GDP data are unavailable, we believe that Hamilton's GDP per capita is in line with the national level, which we estimate will be about US\$54,000 in 2022.

In our view, Hamilton demonstrates prudent financial management policies. Its planning is facilitated by a four-year budget outlook and multiyear business plans. These plans complement Hamilton's thorough and transparent disclosure; long-term financial sustainability plans; long-term operating and spending forecasts; and robust policies for investments, debt, and risk management.

As do other Canadian municipalities, Hamilton benefits from an extremely predictable and supportive local and regional government framework that has demonstrated high institutional stability and evidence of systemic extraordinary support in times of financial distress. Most recently through the pandemic, senior levels of government provided operating and transit-related grants to municipalities, in addition to direct support to individuals and businesses. Although provincial governments mandate a significant proportion of municipal spending, they also provide operating fund transfers and impose fiscal restraint through legislative requirements to pass balanced operating budgets. Municipalities generally have the ability to match expenditures well with revenues, except for capital spending, which can be intensive. Any operating surpluses typically fund capital expenditures and future liabilities (such as postemployment obligations) through reserve contributions. Municipalities have demonstrated a track record of strong budget results and, therefore, debt burdens, on average, are low relative to those of global peers and growth over time has been modest.

Budgetary performance will remain strong and debt will remain manageable.

We believe economic headwinds will not result in deterioration in the city's budgetary performance. In our base-case scenario for 2020-2024, we expect operating balances to remain high at about 14% of operating revenues, on average. Although the pandemic has diminished, the city has a COVID-19 reserve fund that it could use to cover most of the projected gap for 2022 of C\$37.5 million. The gap is primarily caused by higher housing, public health, and paramedic and firefighting costs. We expect an after-capital deficit of 3% of total revenues, on average, in 2020-2024 as Hamilton carries out its capital plan.

In 2022-2024, Hamilton plans to issue about C\$156 million of debt to fund part of its capital projects. Nevertheless, we expect tax-supported debt will remain relatively stable and will represent about 21% of operating revenues at year-end 2024 as debt repayment will offset new debt issuance. Interest costs accounted for about 1% of operating revenues in 2021 and we expect they will remain stable during our two-year outlook horizon.

In our view, Hamilton's liquidity is a key credit strength. We estimate total free cash in the next 12 months will be enough to cover more than 13x the estimated debt service for the period. We expect this ratio will remain well above 100% during the outlook horizon.

City of Hamilton Selected Indicators

Mil. C\$	2019	2020	2021	2022bc	2023bc	2024bc
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City of Hamilton

City of Hamilton Selected Indicators

Operating revenue	1,657	1,697	1,826	1,808	1,813	1,864
Operating expenditure	1,391	1,394	1,585	1,618	1,576	1,619
Operating balance	265	302	241	190	237	245
Operating balance (% of operating revenue)	16.0	17.8	13.2	10.5	13.1	13.2
Capital revenue	158	131	139	177	130	153
Capital expenditure	445	488	447	512	376	443
Balance after capital accounts	(22)	(55)	(67)	(146)	(9)	(45)
Balance after capital accounts (% of total revenue)	(1.2)	(3.0)	(3.4)	(7.3)	(0.5)	(2.2)
Debt repaid	52	48	52	60	46	52
Gross borrowings	0	55	17	10	129	17
Balance after borrowings	(74)	(47)	(102)	(195)	73	(80)
Direct debt (outstanding at year-end)	433	436	401	351	434	399
Direct debt (% of operating revenue)	26.1	25.7	22.0	19.4	23.9	21.4
Tax-supported debt (outstanding at year-end)	433	436	401	351	434	399
Tax-supported debt (% of consolidated operating revenue)	26.1	25.7	22.0	19.4	23.9	21.4
Interest (% of operating revenue)	0.8	0.7	0.6	0.6	0.7	0.9
Local GDP per capita (\$)	--	--	--	--	--	--
National GDP per capita (\$)	46,328.7	43,258.3	51,987.9	54,003.3	54,648.0	56,475.0

The data and ratios above result in part from S&P Global Ratings' own calculations, drawing on national as well as international sources, reflecting S&P Global Ratings' independent view on the timeliness, coverage, accuracy, credibility, and usability of available information. The main sources are the financial statements and budgets, as provided by the issuer. bc--Base case reflects S&P Global Ratings' expectations of the most likely scenario. C\$--Canadian dollar. \$--U.S. dollar.

Ratings Score Snapshot

Key rating factors	Scores
Institutional framework	1
Economy	1
Financial management	2
Budgetary performance	2
Liquidity	1
Debt burden	1
Stand-alone credit profile	aaa
Issuer credit rating	AAA

S&P Global Ratings bases its ratings on non-U.S. local and regional governments (LRGs) on the six main rating factors in this table. In the "Methodology For Rating Local And Regional Governments Outside Of The U.S.," published on July 15, 2019, we explain the steps we follow to derive the global scale foreign currency rating on each LRG. The institutional framework is assessed on a six-point scale: 1 is the strongest and 6 the weakest score. Our assessments of economy, financial management, budgetary performance, liquidity, and debt burden are on a five-point scale, with 1 being the strongest score and 5 the weakest.

Key Sovereign Statistics

- Sovereign Risk Indicators, July 11, 2022. An interactive version is available at <http://www.spratings.com/sri>

Related Criteria

- Sector And Industry Variables | Criteria | Governments| Sovereigns: Sovereign Rating Methodology, Sept. 28, 2022
- General Criteria: Environmental, Social, And Governance Principles In Credit Ratings, Oct. 10, 2021
- Criteria | Governments | International Public Finance: Methodology For Rating Local And Regional Governments Outside Of The U.S., July 15, 2019
- General Criteria: Principles Of Credit Ratings, Feb. 16, 2011

Related Research

- Economic Outlook Canada Q4 2022: Canadian Growth To Slow On Higher Interest Rates And U.S. Weakness, Sept. 26, 2022
- Institutional Framework Assessments For International Local And Regional Governments, Sept. 13, 2022
- Various Rating Actions Taken On Canadian Municipal Governments On Improved Institutional Framework Assessment, June 1, 2022
- Institutional Framework Assessment: Canadian Municipalities, June 1, 2022
- S&P Global Ratings Definitions, Nov. 10, 2021
- Guidance: Methodology For Rating Local And Regional Governments Outside Of The U.S., July 15, 2019

Ratings Detail (as of October 13, 2022)*

Hamilton (City of)

Issuer Credit Rating	AAA/Stable/--
Senior Unsecured	AAA

Issuer Credit Ratings History

01-Jun-2022	AAA/Stable/--
16-Jun-2017	AA+/Stable/--
24-Jun-2016	AA/Positive/--

City of Hamilton

Ratings Detail (as of October 13, 2022)*

*Unless otherwise noted, all ratings in this report are global scale ratings. S&P Global Ratings credit ratings on the global scale are comparable across countries. S&P Global Ratings credit ratings on a national scale are relative to obligors or obligations within that specific country. Issue and debt ratings could include debt guaranteed by another entity, and rated debt that an entity guarantees.

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CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	November 30, 2022
SUBJECT/REPORT NO:	Downtown Hamilton Business Improvement Area (BIA) Proposed Budget & Schedule of Payment (PED22204) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Cristina Geissler (905) 546-2424 Ext. 2632
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development
SIGNATURE:	

RECOMMENDATION

- (a) That the 2023 Operating Budget for the Downtown Hamilton Street Business Improvement Area, attached as Appendix “A” to Report PED22204, in the amount of \$490K be approved;
- (b) That the levy portion of the Operating Budget for the Downtown Hamilton Business Improvement Area in the amount of \$425K be approved;
- (c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to Section 208, *The Municipal Act, 2001*, to levy the 2023 Budget as referenced in Recommendation of Report PED22204;
- (d) That the following schedule of payments for 2023 be approved:
- | | | |
|------|----------|-----------|
| (i) | February | \$212,500 |
| (ii) | June | \$212,500 |

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

SUBJECT: Downtown Hamilton Business Improvement Area (BIA) Proposed Budget & Schedule of Payment (PED22204) (Ward 2) - Page 2 of 3

EXECUTIVE SUMMARY

This Report deals with the approval of the 2023 Budget and Schedule of Payments for the Downtown Business Improvement Area (BIA).

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The \$425K is completely levied by the BIA through its members. There is no cost to the City of Hamilton for any part of the Operating Budget.

Staffing: There are no staffing implications.

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

HISTORICAL BACKGROUND

At its Annual General Meeting on Tuesday Oct 25, 2022, the Downtown Hamilton BIA Board of Management presented its proposed Budget for 2023.

The process followed to adopt the Downtown Hamilton Business Improvement Area (BIA) Budget was in accordance with The *Municipal Act, 2001*, and the BIA's Procedure By-law.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Municipal Act, 2001*, Section 205, Sub-section (2) dictates that City Council must approve Budgets of BIAs.

RELEVANT CONSULTATION

Not Applicable

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not Applicable

ALTERNATIVES FOR CONSIDERATION

Not Applicable

**SUBJECT: Downtown Hamilton Business Improvement Area (BIA) Proposed
Budget & Schedule of Payment (PED22204) (Ward 2) - Page 3 of 3**

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.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – 2023 Downtown Hamilton BIA Budget.

CG/jrb

2023 Downtown Hamilton BIA Budget

Revenues	2021 Audited	2022 Budget	2023 Budget
Levy	\$383,015	\$400,000	\$425,000
Grants			
Interest			
Other Income	\$80,410	\$65,000	\$65,000
Wage Subsidies			
Revenue from retained earnings			
Total Revenue	\$463,425	\$465,000	\$490,000

Office Expenses			
Professional Fees	\$6,841	\$6,000	\$7,000
Telephone		\$5,000	\$6,000
Levy Appeals		\$20,000	\$10,000
HST			
Rent		\$46,000	\$48,000
Meetings		\$7,500	\$7,000
Memberships		\$1,000	\$1,000
Salaries/Benefits	\$186,279	\$180,000	\$180,000
Office Expenses	\$79,928		
Insurance		\$12,000	\$12,000
Amortization	\$8,425	\$12,000	\$12,000
Other - Bank charges/Bad Debts	\$3,175	\$500	\$1,000
Total	\$284,648	\$290,000	\$284,000


Special Events/Promotions			
Events and Promotions			
Communications			
Total	\$157,221	\$125,000	\$151,000

Beautification			
Total	\$44,023	\$50,000	\$55,000

TOTAL EXPENSES	\$485,892	\$465,000	\$490,000
	(\$22,467)	\$0	\$0



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	November 30, 2022
SUBJECT/REPORT NO:	Red Hill Valley Parkway Inquiry Update (LS19036(q)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Patricia D'Souza (905) 546-2424 Ext. 4637
SUBMITTED BY:	Lisa Shields, City Solicitor Legal and Risk Management Services
SIGNATURE:	

COUNCIL DIRECTION

On April 24, 2019, Council directed staff to provide regular updates on the costs to date of the Red Hill Valley Parkway (RHVP) Judicial Inquiry, to be paid from the Tax Stabilization Reserve.

This report provides both an update on the status of the Inquiry from the City's legal representatives at Lenczner Slaght LLP ("Lenczner Slaght") and the costs to date of the Inquiry.

INFORMATION

Costs

The costs of the Inquiry to date are outlined in the following chart, representing external legal fees for the Commissioner, including the costs of the virtual hearing and external legal fees for the City, as well as Deloitte services for data hosting, reviewing and producing documents and other associated expenses, including the digitizing of paper files, website hosting and consultants. These expenses are being funded from the Tax Stabilization reserve.

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To September 30, 2022	
City's Expenses (e.g. data collection, hosting)	\$744,604.51
City's External Legal Counsel Fees and Disbursements	\$8,471,260.04
Commission Counsel Fees and Disbursements	\$10,262,853.60
Other Expenses (e.g. consultants, website hosting)	\$1,078,971.16
Total (exclusive of HST)	\$ 20,557,689.31

On August 8, 2022, Council approved a revised estimated total cost of the Inquiry of up to \$26 million, to be funded through the Tax Stabilization Reserve. The total costs were revised based on an updated estimate of Commission Counsel's legal fees from July 1, 2022 to the end of the inquiry (excluding taxes). This estimate did not include the costs associated with all of Commission Counsel's disbursements, including the cost of expert witnesses.

Subsequent efforts to better monitor the increasing costs of the Inquiry have also been implemented. The City receives detailed dockets from Inquiry Counsel which allows it to monitor and assess Counsel's fees. However, as Commission Counsel stands in a solicitor-client relationship with the Commissioner, the City has limited visibility into the breakdown of Commission Counsel's fees. In response to a request from the City, Commission Counsel began providing a breakdown of the hours and associated legal fees for specific tasks, in its September 2022 invoice.

The City also requested that Commission Counsel alert the City if they expected to exceed their estimated legal fees. No such notice of exceeding the estimated legal fees has been received to date from Commission Counsel.

Commission counsel also agreed to discount their legal fees from any duplication of work resulting from the appointment of the lead Commission Counsel to the judiciary in May 2022. The City received a credit of \$50,000 for Commission Counsel's fees on the May 2022 invoice.

Status of the Inquiry

There are six overlapping stages to a judicial inquiry:

SUBJECT: RHVP Inquiry Update (LS19036(q)) (City Wide) Page 3 of 6

- 1) Logistics and Staffing: the Commissioner engaged Commission Counsel and other staff necessary to conduct the inquiry, including a Communications Officer.
- 2) Document Collection & Production: the City collected a total of 4,434,930 documents from approximately 140 custodians and produced a total of 63,657 documents in response to Commission Counsel's request for documents.
- 3) Witness Interviews: Commission Counsel interviewed 46 current and former city employees. The City's external counsel met with each witness in advance of the interview to assist with their preparation.
- 4) Standing: the Commissioner granted standing to the following participants in addition to the City: Her Majesty the Queen in Right of Ontario; Dufferin Construction Company; and, Golder Associates Ltd.
- 5) The Hearing: the hearing stage can be broken into three stages: (1) phase one of the hearing focused on fact witnesses; (2) phase two will focus on expert witnesses; and (3) closing submissions. More information regarding the hearing stage is provided below.
- 6) The Report: the Commissioner will draft a report at the conclusion of the public hearing, which will include a description of the evidence and the Commissioner's findings and conclusions.

Phase One:

The Commissioner received evidence from 69 fact witnesses over the course of 78 days. Phase One was completed on November 3, 2022.

The following witnesses gave evidence during the Phase One Hearing:

No. of witnesses	Party	Description
2	Commission Counsel Expert witness	Dr. Gerardo Flintsch's and Russell Brownlee provided evidence regarding pavement design and friction.
40	Current and former City employees	The City witnesses gave evidence on their involvement on various topics related to the RHVP, including the design and construction, friction testing, safety reviews and the resurfacing of the RHVP.

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No. of witnesses	Party	Description
11	Current and former employees of the Ministry of Transportation (MTO)	The MTO witnesses gave evidence on the friction testing completed on the RHVP between 2007 and 2014 and the Province's friction management practices and policies.
3	Dufferin Construction	Dufferin Construction was engaged to pave the mainline of the RHVP. These witnesses gave evidence regarding their involvement in the construction of the RHVP.
1	Highway 407 ETR	Craig White, the Vice President of Highway Operations for Highway 407 ETR, gave evidence regarding the friction management practises on Highway 407.
1	NorJohn Contracting	NorJohn Contracting, a consultant engaged during the resurfacing of the RHVP, gave evidence regarding their consultations with the City.
4	Golder & Associates Ltd	Golder & Associates Ltd, the paving consultant for the RHVP and the consultant engaged to conduct friction and other performance testing on the RHVP, gave evidence regarding the testing and their consultations with the City.
5	CIMA	CIMA, engaged by the City to conduct safety reviews of the RHVP, gave evidence regarding these safety reviews and their consultations with the City.
1	Tradewind Scientific Ltd	Tradewind Scientific Ltd, the subcontractor engaged to complete the friction testing on the RHVP in 2013, gave evidence regarding the friction testing and the subsequent report.
69	Total	

In addition to these witnesses, the Commissioner received affidavit evidence from 11 witnesses including witnesses from Golder, the MTO and the City.

The Commissioner received affidavit evidence regarding the asphalt test results for Stone Mastic Asphalt (SMA) and SP12.5 FC2 samples in 2007, Golder's handling of

SUBJECT: RHVP Inquiry Update (LS19036(q)) (City Wide) Page 5 of 6

Purchase Orders from the City, the roles and responsibilities of a Senior Aggregate Engineering Officer at the MTO, as well as the requirements for inclusion of an aggregate source on the Designated Sources of Materials (DSM) list at the MTO including the application and inclusion of the Demix Aggregates.

City witnesses also provided affidavit evidence on a wide range of topics, including regarding the City's Legal and Risk Management Services' groups involvement in claims arising from motor vehicle accidents on the RHVP, the way committee and sub-committee meetings and agendas are organized, the City's IT infrastructure and network drives and ProjectWise, the document management system used in Engineering Services.

Phase Two & Closings

Phase Two of the hearing focuses on expert evidence.

Commission Counsel has delivered expert reports from Dr. Gerardo Flintsch and Russell Brownlee regarding friction, pavement design and potential contributors to collisions on the RHVP. Commission Counsel expects to deliver a further expert report from Janice Baker regarding policy and good governance.

Participants can seek leave from the Commissioner to deliver responding expert reports.

After the exchange of reports (if any), there will be a short hearing during which the experts will give evidence on the issues detailed in their reports.

Commission Counsel has not yet confirmed the timeline for the exchange of expert reports or the dates for the phase two hearing. However, it is anticipated that phase two will be completed by the end of Q1 of 2023.

Outcomes of Inquiry: The Report

After the conclusion of Phase Two, the Commissioner will release his report in which he will summarize the evidence, make findings of fact and recommendations with regard to the questions in the Terms of Reference, for the City's consideration.

APPENDICES AND SCHEDULES ATTACHED

None



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Planning, Administration and Policy Division

TO:	Chair and Members General Issues Committee
COMMITTEE DATE:	November 30, 2022
SUBJECT/REPORT NO:	Bill 23, Proposed <i>More Homes Built Faster Act, 2022</i> as it relates to the <i>Development Charges Act (FCS22085)</i> (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Lindsay Gillies (905) 546-2424 Ext. 5491 Kirk Weaver (905) 546-2424 Ext. 2878
SUBMITTED BY:	Mike Zegarac General Manager, Finance and Corporate Services Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That Council adopt the submissions and recommendations as provided in Appendix "B" to Report FCS22085 regarding Schedule 3 of proposed Bill 23, *More Homes Built Faster Act, 2022*;
- (b) That the General Manager, Finance and Corporate Services, be authorized and directed to confirm the submissions made to the Province attached as Appendix "B" to Report FCS22085;
- (c) That the General Manager, Finance and Corporate Services, and the City Solicitor be authorized to make submissions on Bill 23, *More Homes Built Faster Act, 2022* and any associated regulations consistent with the comments and concerns raised in Report FCS22085.

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SUBJECT: Bill 23, Proposed *More Homes Built Faster Act, 2022* as it relates to the *Development Charges Act (FCS22085) (City Wide) – Page 2 of 15*

EXECUTIVE SUMMARY

On October 25, 2022, the Province introduced ‘More Homes, Built Faster: Ontario’s Housing Supply Action Plan 2022-2023’ (“Action Plan”). The Action Plan is the latest in a series of Provincial initiatives related to the supply of housing in Ontario. To support the Provincial commitment to getting 1.5 million homes built over the next 10 years, it proposes sweeping and substantive changes to nine different statutes through Bill 23, *More Homes Built Faster Act, 2022* (“Bill 23”), as well as, through updates to regulations and consultations on various Provincial plans and policies.

The purpose of Report FCS22085 is to provide information and staff comments on the changes proposed to Schedule 3 of Bill 23 which proposes changes to the *Development Charges Act, 1997* (“DC Act”). A separate staff report to the Planning Committee (PED22207: Bill 23, Proposed *More Homes Built Faster Act, 2022*) addresses other Schedules of Bill 23.

The Province is to be commended for attempting to advance initiatives in support of our shared goal of addressing housing supply and affordability.

The stated purpose of the proposed legislative changes is to have 1.5 million homes built over the next 10 years. The proposed changes, as outlined by the Province, is to further streamline approvals for housing and reduce barriers and costs to development so that communities can grow with a mix of housing types and tenures. Through the Action Plan the Province has acknowledged that “too many people are struggling with the rising cost of living and finding housing that meets their family’s needs”¹.

While the development of purpose-built rental housing is a pressing matter, and the supply of housing is a shared interest, staff has concerns that many of the proposed changes to the DC Act through Bill 23, compounded upon the changes made to the DC Act through Bill 108 (*More Homes, More Choice Act, 2019*) and Bill 197 (*COVID-19 Economic Recovery Act, 2020*), creates incentives to developers on the backs of municipalities and municipal taxpayers / ratepayers. It is vital that the Province of Ontario offset the impact to municipalities. If these related development costs are not offset, the impact may further exacerbate the rising cost of living for Ontarians, including increasing the cost of housing for existing residents, delay the timing of critical municipal infrastructure and ultimately limit the ability to advance housing supply.

Specifically, the changes to the DC Act provide sweeping and targeted reductions to the amounts that developers would contribute towards the costs of critical growth-related infrastructure without providing a plan for how municipalities are expected to fund that required infrastructure.

¹ <https://ero.ontario.ca/notice/019-6162>

SUBJECT: Bill 23, Proposed *More Homes Built Faster Act, 2022* as it relates to the *Development Charges Act (FCS22085) (City Wide) – Page 3 of 15*

Municipalities have long advocated that growth should pay for growth. This philosophy allows municipalities to grow without undue burden on existing tax and rate payers. While the tools that municipalities have that ensure growth-pays-for-growth have been imperfect and there has always been a portion of growth costs borne by tax and rate payer, the changes proposed through Bill 23 would significantly reduce the amount of capital costs that municipalities can recover from growth.

In order for municipalities to partner in the goal of providing 1.5 million homes over the next 10 years, municipalities will need to ensure that there is servicing in place to allow development to proceed. The main way that municipalities fund the servicing necessary to allow development to proceed is through the calculation and collection of Development Charges (DCs). The DC calculation is structured so that municipalities can collect just enough to pay for the necessary infrastructure related to growth. A reduction to the calculated amount of DCs means that there will be insufficient funding to pay for the infrastructure and municipalities will need to consider delaying infrastructure, taking on additional debt and / or levying the shortfall through increased property taxes or rate user fees.

Figure 1 in the Analysis and Rationale for Recommendation(s) section of Report FCS22085 provides an overview of how DCs function and illustrates the targeted and sweeping reductions.

Appendix “A” to Report FCS22085 provides an overview of the changes proposed to the DC Act through Bill 23 and staff comments on those changes.

The Province provided for consultation on Bill 23 through ERO 019-6172. The consultation deadline was November 24, 2022. In order to meet the Provincial deadline, staff comments have been submitted to the Province and are contained in the attached Appendix “B” to Report FCS22085. If the Recommendations in Report FCS22085 are approved by Council, the General Manager, Finance and Corporate Services, will notify the Province that the submissions that were made have been adopted by Council for the City of Hamilton.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Bill 23 will have significant financial implications on the City if passed as currently drafted. The degree and magnitude are not fully unknown at this time. Appendix “A” to Report FCS22085 includes some preliminary estimates related to some of the provisions in Bill 23 related to DCs. Staff will continue to monitor, analyze and report back to Council, as necessary.

SUBJECT: Bill 23, Proposed *More Homes Built Faster Act, 2022* as it relates to the *Development Charges Act (FCS22085) (City Wide) – Page 4 of 15*

Staffing: Bill 23 proposes changes to the DC Act. There are no staffing implications at this time. However, if Bill 23 is enacted as currently drafted, there will be staff resourcing implications associated with the changes.

Legal: Legal Services and the Financial Planning, Administration and Policy Divisions will continue to monitor the status of Bill 23 and report back, where necessary, with recommendations for the implementation of Bill 23 as it relates to DCs, if enacted.

HISTORICAL BACKGROUND

Since 2018, the Provincial government has advanced a number of initiatives and legislative changes related to the supply of housing in Ontario. These include:

- consultation on ‘Increasing Housing Supply in Ontario’ (November 2018);
- introduction of a ‘Housing Supply Action Plan’ (May 2019);
- enactment of Bill 108, ‘*More Homes, More Choice Act*’ (June 2019);

Finance Related Staff Reports

- FCS19057 / LS09123: Bill 108 “*More Homes, More Choice Act, 2019*” – Schedule 3 Comment Submission
 - June 9, 2019 Audit, Finance and Administration Committee
- FCS19057(a) / LS19023(a): Bill 108 “*More Homes, More Choice Act, 2019*” - Proposed Regulations Comment Submission related to the *Development Charges Act* and Community Benefits Authority under the *Planning Act*
 - August 15, 2019 Audit, Finance and Administration Committee
- FCS19057(b) / LS19023(b): Bill 108 “*More Homes, More Choice Act, 2019*” - Proposed Regulations Comment Submission related to the Community Benefits Authority under the *Planning Act*, the *Development Charges Act*, and the *Building Code Act* (ERO 019-1406)
 - April 15, 2020 Audit, Finance and Administration Committee

- enactment of Bill 197, ‘*COVID-19 Economic Recovery Act*’ (July 2020);
- enactment of Bill 213, ‘*Better for People, Smarter for Business Act, 2020*’ (December 2020)
- announcement of a Housing Affordability Task Force (December 2021);
- an Ontario-Municipal Housing Summit (January 2022);
- a report from the Ontario Housing Affordability Task Force (February 2022); and
- enactment of Bill 109, ‘*More Homes for Everyone Act*’ (April 2022).

There have been several changes to the DC Act from these legislative changes as summarized in Table 1.

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Table 1

Summary of Enacted Changes to the *Development Charges Act, 1997* since 2019

Change	Related Legislation and Timing
<p>DC Rate Lock-in DC rates are locked in at applicable site plan or zoning by-law amendment application date for up to two years following approval of the related application. Interest can be applied from locked in rate to building permit issuance. A maximum interest rate may be prescribed; no rate was prescribed until the proposal through Bill 23.</p> <p>Previously, the building permit issuance date was the relevant date for establishing the DC rate. Building permit issuance date remains to be the relevant date for permits who do not have a relevant planning application.</p>	<p>Bill 108 Effective January 1, 2020</p>
<p>Legislated Instalments Certain forms of development, as defined by regulation, will pay DCs in instalments commencing at occupancy:</p> <ul style="list-style-type: none"> • rental housing (6 instalments) • institutional development (6 instalments) • non-profit housing (21 instalments) <p>Interest can be applied from building permit issuance to the date of each instalment payment. A maximum interest rate may be prescribed; no rate was prescribed until the proposal through Bill 23.</p> <p>Previously, all DCs were required to be paid at building permit issuance, unless the municipality and developer entered into a deferred payment agreement.</p>	<p>Bill 108 Effective January 1, 2020</p> <p>City adopted an interest policy, effective January 1, 2020, through FCS0028 / PED20105</p>

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Change	Related Legislation and Timing
<p>Removal of 10% Statutory Deduction Previously, municipalities were required to take a 10% statutory deduction from the following services which meant that only 90% of the growth-related costs were able to be considered in the calculation of the DC. This change allowed 100% of the growth costs for these services to be considered in the calculation of the DC.</p> <ul style="list-style-type: none"> • Parking • Airport • Parks and Recreation • Library • Growth Studies • Ambulance • Waste Diversion • Public Health • Long-term Care • Child Care and Early Years • Housing • Provincial Offences Act Administration • Public Works (Yards) <p>Note that the ability to collect for Parking and Airport services was removed effective September 18, 2022.</p>	<p>Bill 108 For DC by-laws enacted after January 1, 2020</p> <p>The City updated DC By-law 19-142 through By-law 21-102 effective July 6, 2021</p>
<p>Expanded exemption for Secondary Dwelling Units The requirement to exempt a secondary dwelling unit was expanded:</p> <ul style="list-style-type: none"> • to allow exemptions of secondary dwellings within new builds vs existing • to allow the secondary units to be in an ancillary structure to the principal residence • to require the greater of one unit or 1% of existing units within apartments to be exempted 	<p>Bill 108 Effective January 1, 2020</p>

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SUBJECT: Bill 23, Proposed *More Homes Built Faster Act, 2022* as it relates to the *Development Charges Act (FCS22085) (City Wide) – Page 7 of 15*

Change	Related Legislation and Timing
<p>Restricted list of what services a DC can be charged for A list of what services a DC may be imposed for is defined. Previously the legislation allowed collection for all services unless expressly prescribed as ineligible (i.e. culture, entertainment facilities and tourism, land for parks, hospitals, landfill / waste, general administration). None of the previously ineligible services were added to what a DC can be charged for. In terms of what the City had been collecting for, Parking, Airport and some studies became ineligible.</p>	<p>Bill 108 For DC by-laws enacted after January 1, 2020</p>
<p>Removal of Services related to Community Benefits Charges (CBC) Parking, Airport and some studies were removed from what the City was able to collect a DC for effective at the earlier of when a CBC by-law came into effect or September 18, 2022.</p>	<p>Bill 108 Transition period ended September 18, 2022</p>
<p>Statutory Exemption for Post-Secondary Institutions The <i>Ministry of Training, Colleges and Universities Act</i> was amended to exempt DCs on the development of land intended for use by a university that receives operating funds from the government.</p>	<p>Bill 197: <i>Better for People, Smarter for Business Act, 2020</i> Effective December 8, 2020</p>

Bill 23 passed its first reading on October 25, 2022 and its second reading on October 31, 2022.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

There are no policy implications or legislative requirements related to the endorsement and submission of comments attached as Appendix “B” to Report FCS22085 which is what Report FCS22085 recommends.

If Bill 23 is enacted as drafted, there will be significant impacts to the timing and funding strategy for growth related capital projects. In addition, where there is conflict between the City’s DC by-law and the revised DC Act. The revised DC Act will be adhered to and the City’s DC by-law will be updated at the next opportunity.

SUBJECT: Bill 23, Proposed *More Homes Built Faster Act, 2022* as it relates to the *Development Charges Act (FCS22085) (City Wide)* – Page 8 of 15

RELEVANT CONSULTATION

- Planning and Economic Development Department
- Healthy and Safe Communities Department
- Legal and Risk Management Services, Corporate Services Department

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Staff has reviewed the proposed Bill 23 and has prepared a summary of the proposed changes to the DC Act (Schedule 3 of Bill 23), attached as Appendix “A” to Report FCS22085. Staff’s comments to the Province are attached as Appendix “B” to Report FCS22085. The comments below are intended to provide a high-level assessment of the Bill and its potential impacts.

Municipalities have long advocated that growth should pay for growth. This philosophy allows municipalities to grow without undue burden on existing tax and rate payers. While the tools that municipalities have that ensure growth-pays-for-growth have been imperfect and there has always been a portion of growth costs borne by tax and rate payer, the changes proposed through Bill 23 would significantly reduce the amount of growth related capital costs that municipalities can recover from growth.

In order for municipalities to partner in the goal of providing 1.5 million homes over the next 10 years, municipalities will need to ensure that there is servicing in place to allow development to proceed. The main way that municipalities fund the servicing necessary to allow development to proceed is through the calculation and collection of Development Charges (DCs). The DC calculation is structured so that municipalities can collect just enough to pay for the necessary infrastructure. A reduction to the calculated amount of DCs means that there will be insufficient funding to pay for the infrastructure and municipalities will need to consider delaying infrastructure, taking on additional debt and/or levying the shortfall through property taxes or rate user fees.

Figure 1 illustrates how DCs function at a high level and identifies where the ability for a municipality to collect for the infrastructure to support that growth is being restricted by the proposed changes in Bill 23.

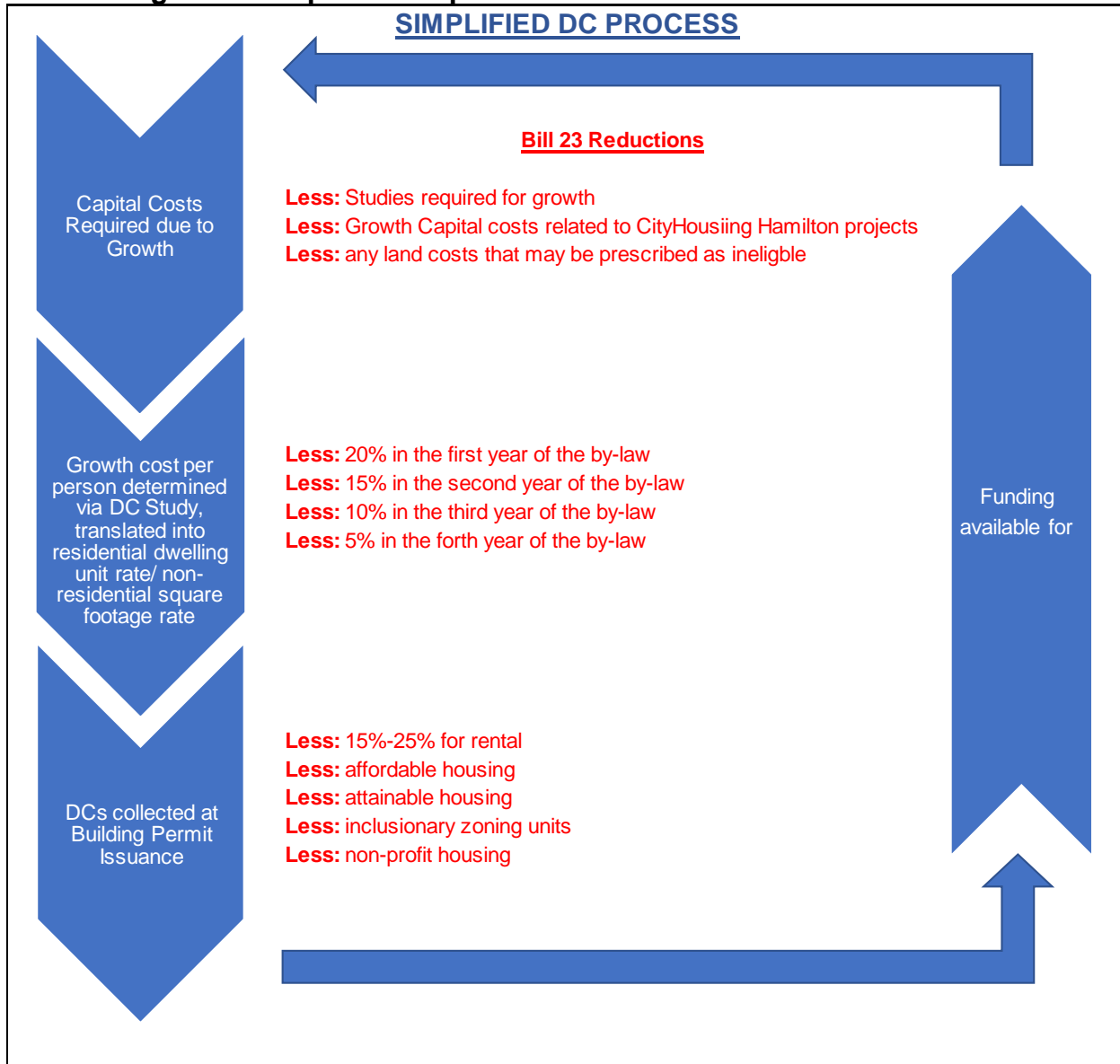
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SUBJECT: Bill 23, Proposed *More Homes Built Faster Act, 2022* as it relates to the *Development Charges Act (FCS22085) (City Wide) – Page 9 of 15*

Figure 1: Simplified DC process with Bill 23 reductions identified



The amendments resulting from the proposed Bill 23 are a significant departure from the current legislative framework.

Summary of Major Changes Proposed to DC Act

Service Level Cap

The amount that a municipality can include in the calculation of a DC for a service is limited to the average service level that it has provided for that service over the past 10 years.

SUBJECT: Bill 23, Proposed *More Homes Built Faster Act, 2022* as it relates to the *Development Charges Act (FCS22085) (City Wide) – Page 10 of 15*

Bill 23 proposes that municipalities would be limited to a 15-year service level cap versus the current 10-year serve level cap. In cases where municipalities are enhancing the levels of services, in an effort to improve quality of life, DCs will be capped at a level that is insufficient to sustaining these efforts.

This change could result in a lower calculated service standard cap which will limit the amount that can be collected through DCs towards growth infrastructure.

By-law Expiration

The current requirement for the DC by-law to be updated every five years is proposed to be extended has been extended to 10 years.

DC by-laws could still be updated earlier than 10 years. However, the phase-in policy, which is explained further in Report FCS22085, would then apply in the first four years of the new by-law.

The change from a five-year by-law life to a 10-year by-law life essentially limits the capacity to update DC rates for changes in capital infrastructure and plans without impacts to short term collections.

Staff is currently engaged in background study work for the City's next DC by-law which, under current legislation, needs to be in place by June 13, 2024. The City may have an option to extend the life of DC By-law 19-142 depending on the date the legislation is enacted. This option, alongside the updates to masterplans necessitated out of the Province's direction to expand the urban boundary through the final approval of OPA 167 and the draft DC calculations from those masterplans, will need to be considered to determine whether it makes sense to postpone the enactment of the next DC by-law beyond the current required date of June 13, 2024.

Reduced Capital Cost Eligibility

Bill 23 proposes that several costs that can currently be collected for through DCs would no longer be eligible to be collected through a DC, consequently, reducing the ability of the municipalities to fund growth infrastructure and jeopardizing a significant number of additional affordable housing units

Housing Services are proposed to be removed from the list of eligible DC services. This service will be removed upon passing of legislation meaning that collection of DCs for CityHousing Hamilton (CHH) projects must cease the day that Bill 23 receives Royal Assent. The City will no longer be able to collect DCs for CHH and, therefore, will not be able to provide DC funding towards CHH projects in the future.

SUBJECT: Bill 23, Proposed *More Homes Built Faster Act, 2022* as it relates to the *Development Charges Act (FCS22085) (City Wide) – Page 11 of 15*

Growth Studies are removed from the list of eligible DC services. This service will be removed when the City adopts a new DC by-law (not an immediate change). Growth studies are required to the location and costs of infrastructure required to allow growth to proceed. The costs related to completing a DC background study are also proposed to no longer be an eligible cost in the DC calculation.

Land costs are currently permitted to be included for all services except parkland acquisition. The City's Parkland Dedication by-law collects funds to pay for land and, therefore, this restriction is to prevent the same costs being collected through two tools. Bill 23 proposes that services for which land will not be an eligible cost can be prescribed. No services have been proposed initially.

Mandatory Phase-in

Bill 23 proposes reductions applicable to DC by-laws passed after June 1, 2022. Specifically, the City would be required to calculate the amount that is necessary to collect from developers to pay for the capital works related to growth and then discount that rate by 20% in the first year of the by-law, 15% in the second year, 10% in the third year, 5% in the fourth year, and 0% in years five through 10 of the by-law.

The reductions are based on the newly calculated rate, not just the increase from the previous rate. By phasing the entire DC rate, passing a new DC by-law could have the effect of lowering the DC rate from by-law to by-law.

There is no immediate impact as the City's current by-law was passed in June 2019 (prior to June 1, 2022).

New Mandatory Exemptions

Bill 23 proposes that several forms of development will receive an exempt from DCs:

- Affordable housing (rental and ownership);
- Attainable housing (which has yet to be defined);
- Non-profit housing; and
- Inclusionary zoning residential units.

The Minister will publish a Bulletin to guide municipalities with respect to the dollar threshold for a unit to be considered affordable. It is unclear how localized the Minister's Bulletins will be and, therefore, unclear whether there is a risk that market rates in one or more localized areas of the City will be considered affordable by the definition in the Bulletin. It is also not clear how often the Bulletin will be updated.

The ownership stream for affordable housing is much more complex as it will impact not only the developer but the subsequent owner(s) who may not understand the financial impact.

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There are also other factors that could affect price within specific geographies within a municipality, such as proximity to hydro corridors, industrial areas, etc. which may not be taken into account in the Bulletin. It is unknown how the average purchase prices will be defined by building type (e.g. will it be specific to housing size, housing type, etc.) all which have a variation on housing prices. Further, the current instability of the real estate market could cause great fluctuations in prices from month to month.

While Bill 23 proposes that the affordable and attainable exemptions may be secured by an agreement on title, no such security has been proposed related to the exemption for non-profit housing. In addition, any active instalment plans for non-profit housing developments will no longer be required to pay any instalments that fall after Bill 23 receives Royal Assent.

The City's DC by-law currently provides an exemption for affordable housing which would be superseded by the statutory exemption. Where there is conflict between the City's DC by-law and the revised DC Act, the revised DC Act will be adhered to and the City's DC by-law will be updated at the next opportunity.

DC Interest

Bill 23 proposes a maximum interest rate that can be charged for:

1. The interest that applies to DCs locked in at site plan application date (or zoning by-law amendment application date as applicable), or
2. The interest that applies to legislated instalment payments from building permit issuance to the date of instalment payment.

Under the proposed changes, the maximum interest rate would be set at the average prime rate of the five major Canadian Banks for commercial loans plus 1%, updated quarterly.

The City's policy generally appears to impose a lower rate than the proposed maximum. However, the City uses a fixed rate and the proposed rate is variable which mean that the City will need to assess its policy to ease administration of monitoring two interest rate policies.

Reserve Spending

Bill 23 proposes that annually beginning in 2023, municipalities will be required to spend or allocate at least 60% of the monies in a reserve fund at the beginning of the year for water, wastewater and services related to a highway. Other services may be prescribed by the Regulation.

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SUBJECT: Bill 23, Proposed *More Homes Built Faster Act, 2022* as it relates to the *Development Charges Act (FCS22085) (City Wide)* – Page 13 of 15

For the Services currently prescribed, Water, Wastewater and Services related to a highway, the City's combined approved but unspent direct capital funding and DC Debt exceed current reserve balances for those services so there is no immediate impact.

While there no direct financial impact, this requirement appears to be excessive administration for municipalities as the DC study effectively performs this function.

General Observations

The proposals through Bill 23 generally appear to run counter to the long-standing concept of growth paying for growth.

It is unclear why a reduction in DCs provided to developers is expected to translate into more housing being built and provided to market at more affordable rates. There is no requirement for developers to commit to reducing selling prices as a result of lower DCs. Many factors other than DCs, such as demand, development interests, mortgage rules, interest rates, immigration levels, foreign buyers, economic growth, raw land value, inter-generational wealth transfer, location and labour and material costs, affect the market rate of housing.

It is further unclear, whether the labour market can support increased construction of both housing and the infrastructure required to service that housing. If the labour market is not able to support all demands, there could be surge pricing which acts counter to the goal of affordable housing and further restricts a municipalities ability to pay for the infrastructure required to service growth.

It is, however, clear that the reductions in DCs will place a significant financial burden on municipalities and could lead to delayed studies and delayed infrastructure which could slow the pace of growth which runs counter to the Provincial goals of increasing the pace of housing development.

It is further clear that removing the ability to collect DCs for housing services (CHH) directly inhibits municipalities ability to contribute towards the goal of 1.5 M homes over 10 years through the development of affordable housing units.

Without support from the Provincial or Federal Governments to supplement the DCs that could no longer be collected through DCs, those reductions to DCs would shift the burden of costs from developers to property tax and rate payers. Higher property taxes and water rates, in turn, would affect housing and business affordability which would be counter to the goal of addressing overall housing affordability.

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In the current inflationary and interest rate climate, an increase in property tax and water rates could have significant impacts to those already struggling to make ends meet. Business affordability through increased property taxes and water rates could also impact economic competitiveness in Ontario. If municipalities choose not to levy the lost revenue, or limit the amount levied on existing tax and rate payers, then infrastructure would be delayed and additional debt financing may be required.

Conclusion

The City supports the Province's goal of building 1.5 million homes over the next 10 years and tackling the affordability crisis affecting every Ontarian. The City has concerns that the changes proposed to the DC Act through Bill 23 will not effectively support these goals. There are drastic cuts proposed to the funding municipalities use to instal the infrastructure required to service growth. There is no clear indication that these cuts will have any impact on the selling price of homes. Without funding from the Province or Federal Government, municipalities will need to raise taxes and water rates across the board; impacting every resident and business across the Province.

ALTERNATIVES FOR CONSIDERATION

None.

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.

Built Environment and Infrastructure

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

Our People and Performance

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

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SUBJECT: Bill 23, Proposed *More Homes Built Faster Act, 2022* as it relates to the *Development Charges Act (FCS22085) (City Wide) – Page 15 of 15*

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report FCS22085 – Summary of Changes Proposed to the *Development Charges Act, 1997* through Schedule 3 of the *More Homes Built Faster Act, 2022* (Bill 23)

Appendix “B” to Report FCS22085 – City of Hamilton Staff Submission on the Proposed Changes to the *Development Charges Act, 1997* through Schedule 3 of the *More Homes Built Faster Act, 2022* (Bill 23)

Proposed More Homes Built Faster Act, 2022 - Bill 23		
Schedule 3 – Development Charges Act		
Proposed Change	Explanation of Change	Comments
<p>Secondary / Ancillary Dwellings (Subsection 2(1))</p>	<p>The statutory exemption for secondary dwelling units is being moved from Ontario Regulation 82/98 into the <i>Development Charges Act</i>.</p> <p>The statutory exemption is being expanded so that every single-family dwelling, semi-detached dwelling and townhouse dwelling can each have up to three dwelling units; one primary and two secondary without paying development charges. The secondary dwelling may be either within the primary building or one may be within and the second may be within an ancillary structure. Previously, only single detached dwellings were required to exempt up to two secondary dwellings.</p> <p>The requirement to exempt the greater of one unit or 1% of the existing units for apartment buildings remains the same.</p> <p>The gross floor area restrictions in order to be eligible for the exemption have been removed.</p>	<p>The City’s DC by-law 19-142 already provides an exemption for up to two secondary dwellings within, or ancillary to, an existing single-family dwelling, semi-detached dwelling and townhouse dwelling.</p> <p>The City would be required to increase the exemption for new developments to permit two (versus one) secondary dwelling units for semi-detached and townhouse dwellings. The City already provides that new single-detached dwellings can add up to two secondary dwellings.</p> <p>The size requirement to be eligible for the exemption has been removed and therefore units that would not have previously been eligible for the exemption due to size will be required to be exempted.</p>

Proposed More Homes Built Faster Act, 2022 - Bill 23		
Schedule 3 – Development Charges Act		
Proposed Change	Explanation of Change	Comments
Removal of Housing Services as an eligible category (Subsection 2(2) and (3))	Housing is to be removed as an eligible DC service. By-laws which include a charge for Housing Services can no longer collect for this service once Bill 23 receives Royal Assent.	<p>The City will no longer be able to collect DCs for CityHousing Hamilton (CHH) projects and therefore will not be able to provide DC funding towards CHH projects in the future.</p> <p>The updated 2019 DC study had the City collecting \$18.8 M in 2019\$ over a 10-year period. (\$25.1 M indexed to 2022\$)</p> <p>The City will be required to update the DC rates effective the day that Bill 23 receives Royal Assent which may require refunds to be issued for permits which have paid DCs but had not been issued by this date.</p>
Mandatory Exemptions for Affordable and Attainable Units (Section 3)	<p>New definitions will be added to the Act for “affordable residential unit” and “attainable housing unit”. Municipalities will be required to exempt these types of units.</p> <p>The Minister will publish a Bulletin to guide municipalities with respect to the dollar threshold for a unit to be considered affordable.</p> <ul style="list-style-type: none"> Affordable Rental Unit: Where rent is no more than 80% of the average market rent (in the year occupied by a tenant) as defined by a new Bulletin published by the Ministry of Municipal Affairs and Housing Affordable Owned Unit: Where the [purchase] price of the unit is no more than 80% of the average purchase price (in the year that the unit is sold) as defined by a new Bulletin published by the Ministry of Municipal Affairs and Housing. 	<p>The City would be required to exempt affordable and attainable units as defined by the Province.</p> <p>The City would need to determine how to administer such a program and assess the resources required to administer the program.</p> <p>Municipalities would need access to information that is not readily available to municipalities. i.e. sales dates and prices.</p> <p>It is unclear how localized the Ministers Bulletins will be and therefore, unclear whether there is a risk that market rates in one or more localized areas of the City will be considered affordable by the definition in the Bulletin.</p>

Schedule 3 – Development Charges Act		
Proposed Change	Explanation of Change	Comments
	<p>An attainable unit has not been defined other than by reference to a prescribed development or class of developments. Nothing has been prescribed.</p> <p>In order to be eligible for the exemption the transaction must take place at arm’s length.</p> <p>Municipalities may require that affordable units and attainable units enter into an agreement to require that affordability be maintained for 25 years. The Minister may establish a standard form for this agreement. The agreement may be registered on title.</p>	<p>It is unclear what recourse a municipality could require if affordability were not maintained. This is specifically a risk for affordable ownership units as any sale at market rates after the original purchase, within 25 years, could mean that the unit is no longer considered affordable. This could potentially mean that the original purchaser be required to pay DCs when they sell the property vs the developer paying DCs at construction.</p>
<p>Mandatory Exemption for Non-profit Housing (Section 4 part 1)</p>	<p>The definition of a non-profit housing development is being moved from Ontario Regulation 82/98 into the <i>Development Charges Act, 1997</i>.</p> <p>Municipalities will be required to exempt non-profit housing developments.</p> <p>Previously, non-profit housing developments were eligible to pay DCs in 21 annual instalments commencing at occupancy. Any instalments for non-profit housing development that become due after Bill 23 receives Royal Assent will also be exempted.</p>	<p>The Province has not provided any ability for a municipality to require an agreement with a non-profit housing developer. The Province has provided the ability to require an agreement for affordable and attainable units.</p> <p>The City would not be able to collect DCs for any active instalment plans for non-profit housing. As of time of writing there are no active instalment plans for non-profit housing; however, there are three developments which have applied for building permit being monitored.</p>
<p>Mandatory Exemption for Inclusionary Zoning Units (Section 4 part 2)</p>	<p>Municipalities would be required to exempt housing units required under inclusionary zoning by-laws.</p>	<p>No immediate impact to City of Hamilton as the City does not currently have an inclusionary zoning by-law. An inclusionary zoning by-law is planned to be presented for consideration to Council in Q1-Q2 2023.</p>

Schedule 3 – Development Charges Act		
Proposed Change	Explanation of Change	Comments
Change from 10-year service standard to 15-year service standard (Subsection 5(1))	Currently the increase in need for service is limited by the average historical level of service calculated over the 10 years preceding the preparation of the DC background study. This average will be extended to the historical 15-year period.	<p>This change could result in a lower calculated service standard cap which will limit the amount that can be collected through DCs towards growth infrastructure.</p> <p>Financial impact has yet to be assessed. The impact of this change would not be immediate, rather it would impact the DC calculation within the City's next DC by-law.</p>
Ability of Province to prescribe services where land is not an eligible cost (Subsection 5(3))	The Province has added the ability to prescribe services that municipalities will not be able to include land as an eligible capital cost for DCs.	<p>No services have been prescribed. The impact will depend on what is prescribed.</p> <p>Currently, the only cost of land ineligible for inclusion in DC collections is parkland. The City's Parkland Dedication by-law collects funds to pay for land and therefore this restriction is to prevent the same costs being collected through two tools.</p>
Removal of Studies as an eligible cost (Subsection 5(4))	The sections of the DC Act that permit municipalities to include the cost of studies within the DC calculation are proposed to be removed.	<p>The City would no longer be able to use DC funding towards studies, including growth studies, secondary plans, masterplans and the DC Background Study.</p> <p>The updated 2019 DC study had the City collecting \$16.1 M for general growth studies in 2019\$ over a 10-year period. (\$21.5 M indexed to 2022\$)</p>

Schedule 3 – Development Charges Act		
Proposed Change	Explanation of Change	Comments
Mandatory phase in (Subsections 5(6), (7) and (8))	<p>For all D.C. by-laws passed after June 1, 2022, the charge must be phased-in relative to the maximum charge that could be imposed under the by-law. The proposed phase-in for the first five years that the by-law is in force, is as follows:</p> <ul style="list-style-type: none"> • Year 1 – 80% of the maximum charge; • Year 2 – 85% of the maximum charge; • Year 3 – 90% of the maximum charge; • Year 4 – 95% of the maximum charge; and • Year 5 to expiry – 100% of the maximum charge <p>For by-laws passed June 1, 2022 through the date of Royal Assent, the phase-in will be required for all payments as of the date of Royal Assent. The City is not affected by this.</p>	<p>The DC methodology considers the total costs required to support the anticipated growth in the municipality and then allocates those costs over the total development. A required discount to the calculated DC means that the City cannot collect sufficient funding to pay for the required infrastructure through DCs.</p> <p>Financial Impact: High level estimates project that lost collections would amount to \$50 M - \$65 M at current DC rates related to the proposed phase-in.</p>
DC By-law life from 5 years to 10 years (Section 6)	<p>DC by-laws would expire 10 years after the day the by-law comes into force. This extends the maximum DC by-law life from five years currently. DC by-laws that expire prior Bill 23 receiving Royal Assent would not be allowed to extend the life of the expired by-law.</p>	<p>Considered in isolation,</p> <ol style="list-style-type: none"> 1. This change provides municipalities greater flexibility with respect to the timing of an updated DC by-law which can be challenging when growth plans and masterplans need to be coordinated. 2. This change means that the timeliness of updating the DC calculation with the experienced and forecasted growth is further out of sync, a five-year by-law required that the DC calculation remained relatively current. <p>Considered with the proposed mandatory phase-in of DC rates, this extension to the maximum by-law period ensures that municipalities can collect the calculated charge for more than one year.</p>

Schedule 3 – Development Charges Act		
Proposed Change	Explanation of Change	Comments
		The City may have an option to extend the life of DC by-law 19-142; depending on the date the legislation is enacted. This option, alongside the updates to masterplans necessitated out of the Province’s direction to expand the urban boundary through the final approval of OPA 167 and the draft DC calculations from those masterplans, will need to be considered to determine whether it makes sense to postpone the enactment of the next DC by-law beyond the current required date of June 12, 2024.
Housekeeping given non-profit housing is now proposed to be exempt (Section 7)	Housekeeping changes to the Act to accommodate non-profit housing being exempt vs eligible for instalments	N/A - housekeeping
Mandatory reduction for rental apartments (Section 8)	The DCs payable for rental housing developments will be reduced based on the number of bedrooms in each unit as follows: <ul style="list-style-type: none"> • Three or more bedrooms – 25% reduction; • Two bedrooms – 20% reduction; and • All other bedroom quantities – 15% reduction. 	The DC methodology considers the total costs required to support the anticipated growth in the municipality and then allocates those costs over the total development. A required discount to the calculated DC means that the City cannot collect sufficient funding to pay for the required infrastructure through DCs. The financial impact will vary depending on how many rental developments proceed each year.

Schedule 3 – Development Charges Act											
Proposed Change	Explanation of Change	Comments									
<p>Prescribed interest rate for sections 26.1 and 26.2 of the DC Act (Section 9)</p>	<p>No maximum interest rate was previously prescribed for:</p> <ol style="list-style-type: none"> 1. The interest that applies to DCs locked in at site plan application date (or zoning by-law amendment application date as applicable), or 2. The interest that applies to legislated instalment payments from building permit issuance to the date of instalment payment. <p>Under the proposed changes, the maximum interest rate would be set at the average prime rate of the five major Canadian Banks for commercial loans plus 1%, updated quarterly.</p> <p>This maximum interest rate provisions would apply to all DCs payable as of the date that Bill 23 receives Royal Assent. For instalments, the interest rate change takes effect as of June 1, 2022.</p>	<p>The City's interest rate policy, as adopted through FCS20028/PED20105 is as follows:</p> <ol style="list-style-type: none"> 1. The interest that applies to DCs locked in as of site plan application date (or zoning by-law amendment application date as applicable) is fixed at the Bank of Canada Prime, compounded semi-annually 2. The interest that applies to legislated instalment payments from the date of building permit issuance to the date of instalment payment is fixed at the Bank of Canada Prime plus 2%, compounded semi annually <p>For comparison purposes staff compared the average prime rate for the five major banks plus 1% to the City's existing policy as of November 11, 2022.</p> <ul style="list-style-type: none"> • average prime rate for the five major banks is 5.95% • Bank of Canada Prime is 3.75% <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 35%;">Proposed Prescribed Rate</th> <th style="width: 35%;">Current City Policy</th> </tr> </thead> <tbody> <tr> <td>Locked in DC Rates</td> <td>6.95% (5.95% + 1%)</td> <td>3.75%</td> </tr> <tr> <td>Instalments</td> <td>6.95% (5.95% + 1%)</td> <td>5.75% (3.75% + 2%)</td> </tr> </tbody> </table> <p>During period of increasing interest rates the prescribed maximum is generally not expected to exceed the City's current Policy rate. However, in periods of declining interest rates the opposite could occur.</p>		Proposed Prescribed Rate	Current City Policy	Locked in DC Rates	6.95% (5.95% + 1%)	3.75%	Instalments	6.95% (5.95% + 1%)	5.75% (3.75% + 2%)
	Proposed Prescribed Rate	Current City Policy									
Locked in DC Rates	6.95% (5.95% + 1%)	3.75%									
Instalments	6.95% (5.95% + 1%)	5.75% (3.75% + 2%)									

Schedule 3 – Development Charges Act		
Proposed Change	Explanation of Change	Comments
Requirement to spend or allocate 60% of some DC reserve balances (Section 10)	Similar to the requirements for Community Benefit Charges, annually beginning in 2023, municipalities will be required to spend or allocate at least 60% of the monies in a reserve fund at the beginning of the year for water, wastewater, and services related to a highway. Other services may be prescribed by the Regulation.	For the Services currently prescribed, Water, Wastewater and Services related to a highway, the City's combined approved but unspent direct capital funding and DC Debt exceed current reserve balances for those services so there is no immediate impact. While there no direct financial impact, this requirement appears to be excessive administration for municipalities as the DC study effectively performs this function.
Front Ending (Section 11)	Housekeeping to consider exemptions for affordable residential units, attainable residential units, non-profit housing units and inclusionary zoning residential units within front ending agreements.	N/A – the City does not have any front ending agreements (existing or planned)
Housekeeping given other changes (Section 12 and 13)	Housekeeping changes to the Act such as allowing the additional prescriptions through Regulation that have been proposed through Bill 23.	N/A – housekeeping

Schedule 3 – Development Charges Act		
Proposed Change	Explanation of Change	Comments
Effective Date (Section 14)	<p>The majority of Bill 23 is set to come into effect the day that the Bill received Royal Assent.</p> <p>The following sections are scheduled to come into effect on a date to be proclaimed:</p> <p>Section 3: Mandatory Exemptions for Affordable and Attainable Units</p> <p>Subsection 11(2): Front Ending</p> <p>Subsections 12(2) and (6): Related to prescribing Attainable Residential Units</p>	<p>There are many changes set to come into effect on the date of Royal Assent which require significant administration and coordination between City sections. Without a transition period or advance notice of the effective date staff will not have an opportunity to adjust processes or systems.</p> <p>Specifically, the following changes could be more effectively managed with an effective date known in advance:</p> <ol style="list-style-type: none"> 1. The removal of Housing as an eligible service (Section 2(2) and (3)) as Bill 23 effectively changes municipal by-law on the date of Royal Assent 2. The 15%-25% reduction for rental properties based on the number of bedrooms (Section 8) which is effective for permits issued on or after the date of Royal Assent 3. The maximum prescribed interest rate (Section 9) for locked in DC rates and legislated DC instalments which is effective based on the date payable



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November 18, 2022

ERO Number: 019-6172

Minister Steve Clark
Ministry of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, ON M7A 2J3

Dear Minister Clark:

Subject: City of Hamilton Staff Submission on Proposed *Planning Act and Development Charges Act, 1997* Changes: Providing Greater Cost Certainty for Municipal Development-related Charges

Thank you for the opportunity to provide comments on the above-referenced proposal (the Proposal) related to Bill 23 - *More Homes Built Faster Act, 2022* (Bill 23). Please accept the following comments for consideration.

As communicated by the Province of Ontario, the Provincial commenting period closes at 11:59 pm on November 24, 2022. Given the short timeline provided to municipalities to comment on Bill 23, City of Hamilton (City) staff has assembled a letter that highlights initial thoughts/requests along with concerns and pressures that have the potential to impact Hamilton taxpayers in an unfavourable fashion as well as constrain the financial sustainability of the City. The City's final comments will be forwarded to the Province once they have been endorsed by Council in December 2022.

The comments in this letter are limited to Schedule 3 of Bill 23. City staff will be submitting comments on other schedules of Bill 23 related to ERO 019-6172 under a separate letter.

The City concurs with the Province's acknowledgements within the Proposal details that "too many people are struggling with the cost of living" and that a solution to the housing crisis will "take both short-term and long-term commitment from all levels of government, the private sector, and not-for-profits to drive change". The City supports the goal of communities growing "with a mix of ownership and rental housing types to meet the needs of all Ontarians".

The City, other municipalities, along with the Association of Municipalities of Ontario have long advocated that "growth should pay for growth". The changes proposed through Bill 23 absolve growth from paying for a significant portion of growth and create a funding challenge for municipalities.

The proposed changes will leave municipalities with choices regarding either significant increase to property taxes and water/wastewater rates or delaying the construction of infrastructure to support growth without being able to collect the costs to do so through DCs. If increases to property taxes

and water/wastewater rates are used to fund the shortfall, these increases will directly affect long-term housing affordability for every Ontarian; including those who Bill 23 intends to support.

The City's comments have been grouped into four categories

1. Reductions to growth paying for growth / Reductions to Infrastructure funding;
2. DC Reserve Balances;
3. Prescribed Interest; and
4. Concluding comments.

Reductions to Growth Paying for Growth / Reductions to Infrastructure Funding

The DC calculation required under the DC Act considers the total capital costs required to provide the infrastructure and services that are required to support growth and then divides that cost amongst the total growth that it is expected to service. Any reductions or exemptions to the amount that is calculated mean that the municipality will not collect sufficient funds to pay for the capital costs that were used to calculate the DC rate.

Bill 23 proposes several reductions and exemptions to the amount of DCs that municipalities can collect:

- By providing an expanded exemption for secondary dwelling units
- By removing housing services as an eligible service
- By removing growth studies and the DC Background study as eligible costs
- By removing land costs as an eligible cost for services to be prescribed
- By mandating exemptions for affordable housing and attainable housing
- By mandating exemptions for non-profit housing; including exempting any active instalment plans as of the date that Bill 23 comes into effect
- By mandating exemptions for affordable units required under inclusionary zoning
- By mandating a phase-in of the calculated DC for each by-law
- By mandating 15% - 25% reductions for rental apartments
- By changing the service standard from 10 years to 15 years
- By changing the maximum length of a DC by-law from 5 years to 10 years

These reductions and exemptions have been proposed without any indication of how municipalities will be expected to fund the shortfall.

These changes will directly impact municipalities ability to deliver infrastructure to support growth.

The City supports the concept of supporting secondary dwellings, affordable and rental housing.

The City recommends a grant/incentive/rebate program to developers or homeowners funded by the Province as a more effective way to support affordable housing. Such a program would support the development of secondary and affordable units without compromising DCs which are required for municipalities to construct infrastructure to allow the growth to proceed.

The reduction for rental housing is set to take effect on the day that Bill 23 receives Royal Assent. Changes without notice create unnecessary administrative burden on municipalities as systems and processes are not able to be updated. **Should the Province continue with the requirement to reduce rental DCs, the City requests that the effective date established a minimum of 180 days in advance vs the date of Royal Assent.**

The Bulletins related to affordable housing have not been made available for review and may have unintended consequences depending on how localized the information is and how often it is updated. There are multiple factors that could affect price within specific geographies within a municipality, such as proximity to hydro corridors, industrial areas etc. which may not be taken into account in the Bulletin. It is unknown how the average purchase prices will be defined by building type (e.g. will it be specific to housing size, housing type etc.) all which have a variation on housing prices. Further the current instability of the real estate market could cause great fluctuations in prices from month to month. **Should the Province continue with exempting affordable housing from DCs vs creating a grant program, the City requests that the Province complete consultations on the Bulletins.**

The City requests that housing services remain in the DC Act. The removal of housing services from the DC Act is in direct conflict with the goal of constructing more affordable housing. The DCs collected for housing services are used to construct affordable housing units by the municipality. By removing housing services as an eligible service, municipal housing providers will need to rework project budgets and find additional revenue to replace the lost DCs; or construct fewer units. This change is proposed to take immediate effect the day Bill 23 received Royal Assent which will create unnecessary administrative burden as systems and processes will not have been updated to change the rates. **Should the Province continue with removing housing as an eligible service, the City requests that it take effect when a municipality adopts its next DC by-law.**

As municipalities grow, studies are required to determine the appropriate location of infrastructure. Bill 23 proposes to remove studies (including the cost of the DC background study) as an eligible cost for inclusion in the DC calculation. These studies are required to ensure that growth can occur for and that sufficient infrastructure is planned for to service that growth. Removing these studies as an eligible service does not eliminate their need; it does, however, transfer the burden of paying for those studies from the development community to property tax and rate payers. For the City, this would equate to an additional \$25.1 M (2022\$) over 10 years (roughly a 0.3% annual levy increase just to continue studies for growth). **The City requests that studies, including the DC background study, remain as eligible services in the DC Act.**

Bill 23 proposes to remove land as an eligible cost for services to be proscribed. The proposed legislation does not yet prescribe any services so it is difficult to quantify the financial impact this may have in the future. In order to provide the infrastructure and facilities needed to support growth, municipalities need to buy land. Should the Province choose to prescribe land not be an eligible cost for certain services, the need for land does not disappear, rather another funding source would be required, likely property taxes. If the City needs to increase future property tax levies to ensure availability of the land related to allowing growth to proceed it could delay the timing of development which is counter to the goals of Bill 23. **The City requests that land remain an eligible cost for all services; except where another tool for funding exists such as parkland.**

The proposed phase in of DC rates is a direct decrease in the funding required to pay for the capital costs which were the basis of the DC calculation. This required phase in runs counter to growth paying for growth as it expressly prevents that from occurring. The City has further concerns around this proposed phase in:

1. There is no assurance or requirement that a sweeping reduction in DCs will translate into a reduction in the sale price of homes.
2. There has not been an indication that the Province will provide the shortfall in funding that a phase in will create.

3. Should municipalities keep pace with construction of infrastructure required to allow growth of 1.5 M homes over the next 10 years to proceed, the infrastructure needs to be paid for. The proposed phase in prevents municipalities from using DCs to collect the required funding; leaving municipalities with the option of levying through property taxes or water rates. As the Province acknowledged, "too many people are struggling with the cost of living". Increasing property taxes and water rates to pay for the costs of growth simply transfers the burden onto already stretched Ontario families.
4. Should municipalities not levy the loss of funding on property tax and rate payers, the municipalities will need to defer construction of infrastructure which will be counter to the goal of building 1.5 M homes over the next 10 years.

The City requests that the proposed phase in be eliminated; should a phase in remain, it should apply only to the increase in the DC from existing rates vs the entire calculated rate.

The change from a 10-year to 15-year service standard and the change from a maximum by-law life of 5 years to 10 years have been grouped with reductions to DCs because the effect is likely to lessen the likelihood of growth paying for growth.

The service standard limits the amount that a municipality may collect for a specific service to the average service standard provided over the past 10 years; now proposed to be 15 years. While the impact to the City has not been calculated, it is probable that in high growth municipalities, this change will lower the maximum that can be collected. It is unclear how this change will support the affordability of housing and the goal of building 1.5 M homes over the next 10 years. **The City requests that the Province maintain the 10-year historical service level.**

Considering the proposed phase in of DC rates, a 10-year by-law life would enable municipalities to collect full DCs for six of the 10 years. A 5-year life ensures that the DC calculation remains relatively current with municipal growth plans. The City does not have an objection to a 10-year maximum by-law life as long as the ability to update the DC by-law earlier is maintained.

DC Reserve Balances

Bill 23 proposes a requirement that municipalities spend or allocate at least 60% of the monies in a reserve fund at the beginning of the year for water, wastewater, and services related to a highway. Other services may be prescribed by the Regulation.

This proposal appears largely administrative in nature.

There appears to be a misunderstanding about how DC reserves function and a perception by the Province that municipalities have excess funds available since municipalities have funds in DC reserves on their annual Financial Information Returns (FIRs).

To illustrate the disconnect between what is showing on the FIR and reality, Table 1 shows that while the City's 2021 FIR shows \$244 M in rates related DC reserves, the reality is that the City has taken a \$81 M risk with existing approvals. In other words, the City must collect \$81 M in future DC collections to pay for what has already been approved for construction. Municipalities often need to construct infrastructure before development can proceed and assume the risk that development will proceed in order to recover the funds.

**Table 1:
City of Hamilton 2021 DC Reserve Balances for Water, Wastewater and Storm**

	Dec 31, 2021 Balance	Future Debt payments for issued debt	Approved, unspent direct funding	Future Debt payments for approved, unissued debt	Amount available
Water	\$ 63,742,809	\$ (423,260)	\$ (32,836,203)	\$ (62,633,000)	\$ (32,149,654)
Wastewater - Treatment Plant	\$ 101,530,887	-	(1,439,351)	(17,193,000)	\$ 82,898,536
Wastewater - Linear	\$ 34,990,463	(1,929,585)	(12,621,194)	(137,969,285)	\$ (117,529,601)
Storm	\$ 43,986,221	(2,050,758)	(30,402,106)	(25,310,000)	\$ (13,776,643)
Total	\$ 244,250,380	(4,403,603)	(77,298,854)	(243,105,285)	\$ (80,557,362)

Prescribed Interest

Bill 23 also prescribes the maximum interest rate for the purposes of Sections 26.1 and 26.2 of the DC Act and incorporates the rate into the Act vs the Regulation. This proposal will increase administration needs for municipalities; however, the City views the proposed rate as reasonable. The rate is proposed to be back dated to be effective June 1, 2022. **The City requests that the prescribed interest rate take effect at a date in the future with at least 90 days notice vs June 1, 2022.**

Concluding comments

The City supports the Province's goal of building 1.5 M homes over the next 10 years and tackling the affordability crisis affecting every Ontarian. The City has concerns that the changes proposed to the DC Act through Bill 23 will not effectively support these goals. There are drastic cuts proposed to the funding municipalities use to instal the infrastructure required to service growth. There is no clear indication that these cuts will have any impact on the selling price of homes. Without funding from the Province or Federal Government, municipalities will need to raise taxes and water rates across the board; impacting every resident and business across the Province.

In addition to the comments related to the changes of the DC Act **the City recommends that the Province develop a plan to monitor and oversee the labour needs related to the construction of 1.5 M homes over the next 10 years along with the construction of the infrastructure required to service those homes.** Should the labour market fall short of demand there could be prices surges which could further exacerbate the affordability of housing.

Yours truly,



Mike Zegarac
General Manager
Finance and Corporate Services



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	November 22, 2022
SUBJECT/REPORT NO:	Use of Delegated Authority During Any Restricted Period Following Nomination Day (CM22019) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shannon Honsberger (905) 546-2424 Ext. 6524
SUBMITTED BY:	Janette Smith City Manager
SIGNATURE:	

Discussion of Confidential Appendix “B” to this report in closed session is subject to the following requirement(s) of the City of Hamilton’s Procedural By-law and the *Ontario Municipal Act, 2001*:

- A proposed or pending acquisition or disposition of land for City or a local board purpose
- Litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board

RATIONALE FOR CONFIDENTIALITY

Appendix B to Report CM22019 is being considered in Closed Sessions as it contains items regarding land acquisition and potential litigation.

RATIONALE FOR MAINTAINING CONFIDENTIALITY

Staff are recommending that Appendix B to Report CM22019 remain confidential as disclosure could affect the legal proceedings around the acquisition of lands and potential legal action.

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: Use of Delegated Authority During Any Restricted Period Following Nomination Day (CM22019) (City Wide) - Page 2 of 3

COUNCIL DIRECTION

Not applicable. Report is coming forward as required by By-Law 22-517.

INFORMATION

Pursuant to the Municipal Act section 275, when it becomes impossible for 75% of the members of the outgoing Council to be re-elected, the Council will be subject to certain restrictions as set forth in Section 275(3) of the Act. This may occur after Nomination Day based on the nominations that have been certified, including any acclamations, or upon announcement of the results of the election after Voting Day. To ensure that the City is capable of addressing any potential impacts to operations that arise as a result of these restrictions, By-Law 22-517 – a By-Law to Delegate Authority During Any Restricted Period Following Nomination Day - was approved by Council on June 22, 2022.

The Office of the City Clerk provided notice in August 22, 2022 that following certification of nominations, the returning Council would have less than 75 percent of the membership of the current Council. This placed Council under the Restricted Acts per the *Municipal Act 2001*, and the City Manager assumed delegated authorities until the inaugural meeting the new Council on November 16th, 2022.

According to By-law 22-517, the City Manager had the authority with respect to the following matters:

- The appointment any employee on an acting basis that was not already prescribed in By-Law 19-044 – A By-Law to Appoint and to Prescribe the Duties and Responsibilities of the Chief Administrative Officer;
- The disposition of any real or personal property of the City that has a value exceeding \$250,000 at the time of disposal;
- Making any expenditure or incurring any other liability of \$250,000 or greater;
- Approving the award of contract for any capital projects where the competitively procured cost exceeds the approval capital budget for that project by \$250,000; and
- Negotiation, entrance, and execution of all necessary contracts and agreements, and any ancillary documents required to support these processes, and necessary steps to exercise delegated authority.

In accordance with By-Law 22-517 section 7, this report is being brought forward to the first General Issues Committee following the Inaugural Council Meeting to identify the instances where the City Manager exercised this delegated authority.

SUBJECT: Use of Delegated Authority During Any Restricted Period Following Nomination Day (CM22019) (City Wide) - Page 3 of 3

In summary, it was used five times and more specific details are provided in the appendices.

- Appendix A to the Report CM22019 details the instances where delegated authority was used
- Appendix B to the Report CM22019 includes in camera items where delegated authority was exercised

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report CM22019: Use of Delegated Authority By-Law during the Restricted Period

Appendix “B” to Report CM22019: Confidential Use of Delegated Authority By-Law during the Restricted Period

Use of Delegated Authority By-Law during the Restricted Period

Subject	Rationale	Amount	Period	Department
Provincial Offences Administration	Victim Fine Surcharge Payments Ongoing legislative payments to the province	\$875,222.30	Ongoing – August 22 – November 15	Corporate Services
Lease of Vacant Land	Lease of 345 Ferguson Ave. North to the Ontario Ministry of Government and Consumer Services as parking for the Hamilton-Wentworth Detention Centre Urgency for Province to address chronic parking issues for staff	\$26,500 p.a. with annual inflation adjustment	Ongoing – October 1, 2022 – September 30, 2037	Planning and Economic Development
Water Billing Transition Project	Procurement and evaluation consulting costs for the Water Billing Project Required to ensure the City is prepared to assume water billing responsibilities by December 2024	\$500,000	One Time (October 24, 2022)	Corporate Services

CITY OF HAMILTON

MOTION

General Issues Committee: November 30, 2022

MOVED BY COUNCILLOR C. KROETSCH.....

SECONDED BY COUNCILLOR A. WILSON.....

Increase to Councillors' Office Budgets

WHEREAS, residents of the City of Hamilton expect their elected representatives to deliver a high quality of service;

WHEREAS, residents of the City of Hamilton expect their elected representatives to communicate by phone, email, text, and through social media;

WHEREAS, in the current labour market competitive wages remain one of the most important ways to attract and retain qualified staff for Councillors' offices; and,

WHEREAS, the current City Councillor office budgets do not adequately enable all Wards to perform consistently to meet resident expectations equally.

THEREFORE, BE IT RESOLVED:

That all office budgets for City Councillors be equalized and increased to \$375,000 per calendar year, effective November 15, 2022.

CITY OF HAMILTON

NOTICE OF MOTION

General Issues Committee: November 30, 2022

MOVED BY COUNCILLOR J.P. DANKO.....

Stormwater Rate Review

WHEREAS, in December 2021, Council directed staff, through Report PW21074 to report back to the Public Works Committee with a review of the benefits and challenges of various stormwater program funding options including water rates, a dedicated stormwater fee or tax levy or any other options and provide a recommendation for the preferred financing model for the City’s stormwater programs, including a preliminary plan and any resource requirements necessary to conduct a detailed review of the preferred financing model;

WHEREAS, in June 2022, Council approved Report FCS22043 - Stormwater Funding Review that directed staff to report back to the General Issues Committee to provide Guiding Principles for consideration that will direct the evaluation of alternative stormwater rate funding structures as part of the Stormwater Funding Review;

WHEREAS, Report FCS22043 Stormwater Funding Review outlined three phases for the project with an estimated timeline for completion of all three phases of January 2026;

WHEREAS, Report FCS22043(a) Stormwater Funding Review on the November 30, 2022 General Issues Committee (GIC) agenda recommends a set of guiding principles for council to consider;

WHEREAS, Report FCS22043(a) Stormwater Funding Review highlights that Phase 1 of the project was completed three months earlier than originally planned;

WHEREAS, a new Utility Billing System is required to be in place at the expiry of the current contract with Alectra expected at December 31, 2024; and;

WHEREAS, synergies could be achieved if a new Stormwater Funding model could be integrated into a new Utility Billing System;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to report back to the General Issues Committee in the first quarter of 2023 on the steps and resources required to implement a dedicated user fee for stormwater services, with an implementation date no later than January 2025; and,

- (b) That, in addition to the guiding principles that may be adopted by Council through Report FCS22043(a), staff be directed to include all aspects of the City's stormwater services to be funded from the revenues associated with this dedicated user fee.