



City of Hamilton

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE ADDENDUM

Meeting #: 23-002
Date: February 2, 2023
Time: 9:30 a.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

Tamara Bates, Legislative Coordinator (905) 546-2424 ext. 4102

10. DISCUSSION ITEMS

- *10.3 Capital Project Closing Report as of September 30, 2022 (FCS22079(a)) (City Wide)
- *10.4 Citizen Committee Report - Hamilton Women and Gender Equity Committee, respecting Feedback on the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards
- *10.5 Citizen Committee Report - Hamilton Women and Gender Equity Committee, respecting Feedback on the City of Hamilton Code of Conduct for Local Boards

11. MOTIONS

- *11.1 Delegated Authority to Staff relating to Water Service Line Leaks

12. NOTICES OF MOTION

- *12.1 Constituent Management Software
- *12.2 Council Access to and Copies of Confidential Records



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

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	February 2, 2023
SUBJECT/REPORT NO:	Capital Project Closing Report as of September 30, 2022 (FCS22079(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Marcin Zukowski (905) 546-2424 Ext. 2162 Duncan Robertson (905) 546-2424 Ext. 4744
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the General Manager, Finance and Corporate Services, be authorized to transfer a net amount of \$289,205.62 to the Unallocated Capital Levy Reserve (108020) and a net amount of \$5,347,466.43 to other reserves as outlined in Appendix "A" to Report FCS22079(a);
- (b) That the General Manager, Finance and Corporate Services, be directed to close the completed and / or cancelled capital projects listed in Appendix "B" to Report FCS22079(a) in accordance with the Capital Projects Closing and Monitoring Policy;
- (c) That Appendix "C" to Report FCS22079(a), Capital Projects Budget Appropriations for the period covering July 1, 2022 through September 30, 2022, be received as information;
- (d) That Appendix "D" to Report FCS22079(a) Capital Projects Budget Appropriations of \$250,000 or greater and Capital Project Reserve Funding Requiring Council Approval, be approved.

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

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

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

**SUBJECT: Capital Project Closing Report as of September 30, 2022 –
(FCS22079(a)) (City Wide) – Page 2 of 9**

EXECUTIVE SUMMARY

Report FCS22079(a) presents and recommends closure of the capital projects which have been completed or cancelled as of September 30, 2022. In addition, Report FCS22079(a) provides information or seeks approval for appropriations between projects.

Appendix “A” to Report FCS22079(a) summarizes net transfers to and from reserves as a result of completed or cancelled projects for the period covering July 1, 2022 through September 30, 2022, as well as, highlights the net impact on the Unallocated Capital Levy Reserve and other capital reserves.

Appendix “B” to Report FCS22079(a) lists the individual projects to be closed. A total of 100 projects with a combined budget of \$164,414,414 are being recommended for closure and are summarized as follows:

- \$4,266,100 relating to 10 completed projects funded from the Capital Levy, which result in a net amount of \$289,205.62 being returned to the Unallocated Capital Levy Reserve (108020);
- \$26,893,364 relating to 36 completed projects funded from other program specific reserves, which results in a net amount of \$5,347,446 being returned to reserves;
- \$554,000 relating to one cancelled or delayed project; and
- \$132,700,950 relating to 53 projects completed on or under budget that do not impact reserves.

All capital projects listed for closure in Appendix “B” to Report FCS22079(a) have been reviewed and determined to be complete, with all revenue and expenditure transactions relating to these projects having been processed. Any funding adjustments necessary to close the projects in accordance with the Capital Projects Closing and Monitoring Policy (Report FCS05044, Report FCS07081(a) and Report FCS14031) are reflected in the amounts presented.

Appendix “C” to Report FCS22079(a) lists the appropriation of funds between capital projects, totalling \$5,876,834.28 for the period covering July 1, 2022 through September 30, 2022 in accordance with the Capital Projects Budget Appropriation and Work-in-Progress Transfer Policy (Report FCS14031).

Appendix “D” to Report FCS22079(a) lists all the capital project(s) budget appropriations of \$250,000 or greater and work-in-progress capital projects requiring funding from reserves that require Council approval.

Alternatives for Consideration – Not Applicable

**SUBJECT: Capital Project Closing Report as of September 30, 2022 –
(FCS22079(a)) (City Wide) – Page 3 of 9**

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: As outlined in Appendix “A” to Report FCS22079(a) and summarized in Table 1, a total of \$9.66 in funding is required from the Unallocated Capital Levy Reserve (108020) to offset projects in a negative position. The required funding has been offset by projects in a positive position totalling \$289,215.28 resulting in a net transfer to the Unallocated Capital Levy Reserve of \$289,205.62. The Unallocated Capital Levy Reserve (108020) will have a projected year-end (2022) uncommitted balance of \$21 M once the transfers are completed.

Table 1
City of Hamilton
Capital Project Closings
As of September 30, 2022
Unallocated Capital Levy Reserve (108020)

Year Approved	ProjectID	Description	Surplus/ (Deficit)
Projects requiring funds			
2015	4031580588	Gordon Dean Avenue	\$ (9.66)
			\$ (9.66)
Projects returning funds			
2015	4031518360	Bridge 360 - Blackheath Rd, 360m n/o Haldibrook	\$ 2,318.95
2018	4031818441	Bridge 441 - Harrison Rd - 665m n/o Hall Rd	\$ 2,080.95
2018	4031818150	Bridge 150 - Tapleystown Rd, 550m n/o Green Mountain Rd E	\$ 5,312.88
2018	7201841805	Dundurn Sm Dinning RM Conser	\$ 234.23
2019	7101963101	Binbrook Mem Sewer Connection	\$ 155,467.80
2019	4401956925	City Hall Peace Garden	\$ 3,559.78
2020	4402049004	Parkside Cemetery Development	\$ 3,629.23
2021	4032111025	Charlton - Sherman Access to Wentworth	\$ 7,826.09
2021	4402156801	Binbrook Conservation Improv	\$ 108,785.37
			\$ 289,215.28
Net impact to the Unallocated Capital Levy Reserve			\$ 289,205.62

As outlined in Appendix “A” to Report FCS22079(a) and summarized in Table 2, a net total of \$5,347,446 in funding will be returned to other reserves for projects that were submitted for closure in a surplus position.

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**SUBJECT: Capital Project Closing Report as of September 30, 2022 –
(FCS22079(a)) (City Wide) – Page 4 of 9**

Table 2
City of Hamilton
Capital Project Closings
As of September 30, 2022
Impacting Reserves and Capital Projects

Year Approved	ProjectID	Description	Surplus/ (Deficit)
Projects requiring funds			
2015	4031518405	Bridge 405 - Blackheath Rd, 225m n/o Haldibrook Rd	(5,890.51)
2016	4031655522	State of the Infrastructure - Asset Management	(2,862.96)
			\$ (8,753.47)
Projects returning funds			
2019	2051959901	HFF-91st Highlanders Athletic	566.21
2017	3301709400	Ward 4 Capital Reinvestment	12,961.15
2018	3301809400	Ward 4 Capital Reinvestment	33,244.09
2019	3301909400	W5 Kentley Rd Etc Resurfacing	41,539.56
2013	4031380377	Arvin Avenue - McNeilly Road to 350m westerly	40,000.00
2016	4241609210	185 Jackson Hallway Reno	10,000.00
2018	4241809701	Area Rating - Mall Road - Limeridge Mall private road to Mohawk	54,930.47
2018	4241809702	Area Rating - Thorne Neighbourhood (North Section)	92,056.34
2019	4241909505	W5 Kentley Rd Etc Resurfacing	581,558.71
2020	4242009401	A/R - Greenhill / Dundonald / Montrose / Erindale	799,424.18
2020	4242009601	A/R - Quinn / Ridley / Quail / Quaker	254,998.21
2021	4242109501	A/R - Albright - Quigley to 190nm w/o Nicklaus Ellingwood Sidewalks	23,297.40
2021	4242109802	A/R - Monarch & West 2nd (within Bonnington Neighbourhood)	326,918.21
2022	4242209204	Corktown Park Fence	3,796.24
2022	4242209208	CHH Key Card	1,054.96
2015	4401556503	Heritage Green Community Sports Park Implementation	112,827.84
2018	4401856806	Bookjans West Proposed Park (25T 200725) - Ancaster Glen	13,496.10
2019	4401951700	Small Equipment Replacement (Reserve) Program	3,462.37
2020	4402056015	McQuesten Urban Fitness Trail	82,809.95
2020	4402056024	Summit Phase 10 (Parkette)	20,248.98
2021	4902157202	Coin Sorter	7,205.00
2019	5141970007	Haddon - Sterling to Marion - Coordinated Road Restoration	61,957.65
2019	5141971305	Cheever - Barton to Birge and Birge - Cheever to Wentworth	40,991.56
2019	5141971307	Haddon - Sterling to Marion	2,196.29
2021	5142161302	Jackson - Catherine to Walnut	7,347.41
2021	5142161306	Afton - Cedar to Balsam	26,386.40
2009	5160966912	Waterdown WWTP - Decommissioning (WW-08)	2,043,034.54
2015	5161560591	Barton St. Trunk Sewer Rehab - Strathearne to Weir	74,379.73
2018	5161860830	Windemere Rd Sewer Extension, Municipal Act	36,139.59
2019	5161971905	Cheever - Barton to Birge and Birge - Cheever to Wentworth	69,115.58
2012	5181206222	West Harbour (Setting Sail) Main Basin - New Floating Breakwater	231,817.13
2019	5181972291	Haddon - Sterling to Marion	121,197.30
2020	5182018101	Old Guelph Rd - Culvert Replacement	3,188.41
Net impact to Other Program Specific Reserves			\$ 5,356,199.90
			\$ 5,347,446.43

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**SUBJECT: Capital Project Closing Report as of September 30, 2022 –
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Appendix “C” to Report FCS22079(a) details the appropriations between capital projects that have been processed during the period covering July 1, 2022 to September 30, 2022 in compliance with the Capital Projects Budget Appropriation and Work-in-Progress Transfer Policy.

The list includes transfers that are below \$250,000 and can be approved by either the General Manager (up to \$100,000) or the City Manager (up to \$250,000).

The following appropriations greater than \$250,000 were approved during the period:

- \$3,000,000 appropriation from ESI Rehab @ South Service Rd (5162262250) to Wellington St Outfall (5162262251) was approved through Report PW22030
- \$500,000 appropriation from Contam Soil and Rock Removal (4032114405) to Southcote-Garner to Hwy 403 BR (4032011028) was approved through Report PW22063
- \$500,000 appropriation from Brock-Concession 4 W to Safari (4032111021) to Safari Kirkwall to Valens (4032219321) was approved through August 10, 2022 Motion
- \$325,600 appropriation from City Wide Road Priorities (4031811017) to Southcote-Garner to Hwy 403 BR (4032011028) was approved through Report PW22063

A total of \$5,876,834.28 was moved between capital projects, as summarized in Table 3.

Table 3
City of Hamilton
Capital Project Appropriations
As of September 30, 2022
Transfers by Department

Department	Amount
Tax Supported Capital Budget	
Corporate Services	\$ 41,180.00
Planning & Economic Development	\$ 37,735.22
Public Works - Tax Funded	<u>\$ 2,266,919.06</u>
	\$ 2,345,834.28
Rate Supported Capital Budget	
Public Works - Rate Funded	<u>\$ 3,531,000.00</u>
Total	<u>\$ 5,876,834.28</u>

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**SUBJECT: Capital Project Closing Report as of September 30, 2022 –
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Appendix “D” to Report FCS22079(a) lists all the capital projects requiring Council approval to transfer funds from other capital projects of \$250,000 or greater. The number of projects and the requested transfer amounts are summarized in Table 4.

Table 4
City of Hamilton
Capital Projects Budget Appropriation Transfers
of \$250,000 or greater requiring approval and Reserve Funding

Description	Projects/ Transfers From	Projects/ Transfers To	Amount
Planning & Economic Development	1	1	\$ 942,152.78
Total			\$ 942,152.78

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The Capital Status and Capital Project Closing reports are submitted to City Council three times a year at June 30, September 30 and December 31.

On July 8, 2022, Council approved the Governance Review Sub-Committee recommendation to disband Capital Projects Work In-Progress Review Sub-Committee (Report FCS22056) and that future status updates on capital works in progress be communicated through Information Updates to Council and that Capital Closing Reports be submitted through the Audit, Finance and Administration Committee.

Preparation of the Capital Projects Closing Report is the responsibility of the Financial Planning, Administration and Policy Division with the objective of ensuring suitable controls are maintained, projects are appropriately closed and to centralize the function.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The submission of the Capital Projects Closing Report is a requirement of the City’s Capital Closing Policy Reports (Reports FCS05044 and FCS07081(a)) and Capital Projects Monitoring Policy Report (Report FCS14031).

The City’s Capital Closing Policy (Reports FCS05044 / FCS07081(a)) states:

- i) That any approved Capital project, whose construction stage has not begun after three years, be closed and be re-submitted to Council for approval.

**SUBJECT: Capital Project Closing Report as of September 30, 2022 –
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- ii) That any closing surplus or deficit be distributed as follows:
1. Surplus:
 - a) If funded from a specific reserve, return funds to that reserve.
 - b) If funded from debentures, apply to reduce future debenture requirements.
 - c) If funded from current contribution, apply to the Unallocated Capital Levy Reserve or apply to reduce Outstanding Debt.
 2. Deficit:
 - a) If funded from a specific reserve, fund from that reserve.
 - b) If funded from debentures, increase future debenture requirements only if no other source of financing is available.
 - c) If funded from current contribution, fund from the Unallocated Capital Levy Reserve.

The City's Capital Projects Monitoring Policy and Capital Projects Budget Appropriation and Work-in-Progress Transfer Policy (Report FCS14031), as amended by Council on May 14, 2014, states:

- i) That a Capital Projects Status Report be submitted by departments three times a year as of June 30, September 30 and December 31.
- ii) That a Capital Projects Closing Report be compiled by Corporate Services Department and submitted to the Audit, Finance and Administration Committee three times a year as of June 30, September 30 and December 31.
- iii) That unfavourable project variances be funded according to the Capital Projects Budget Appropriation and Work-in-Progress Transfer Policy. If available funding cannot be found within the limits of the Capital Projects Budget Appropriation and Work-in-Progress Transfer Policy, a report explaining the variance and recommending a source of funding be submitted to the appropriate Committee of Council for approval.
- iv) Approval authority for the re-appropriation of funds in each financial year be at the same levels as the City's Procurement Policy:
 1. Council must approve appropriations of \$250,000 or greater
 2. City Manager or designate must approve appropriations greater than \$100,000 and less than \$250,000
 3. General Managers or delegated staff be authorized to approve appropriations up to \$100,000

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**SUBJECT: Capital Project Closing Report as of September 30, 2022 –
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RELEVANT CONSULTATION

Staff from the following departments, boards and / or agencies submitted the included capital projects for closure:

- Public Works Department
- Planning and Economic Development Department
- Corporate Services Department
- Healthy and Safe Communities Department

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

For each Capital Project Status Report, staff determines if projects can be closed (inactivated) and monitors the financial activity to ensure that Council is aware of any capital projects that deviate significantly from the approved budgeted amounts. Once projects have been determined to be complete or cancelled, they are submitted by departments to Financial Planning, Administration and Policy for inclusion in the Capital Projects Closing Report. These submissions are reviewed by Financial Planning, Administration and Policy to ensure transactions are finalized, all purchase orders are closed, and a funding source is identified, where necessary.

Inactivating completed projects helps to keep the number of capital projects in the financial system to a manageable size and eliminates redundant data from reports. More importantly, it ensures that projects which are complete and / or no longer required do not unnecessarily tie up budget resources that could be re-directed to other needs / capital projects.

Appendix “D” to Report FCS22079(a) includes capital project budget appropriation requests to transfer funds of \$250,000 or greater from other projects and funding from reserves requiring Council approval as per the Capital Projects’ Budget Appropriation and Work-in-Progress Transfer Policy and Reserve Policies. The requests total \$942,152.78 for the period July 1, 2022 to September 30, 2022.

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.

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Economic Prosperity and Growth

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

Built Environment and Infrastructure

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

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 FCS22079(a) – Capital Project Closings as of September 30, 2022 – Projects Impacting the Unallocated Capital Levy Reserve and Other Sources

Appendix “B” to Report FCS22079(a) – Capital Projects Closing Schedule as of September 30, 2022

Appendix “C” to Report FCS22079(a) – Capital Projects Budget Approved Appropriation Schedule for the Period Covering July 1, 2022 through September 30, 2022

Appendix “D” to Report FCS22079(a) – Capital Projects Budget Appropriations of \$250,000 or Greater and Capital Project Reserve Funding Requiring Council Approval for the Period Covering July 1, 2022 to September 30, 2022

MZ/dt

CITY OF HAMILTON CAPITAL PROJECT CLOSINGS AS OF SEPTEMBER 30, 2022						
Projects impacting the Unallocated Capital Levy Reserve and Other Sources						
Year	ProjectID	Description	Surplus/ (Deficit) (\$)	Reserve	Description	
Approved						

Projects impacting the Unallocated Capital Levy Reserve

Projects requiring funds

2015	4031580588	Gordon Dean Avenue	(9.66)	108020	Unalloc Capital Levy
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(9.66)

Projects returning funds

2015	4031518360	Bridge 360 - Blackheath Rd, 360m n/o Haldibrook	2,318.95	108020	Unalloc Capital Levy
2018	4031818441	Bridge 441 - Harrison Rd - 665m n/o Hall Rd	2,080.95	108020	Unalloc Capital Levy
2018	4031818150	Bridge 150 - Tapleystown Rd, 550m n/o Green Mountain Rd E	5,312.88	108020	Unalloc Capital Levy
2018	7201841805	Dundurn Sm Dinning RM Conser	234.23	108020	Unalloc Capital Levy
2019	7101963101	Binbrook Mem Sewer Connection	155,467.80	108020	Unalloc Capital Levy
2019	4401956925	City Hall Peace Garden	3,559.78	108020	Unalloc Capital Levy
2020	4402049004	Parkside Cemetery Development	3,629.23	108020	Unalloc Capital Levy
2021	4032111025	Charlton - Sherman Access to Wentworth	7,826.09	108020	Unalloc Capital Levy
2021	4402156801	Binbrook Conservation Improv	108,785.37	108020	Unalloc Capital Levy

289,215.28

Net impact to the Unallocated Capital Levy Reserve

289,205.62

Projects impacting Other Reserves

Projects requiring funds

2015	4031518405	Bridge 405 - Blackheath Rd, 225m n/o Haldibrook Rd	(5,890.51)	112213	Federal Gas Tax Reserve
2016	4031655522	State of the Infrastructure - Asset Management	(2,862.96)	112213	Federal Gas Tax Reserve

(8,753.47)

Projects returning funds

2019	4401951700	Small Equipment Replacement (Reserve) Program	3,462.37	100034	Small Equipment-Env Services
2021	4902157202	Coin Sorter	7,205.00	108021	Parking Capital Reserve
2016	4241609210	185 Jackson Hallway Reno	10,000.00	108052	Ward 2 Special Capital Re-investment
2022	4242209208	CHH Key Card	1,054.96	108052	Ward 2 Special Capital Re-investment

CITY OF HAMILTON CAPITAL PROJECT CLOSINGS AS OF SEPTEMBER 30, 2022					
Projects impacting the Unallocated Capital Levy Reserve and Other Sources					
Year	ProjectID	Description	Surplus/ Deficit (\$)	Reserve	Description
Approved					
2022	4242209204	Corktown Park Fence	3,796.24	108052	Ward 2 Special Capital Re-investment
2017	3301709400	Ward 4 Capital Reinvestment	12,961.15	108054	Ward 4 Special Capital Re-investment
2018	3301809400	Ward 4 Capital Reinvestment	33,244.09	108054	Ward 4 Special Capital Re-investment
2019	4241909505	W5 Kentley Rd Etc Resurfacing	581,558.71	108054	Ward 4 Special Capital Re-investment
2019	3301909400	W5 Kentley Rd Etc Resurfacing	41,539.56	108054	Ward 4 Special Capital Re-investment
2020	4402056015	McQuesten Urban Fitness Trail	82,809.95	108054	Ward 4 Special Capital Re-investment
2020	4242009401	A/R - Greenhill / Dundonald / Montrose / Erindale	799,424.18	108054	Ward 4 Special Capital Re-investment
2021	4242109507	Ellingwood Sidewalks	23,297.40	108055	Ward 5 Special Capital Re-investment
2021	4242109501	A/R - Albright - Quigley to 190nm w/o Nicklaus	122,052.34	108055	Ward 5 Special Capital Re-investment
2020	4242009601	A/R - Quinn / Ridley / Quail / Quaker	254,998.21	108056	Ward 6 Special Capital Re-investment
2018	4241809702	Area Rating - Thorner Neighbourhood (North Section)	92,056.34	108057	Ward 7 Special Capital Re-investment
2018	4241809701	Area Rating - Mall Road - Limeridge Mall private road to Mohawk	54,930.47	108057	Ward 7 Special Capital Re-investment
2021	4242109802	A/R - Monarch & West 2nd (within Bonnington Neighbourhood)	326,918.21	108058	Ward 8 Special Capital Re-investment
2009	5160966912	Waterdown WWTP - Decommissioning (WW-08)	600,000.00	DC	DC Reserves
2013	4031380377	Arvin Avenue - McNeilly Road to 350m westerly	40,000.00	DC	DC Reserves
2015	4401556503	Heritage Green Community Sports Park Implementation	112,827.84	DC	DC Reserves
2018	4401856806	Bookjans West Proposed Park (25T 200725) - Ancaster Glen	13,496.10	DC	DC Reserves
2020	4402056024	Summit Phase 10 (Parkette)	20,248.98	DC	DC Reserves
2019	2051959901	HFF-91st Highlanders Athletic	566.21	112247	Hamilton Future Fund B
2019	5141970007	Haddon - Sterling to Marion - Coordinated Road Restoration	61,957.65	108015	Waterworks Capital Reserve
2019	5141971305	Cheever - Barton to Birge and Birge - Cheever to Wentworth	40,991.56	108015	Waterworks Capital Reserve
2019	5141971307	Haddon - Sterling to Marion	2,196.29	108015	Waterworks Capital Reserve
2021	5142161302	Jackson - Catherine to Walnut	7,347.41	108015	Waterworks Capital Reserve
2021	5142161306	Afton - Cedar to Balsam	26,386.40	108015	Waterworks Capital Reserve
2009	5160966912	Waterdown WWTP - Decommissioning (WW-08)	1,443,034.54	108005	Sanitary Sewer Capital Reserve
2015	5161560591	Barton St. Trunk Sewer Rehab - Strathearne to Weir	74,379.73	108005	Sanitary Sewer Capital Reserve
2018	5161860830	Windemere Rd Sewer Extension, Municipal Act	36,139.59	108005	Sanitary Sewer Capital Reserve
2019	5161971905	Cheever - Barton to Birge and Birge - Cheever to Wentworth	69,115.58	108005	Sanitary Sewer Capital Reserve
2012	5181206222	West Harbour (Setting Sail) Main Basin - New Floating Breakwater	231,817.13	108010	Storm Sewer Capital Reserve
2019	5181972291	Haddon - Sterling to Marion	121,197.30	108010	Storm Sewer Capital Reserve
2020	5182018101	Old Guelph Rd - Culvert Replacement	3,188.41	108010	Storm Sewer Capital Reserve
			5,356,199.90		
Net impact to Other Reserves			5,347,446.43		
Total Net impact to the Unallocated Capital Levy Reserve & Other Reserves			5,636,652.05		

CITY OF HAMILTON CAPITAL PROJECTS' CLOSING SCHEDULE AS OF SEPTEMBER 30, 2022							
YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ (DEFICIT) (\$)	% SPENT
			a	b	c	d = b - c	e=c/a
UNALLOCATED CAPITAL LEVY RESERVE							
2019	7101963101	Binbrook Mem Sewer Connection	400,000.00	400,000.00	244,532.20	155,467.80	61.1%
2018	4031818441	Bridge 441 - Harrison Rd - 665m n/o Hall Rd	460,000.00	417,910.74	415,829.79	2,080.95	90.4%
2018	4031818150	Bridge 150 - Tapleystown Rd, 550m n/o Green Mountain Rd E	150,000.00	129,334.16	124,021.28	5,312.88	82.7%
2015	4031518360	Bridge 360 - Blackheath Rd, 360m n/o Haldibrook	650,000.00	621,743.47	619,424.52	2,318.95	95.3%
2018	7201841805	Dundurn Sm Dinning RM Conser	108,400.00	108,400.00	108,165.77	234.23	99.8%
2015	4031580588	Gordon Dean Avenue	100,000.00	100,000.00	100,009.66	(9.66)	100.0%
2021	4032111025	Charlton - Sherman Access to Wentworth	520,000.00	273,873.57	266,047.48	7,826.09	51.2%
2019	4401956925	City Hall Peace Garden	90,000.00	90,000.00	86,440.22	3,559.78	96.0%
2020	4402049004	Parkside Cemetery Development	577,700.00	577,700.00	574,070.77	3,629.23	99.4%
2021	4402156801	Binbrook Conservation Improv	1,210,000.00	1,210,000.00	1,101,214.63	108,785.37	91.0%
TOTAL FUNDS TO UNALLOCATED CAPITAL LEVY (10)			4,266,100.00	3,928,961.94	3,639,756.32	289,205.62	85.3%
OTHER PROGRAM SPECIFIC RESERVES							
2021	4902157202	Coin Sorter	25,000.00	25,000.00	17,795.00	7,205.00	71.2%
2020	4402056024	Summit Phase 10 (Parkette)	361,000.00	361,000.00	340,751.02	20,248.98	94.4%
2019	2051959901	HFF-91st Highlanders Athletic	253,917.00	253,917.00	253,350.79	566.21	99.8%
2016	4241609210	185 Jackson Hallway Reno	30,000.00	30,000.00	20,000.00	10,000.00	66.7%
2022	4242209208	CHH Key Card	9,000.00	9,000.00	7,945.04	1,054.96	88.3%
2022	4242209204	Corktown Park Fence	30,000.00	30,000.00	26,203.76	3,796.24	87.3%
2015	4031518405	Bridge 405 - Blackheath Rd, 225m n/o Haldibrook Rd	640,000.00	580,604.01	586,494.52	(5,890.51)	91.6%
2016	4031655522	State of the Infrastructure - Asset Management	322,000.00	319,137.04	322,000.00	(2,862.96)	100.0%
2015	4401556503	Heritage Green Community Sports Park Implementation	1,422,702.76	1,477,748.65	1,364,920.81	112,827.84	95.9%
2018	4401856806	Bookjans West Proposed Park (25T 200725) - Ancaster Glen	600,000.00	600,000.00	586,503.90	13,496.10	97.8%
2018	4241809702	Area Rating - Thorner Neighbourhood (North Section)	800,000.00	800,000.00	707,943.66	92,056.34	88.5%
2020	4402056015	McQuesten Urban Fitness Trail	200,000.00	200,000.00	117,190.05	82,809.95	58.6%
2019	4241909505	W5 Kentley Rd Etc Resurfacing	1,448,000.00	1,448,000.00	866,441.29	581,558.71	59.8%
2021	4242109507	Ellingwood Sidewalks	410,000.00	410,000.00	386,702.60	23,297.40	94.3%
2019	4401951700	Small Equipment Replacement (Reserve) Program	161,615.85	161,615.85	158,153.48	3,462.37	97.9%
2019	3301909400	Ward 4 Capital Reinvestment	68,465.81	68,465.81	26,926.25	41,539.56	39.3%
2018	3301809400	Ward 4 Capital Reinvestment	100,000.00	100,000.00	66,755.91	33,244.09	66.8%
2017	3301709400	Ward 4 Capital Reinvestment	100,000.00	100,000.00	87,038.85	12,961.15	87.0%
2020	4242009601	A/R - Quinn / Ridley / Quail / Quaker	900,000.00	900,000.00	645,001.79	254,998.21	71.7%
2021	4242109501	A/R - Albright - Quigley to 190nm w/o Nicklaus	300,000.00	300,000.00	177,947.66	122,052.34	59.3%
2021	4242109802	A/R - Monarch & West 2nd (within Bonnington Neighbourhood)	750,000.00	750,000.00	423,081.79	326,918.21	56.4%
2020	4242009401	A/R - Greenhill / Dundonald / Montrose / Erindale	1,855,000.00	1,855,000.00	1,055,575.82	799,424.18	56.9%
2018	4241809701	Area Rating - Mall Road - Limeridge Mall private road to Mohawk	350,000.00	350,000.00	295,069.53	54,930.47	84.3%
2013	4031380377	Arvin Avenue - McNeilly Road to 350m westerly	690,000.00	629,859.80	589,859.80	40,000.00	85.5%
2009	5160966912	Waterdown WWTP - Decommissioning (WW-08)	6,000,000.00	4,940,000.01	2,896,965.47	2,043,034.54	48.3%
2018	5161860830	Windemere Rd Sewer Extension, Municipal Act	980,000.00	980,000.00	943,860.41	36,139.59	96.3%
2012	5181206222	West Harbour (Setting Sail) Main Basin - New Floating Breakwater	4,255,662.45	4,255,662.45	4,023,845.32	231,817.13	94.6%
2019	5141971307	Haddon - Sterling to Marion	554,000.00	544,000.00	541,803.71	2,196.29	97.8%
2019	5141971305	Cheever - Barton to Birge and Birge - Cheever to Wentworth	580,000.00	580,000.00	539,008.44	40,991.56	92.9%
2019	5141970007	Haddon - Sterling to Marion - Coordinated Road Restoration	310,000.00	310,000.00	248,042.35	61,957.65	80.0%
2020	5182018101	Old Guelph Rd - Culvert Replacement	433,000.00	405,500.00	402,311.59	3,188.41	92.9%
2021	5142161302	Jackson - Catherine to Walnut	411,000.00	411,000.00	403,652.59	7,347.41	98.2%
2021	5142161306	Afton - Cedar to Balsam	160,000.00	160,000.00	133,613.60	26,386.40	83.5%
2015	5161560591	Barton St. Trunk Sewer Rehab - Strathearne to Weir	1,036,000.00	961,000.00	886,620.27	74,379.73	85.6%
2019	5161971905	Cheever - Barton to Birge and Birge - Cheever to Wentworth	90,000.00	90,000.00	20,884.42	69,115.58	23.2%
2019	5181972291	Haddon - Sterling to Marion	257,000.00	257,000.00	135,802.70	121,197.30	52.8%
TOTAL FUNDS FROM PROGRAM SPECIFIC RESERVES (36)			26,893,363.87	25,653,510.61	20,306,064.19	5,347,446.43	75.5%

CITY OF HAMILTON CAPITAL PROJECTS' CLOSING SCHEDULE AS OF SEPTEMBER 30, 2022							
YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ (DEFICIT) (\$)	% SPENT
			a	b	c	d = b - c	e=c/a
DELAYED/CANCELLED PROJECTS							
2021	4402156111	Lancaster Heights - Developer Build	554,000.00	116,754.57	116,754.57	0.00	21.1%
TOTAL DELAYED/CANCELLED PROJECTS (1)			554,000.00	116,754.57	116,754.57	0.00	21.1%
COMPLETED PROJECTS							
OUTSIDE BOARDS AND AGENCIES (Tax Budget)							
City Housing							
2020	6182041602	City Housing Contribution	500,000.00	500,000.00	500,000.00	0.00	100.0%
Conservation Authority							
2015	3801556100	Hamilton Conservation Authority	2,204,165.00	2,204,165.00	2,204,165.00	0.00	100.0%
2016	3801656100	2016 HCA Capital Projects	1,695,835.00	1,695,835.00	1,695,835.00	0.00	100.0%
2015	3801558902	Westfield Heritage Village - C	162,500.00	162,500.00	162,500.00	0.00	100.0%
2016	3801658902	2016 WHV Capital Projects	137,500.00	137,500.00	137,500.00	0.00	100.0%
2016	3801656101	HCA Storage Facility	200,000.00	200,000.00	200,000.00	0.00	100.0%
2015	3801556101	HCA Land Buy-Punch Bowl Area	2,000,000.00	2,000,000.00	2,000,000.00	0.00	100.0%
2017	3801756100	Conservation Authority Project	1,850,000.00	1,850,000.00	1,850,000.00	0.00	100.0%
2017	3801758902	Westfield Heritage Village	150,000.00	150,000.00	150,000.00	0.00	100.0%
2018	3801856100	Conservation Authority Project	1,850,000.00	1,850,000.00	1,850,000.00	0.00	100.0%
2018	3801858902	Westfield Heritage Village	150,000.00	150,000.00	150,000.00	0.00	100.0%
2019	3801956100	HCA Critical & Safety Projects	1,850,000.00	1,850,000.00	1,850,000.00	0.00	100.0%
2019	3801958902	Westfield Projects	150,000.00	150,000.00	150,000.00	0.00	100.0%
2020	3802056100	HCA Critical & Safety Projects	1,850,000.00	1,850,000.00	1,850,000.00	0.00	100.0%
2020	3802058902	WHV Critical & Safety Projects	150,000.00	150,000.00	150,000.00	0.00	100.0%
2021	3802156100	HCA Critical & Safety Projects	3,700,000.00	3,700,000.00	3,700,000.00	0.00	100.0%
2021	3802158902	Westfield-Critical&Safe Proj	300,000.00	300,000.00	300,000.00	0.00	100.0%
Planning & Economic Development (Tax Budget)							
Real Estate							
2017	4401756712	RE1702	7,692,152.78	7,692,152.78	7,692,152.78	0.00	100.0%
Growth Management & Economic Development							
2022	4142246103	2070 Rymal Road East City Share	42,429.30	42,429.30	42,429.30	0.00	100.0%
Public Works (Tax Budget)							
Parks Division							
2019	4401952600	Playground Lifecycle Replacement Program	525,700.96	525,635.06	525,635.06	0.00	100.0%
2021	4242109607	Spruce Trees - Ward 6	4,816.39	4,816.39	4,816.39	0.00	100.0%
2021	4242109303	Planters - Haywood & Pinky	10,578.83	10,578.83	10,578.83	0.00	100.0%
2022	4242209803	William Bethune Park Improvements	33,000.00	33,000.00	33,000.00	0.00	100.0%
Energy, Fleet & Facilities							
2014	4941451003	Restoration of Municipal Fleet Fuel Sites	1,340,000.00	1,199,728.29	1,199,728.29	0.00	89.5%
2018	7101854536	Program - Arena Retrofits	239,117.50	239,117.50	239,117.50	0.00	100.0%
2019	4941951001	Shop Equipment Replacement	226,700.00	88,611.64	88,611.64	0.00	39.1%
2020	3542041532	Program - Facility Capital Maintenance	322,882.77	138,305.87	138,305.87	0.00	42.8%
2020	3542041412	Program - Roof Management	40,000.00	18,215.99	18,215.99	0.00	45.5%
Roads Division							
2014	4031418437	Bridge 417 - Harrison Rd, 310m n/o Hall Rd	410,000.00	368,439.80	368,439.80	0.00	89.9%
2019	4661920540	Traffic Signal Modernization Coordinated with Construction	1,090,000.00	1,090,000.00	1,090,000.00	0.00	100.0%
2019	4031911020	Asset Preservation - Mountview Neighbourhood (Southwest Section)	2,302,000.00	2,167,482.26	2,167,482.26	0.00	94.2%
2019	4031919114	Cheever - Barton to Birge and Birge - Cheever to Wentworth	386,981.85	378,461.28	378,461.28	0.00	97.8%
2019	4031919116	Haddon - Sterling to Marion	682,953.01	682,953.01	682,953.01	0.00	100.0%

CITY OF HAMILTON CAPITAL PROJECTS' CLOSING SCHEDULE AS OF SEPTEMBER 30, 2022							
YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ (DEFICIT) (\$)	% SPENT
			a	b	c	d = b - c	e=c/a
2019	4031911026	North Service Rd - Centennial Pkwy to Drakes	1,493,070.51	1,109,172.27	1,109,172.27	0.00	74.3%
2020	4032011018	Book - Southcote to Glancaster	612,702.48	451,436.84	451,436.84	0.00	73.7%
2020	4032011025	Galbraith / Second Street N	580,000.00	542,388.59	542,388.59	0.00	93.5%
2020	4032010006	Minor Construction Program	225,958.09	225,958.09	225,958.09	0.00	100.0%
2017	4661720721	Pedestrian Crossovers	1,000,000.00	1,000,000.00	1,000,000.00	0.00	100.0%
2019	4031951410	Roads - Small Equipment Replacement	50,000.00	50,000.00	50,000.00	0.00	100.0%
2019	4241909147	Complete Streets Report W14	151,044.71	151,044.71	151,044.71	0.00	100.0%
2020	4032051410	Roads - Small Equipment Replacement	50,000.00	50,000.00	50,000.00	0.00	100.0%
2020	4242009205	Bump-out Wellington & Barton	34,101.27	34,101.27	34,101.27	0.00	100.0%
Public Works (Rate Budget)							
Waterworks Regular Program							
2020	5142060577	Metallic Watermain Condition Assessment Program	630,000.00	630,000.00	630,000.00	0.00	100.0%
2020	5142069075	City Environmental Lab Improvements Program	150,000.00	150,000.00	150,000.00	0.00	100.0%
Wastewater Regular Program							
2007	5160795757	Centennial Trunk Sanitary Sewer (WW-14)	84,200,000.00	83,481,739.83	83,481,739.83	0.00	99.1%
2020	5162060577	Mainline Sewer Condition Assessment for Compliance & Regulations	100,000.00	90,909.24	90,909.24	0.00	90.9%
2020	5162060390	Wastewater System Lining Program	4,059,090.76	4,059,090.76	4,059,090.76	0.00	100.0%
2020	5162060820	Open Cut Repairs for CIPP Program	500,000.00	500,000.00	500,000.00	0.00	100.0%
2020	5162055022	Engineering Consultant Sewermain Projects	300,000.00	300,000.00	300,000.00	0.00	100.0%
Storm Sewers Regular Program							
2014	5181480485	SWMP - H9 - Mewburn/Sheldon	3,208,458.30	2,672,549.11	2,672,549.11	0.00	83.3%
2019	5181972074	Contingency for Unscheduled Works Program	242,000.00	231,639.10	231,639.10	0.00	95.7%
2020	5182017550	Concrete Box Culvert Rehab/Repair - Engineering Services	250,000.00	250,000.00	250,000.00	0.00	100.0%
2020	5182017458	Catch Basin Replacement/Rehabilitation Program	310,000.00	310,000.00	310,000.00	0.00	100.0%
TOTAL COMPLETED PROJECTS (53)			132,700,949.99	130,144,069.29	130,144,069.29	0.00	98.1%
GRAND TOTAL COMPLETED/CANCELLED PROJECTS (100)			164,414,413.86	159,843,296.42	154,206,644.37	5,636,652.05	93.8%

**CITY OF HAMILTON
CAPITAL PROJECTS BUDGET APPROPRIATION SCHEDULE
FOR THE PERIOD COVERING JULY 1, 2022 THROUGH SEPTEMBER 30, 2022**

Appropriated From	Description	Appropriated To	Description	Amount(\$)
CORPORATE SERVICES				
<i>Information Technology</i>				
3502257204	Legacy software upgrade	2051857111	Corporate KRONOS	41,180.00
				41,180.00
CORPORATE SERVICES (1)				41,180.00
PLANNING & ECONOMIC DEVELOPMENT				
<i>Transportation</i>				
4662117124	2021 On Street Bike Facilities	4241909212	Shamrock Park Bike Path	37,735.22
				37,735.22
Planning & Economic Development (1)				37,735.22
PUBLIC WORKS - TAX FUNDED				
<i>Roads</i>				
4032218086	Bridge 086 - Cross St 25m s o	4032180188	Trinity - Cormorant southerly	81,000.00
4031811017	City Wide Road Priorities	4032011028	Southcote-Garner to Hwy 403 BR	325,600.00
4032111021	Brock-Concession 4 W to Safari	4032219321	Safari Kirkwall to Valens	500,000.00
4032114405	Contam Soil and Rock Removal	4032011028	Southcote-Garner to Hwy 403 BR	500,000.00
				1,406,600.00
<i>Parks</i>				
4401952600	Playground Lifecycle Replace	4402152600	Plygrnd Life Replace Prgrm	110,139.39
4452153444	Tree Planting Program	4242109607	Tree Planting Ward 6	316.39
4401952600	Playground Lifecycle Replace	4402152600	Plygrnd Life Replace Prgrm	56,934.10
4401954699	Tennis & Multi-use Ct Rehab	4402154699	Tennis&Multi-useCrt RehabPrgrm	3,000.00
4402151903	ConfedBeach-Cap Mntnce Prgrm	4402051903	ConfederationBeach Pk-CapMtnce	3,080.35
4452253203	Hort Depot Upgrade Feas Study	4402051903	ConfederationBeach Pk-CapMtnce	1,848.83
4452253203	Hort Depot Upgrade Feas Study	4452253205	Horticulture Polyhouse Constru	25,000.00
4401056060	OpnSp Repl Strategy-E Mtn Trai	4402056918	BeasleyPk RehabPh2-KellySt Ped	67,000.00
4401856805	Cline Park Redevelopment	4402056918	BeasleyPk RehabPh2-KellySt Ped	33,000.00
				300,319.06
<i>Energy Fleet and Facilities</i>				
3541641602	Anc Memorial Arts&Culture Cntr	7202241002	Ancaster Heritage Improvements	200,000.00
				200,000.00

**CITY OF HAMILTON
 CAPITAL PROJECTS BUDGET APPROPRIATION SCHEDULE
 FOR THE PERIOD COVERING JULY 1, 2022 THROUGH SEPTEMBER 30, 2022**

Appropriated From	Description	Appropriated To	Description	Amount(\$)
<i>Waste Management</i>				
5121949003	CCF Lifecycle Replacement	4942151100	Fleet Vehicle & Equipment	110,000.00
4411506103	Pier 8 Sanitary PS & Forcemain	5121692001	Central Park Remediation	250,000.00
				360,000.00
Public Works Tax Funded (16)				2,266,919.06
PUBLIC WORKS - RATE FUNDED				
<i>Waterworks Regular Program</i>				
5141666608	Lynden Additional Water Supply	5142166608	Lynden Water System - Phase 2	200,000.00
5142160711	Annual Capital Wtr Consumption	5142171328	Southcote-Garner to Hwy 403 BR	82,000.00
				282,000.00
<i>Wastewater Regular Program</i>				
5161866713	Wastewater Maintenance Capital	5162067420	Main & King CSO Rehab	249,000.00
5162262250	ESI Rehab @ South Service Rd	5162262251	Wellington St Outfall	3,000,000.00
				3,249,000.00
Public Works Rate Funded (4)				3,531,000.00
BUDGET APPROPRIATION (22)				5,876,834.28

**CITY OF HAMILTON
 CAPITAL PROJECTS BUDGET APPROPRIATIONS OF \$250,000 OR GREATER AND CAPITAL PROJECT RESERVE FUNDING REQUIRING COUNCIL APPROVAL
 FOR THE PERIOD COVERING JULY 1, 2022 TO SEPTEMBER 30, 2022**

Appropriated/ Transferred From	Description	Appropriated/ Transferred To	Description	Amount (\$)	Council Approval / Comments	Comments
Planning & Economic Development						
3541941401	Downtown Office Strategy	4401756712	Real Estate Program	942,152.78		Project complete and to be closed. Appropriation in the amount of \$942,152.78 is requested from related project 3541941401 Downtown Office Strategy, as approved through PED16175(a) / PW16060(a).
Planning & Economic Development (Tax Budget) Total				\$ 942,152.78		
Project Totals				\$ 942,152.78		



CITIZEN COMMITTEE REPORT

To:	Audit, Finance and Administration Committee
From:	Hamilton Women and Gender Equity Committee <div style="text-align: right; margin-right: 100px;"> <hr style="width: 20%; margin: 0 auto;"/> Deanna Allain, Chair </div>
Date:	January 26, 2023
Re:	Feedback on the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards

Recommendation

That the Feedback on the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards, be received.

Feedback

The Hamilton Women and Gender Equity Committee recommends that Council, with the support of staff, consider the following items of feedback respecting the Procedural Handbook, and ensure that commitments listed by the city and staff are upheld.

The document's table of contents and references to by-laws and other pieces of legislation should include hyperlinks for ease of access in electronic format. Additionally, the document should be available in a plain language format, recognizing that the format and legalese creates a barrier to engagement and ensuring all committee members understand their roles and commitments.

Should council members or staff require additional information related to any of the mentioned feedback, the committee is prepared to provide additional reports or attend meetings to respond to questions.

The following items of feedback were identified by members of the Hamilton Women and Gender Equity Committee through working group sessions:

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- Page 10: regarding the appointment and recruitment process, there should be a commitment by the City of Hamilton to provide recruitment information to community partners and organizations, with particular focus on encouraging members of marginalized communities to apply, in line with a focus on equity, diversity, and inclusion in the recruitment process.
- Page 12: regarding member training, it is imperative that the City Clerk ensure existing and new members of the committee receive training, as new members to this committee beginning early 2022 did not receive most of the listed training, or materials related to it. In the sharing of training information and reference documents, it should be readily available and easily accessible for both committee members and the general public to access, including having such information available on the City of Hamilton website along with up-to-date committee information. The City Clerk should have a commitment and procedure to monitor their fulfilment of training and reference documents provided. Committee members feel that training and orientation has been minimal and insufficient, causing confusion and limiting engagement and the development of action items in formal meetings. Providing additional training in procedure, meeting format, and how to prepare documents such as Citizen Committee Reports or Meeting Minutes would be helpful to effective operation and success.
- Page 14: regarding council representatives on advisory committees, there should be a commitment of attendance, or otherwise a process to allow committees to request another council representative if attendance becomes a challenge. The Women and Gender Equity Advisory Committee has only had a council representative attend one meeting since the beginning of its current term.
- Page 21: regarding consultation on staff reports, this is a practice that has not taken place during this term of the committee. Staff should be committed to utilizing advisory committees for feedback on reports on a frequent and consistent basis, and members of council should be encouraged to directly request staff consult with advisory committees to ensure this takes place. In the absence of this practice, citizen advisory committees often lack notice and necessary time to review documents and generate reports and feedback before items are reviewed by members of council. Again, there should be a commitment by staff to regularly and consistently consult with advisory committees, and a procedure to ensure the commitment is maintained.
- Page 23: regarding calls to vote, there is no mention of an option to abstain from votes and how they would be recorded. If there is no abstention option for members, it should be clearly stated along with reasoning in this handbook.
- Page 33, regarding public notice of citizen member vacancies, these again should be shared with community organizations with a focus on equity, diversity, and inclusion.



CITIZEN COMMITTEE REPORT

To:	Audit, Finance and Administration Committee
From:	Hamilton Women and Gender Equity Committee <div style="text-align: right; margin-right: 100px;"> <hr style="width: 20%; margin: 0 auto;"/> Deanna Allain, Chair </div>
Date:	January 26, 2023
Re:	Feedback on the City of Hamilton Code of Conduct for Local Boards

Recommendation

That the Feedback on the City of Hamilton Code of Conduct for Local Boards, be received.

Feedback:

The Hamilton Women and Gender Equity Committee recommends that Council, with the support of staff, consider the following items of feedback respecting the proposed code of conduct, and ensure that commitments listed by the city and staff are upheld.

The committee urges staff and members of council to ensure that the code of conduct for citizen volunteers does not exceed expectations in comparison with the codes of conduct for City of Hamilton staff or councillors.

The committee would also like to draw particular attention to the lack of clarity respecting consequence of failure to adhere to code of conduct. While there is no mention of financial penalty, the committee is aware of a large penalty applied to a volunteer member of another citizen advisory committee in this past term. As unpaid volunteers, the precedent of a large financial penalty deters critical and truthful engagement, and impacts membership recruitment and retention due to fear of such reprisal or being made an example for others. Consequences must be more clearly stated, and restrictions to such consequences should also be stated as part of the code, not subject to “broad, liberal interpretation” as is the entire code. It is in the opinion of the advisory committee that consequences of failure to adhere to the code of conduct should not include financial

10.5

penalties.

The document's table of contents and references to by-laws and other pieces of legislation should include hyperlinks for ease of access in electronic format. Additionally, the document should be available in a plain language format, recognizing that the format and legalese creates a barrier to engagement and ensuring all committee members understand their roles and commitments.

Should council members or staff require additional information related to any of the mentioned feedback, the committee is prepared to provide additional reports or attend meetings to respond to questions.

- Page 41: regarding the statement, "This Code of Conduct is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. Commentary in this Code is illustrative and not exhaustive.", the committee feels that the Code of Conduct should be explained more thoroughly and in plain language to prevent interpretation which extends beyond the understanding of the public and volunteer advisory committee members.
- Page 43: regarding confidential information, more information is needed to establish exactly what is considered to be confidential, how members can be aware of what the board of city is prevented from disclosing, and how the rule differentiates between items discussed in a closed meeting and information that is already publicly available. There should be a clear system to label and identify confidential information to local boards. Information related to confidentiality for members of council is much clearer in their code of conduct compared to this proposed code for volunteers.
- Page 44: regarding member conduct, more clarity is needed to provide committee members with information on how the City of Hamilton can require decorum "at all times". For instance, if political protest is a charter protected right, but is not considered conducting oneself with decorum, more clarity is needed to confirm if a volunteer advisory committee member may face consequences or penalties.
- Page 44-45: regarding media communications, the committee was previously told that the chair could not speak to media without approval from the committee they report to, which does not appear to be the case in the code of conduct. There is no information on the ability of the Chair to speak to media and what, if any, approval is required, or what limitations, if any, exist as part of such media communication. The commentary also identified that the rules of decorum apply to social media, and recommend that members "should consider articulating and posting their own policy of addressing how frequently they will monitor the site for the purpose of identifying and removing disparaging, abusive or hateful comments." It is in the opinion of the advisory committee that the City of Hamilton should not be applying rules of decorum to volunteer committee members on their personal social media accounts, or outside of their duties as committee members, as it may infringe on their rights to expression and political protest. Further, it is unreasonable to apply responsibility for filtering hateful and abusive comments on the posts of volunteer advisory committee members. The City of Hamilton should not expect anyone to read through abusive and hateful comments on personal social media as part of code of conduct, and especially should not do so without providing support and resources for the additional harm such exposure to hate and abuse can cause.

10.5

- Page 45: regarding the expectation that members “adhere to and encourage public respect for the Local Board, the municipality and its by-laws, policies and procedures”, the committee feels the Code of Conduct must provide clearer definitions of respect and what is considered disrespectful. Further to this, more clarity is needed to ensure members understand whether their rights to expression and political protest will be restricted or prohibited when agreeing to volunteer on a citizen advisory committee.
- Page 45: regarding the workplace harassment and violence policies in place for staff, members of this advisory committee have not received copies of such policies, and these policies, in addition to the code of conduct, must be easily and readily available to members so they can comply.
- Page 46: regarding the advice to consult the integrity commissioner if members seek clarification, there should be direction or information on who or how to contact the integrity commissioner included in the code of conduct.
- Page 46: the formatting of “Part 2” to include additional context for previously mentioned rules and the addition of new rules makes this part of the document particularly difficult to read and follow, and revision may be needed.
- Page 47: regarding the consequences of failure to adhere to code of conduct, and in addition to the aforementioned feedback on this item, “reprimand” must be clearly defined, and this section must clearly identify what reprimand and remedial actions will look like for volunteer citizen committee members.
- Page 49: the numbering of the items on this page include two separate items numbered as 4, rather than a continued sequential order. More clarity is needed on the operating procedure regarding any requirements for approval that are needed before a chair can speak to media on behalf of the committee, and what restrictions might be in place for such engagement.
- Page 53: regarding the note at the bottom of the page, the Chair or Vice-Chair and the Secretary have never signed the meeting minutes in practice on this committee, and more clarification is needed on if digital signatures would be acceptable if this is now going to be required, considering the hybrid operation of most committees.

CITY OF HAMILTON

MOTION

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE: JANUARY 19, 2023

MOVED BY COUNCILLOR T. HWANG

SECONDED BY COUNCILLOR

Delegated Authority to Staff relating to Water Service Line Leaks

WHEREAS, individual community members, corporations, non-profit organizations, and all other resident entities can delegate to the Audit Finance and Administration Committee to ask for Council consideration for bill adjustments and waiving of penalties, fees, interest accrued relating to charges for water and wastewater services;

WHEREAS, some properties with water meters located at the property line may experience increased water and wastewater/storm billings related to downstream water service line leaks;

WHEREAS, there is no Council approved policy/by-law authority for staff to address water service line leaks and their associated costs to claimants; and

WHEREAS, staff are better equipped to respond to technical and other considerations related to decision making with respect to water service line leaks than members of Council;

THEREFORE, BE IT RESOLVED:

That staff report back to the Audit, Finance and Administration Committee with a Water Service Line Leak Wastewater Bill Adjustment Policy to provide delegated authority for staff to make decisions on bill adjustments, waiving of fees/penalties, or enforcement of fees associated with water service line leaks; such policy to include an evaluation framework that would allow staff to determine the validity of water service line leak claims and appeals.

CITY OF HAMILTON

NOTICE OF MOTION

Audit, Finance and Administration Committee: February 2, 2023

MOVED BY COUNCILLOR B. CLARK.....

Constituent Management Software

WHEREAS, Councillors and their staff are currently not provided with supported database software that helps track actionable items based on contact with constituents;

WHEREAS, Information Technology staff must be directed by Council to explore database software options that can be supported;

THEREFORE, BE IT RESOLVED:

That Information Technology staff be directed to explore user friendly database software options and report back to the Audit, Finance and Administration Committee with those options, complete with any costs associated with adopting such software for use by Councillors and their administrative staff.

CITY OF HAMILTON

NOTICE OF MOTION

Audit, Finance and Administration Committee: February 2, 2023

MOVED BY COUNCILLOR C. KROETSCH

Council Access to and Copies of Confidential Records

WHEREAS, a Notice of Motion was placed on the Audit, Finance and Administration Committee, on October 21, 2021 directing staff to develop a procedure to allow Members of Council access to Confidential Records such as memoranda of understanding, contracts and other such agreements that are the work product of confidential reports to Council, attached as Appendix A to this motion;

WHEREAS, on November 3, 2021 Clerks staff developed and communicated to all of Council and the public, the Council Access to Confidential Information Procedure (the "Procedure") attached as Appendix B to this motion; and

WHEREAS, on November 4, 2021 the Audit, Finance and Administration Committee deliberated the Procedure; and

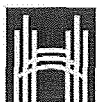
WHEREAS, Clerks staff have also developed a Records Guide for Council attached as Appendix C to this motion which provides information to all of Council with respect to the approved processes for accessing Confidential Information.

THEREFORE, BE IT RESOLVED:

That the Council Access to Confidential Information Procedure is amended so that members of City Council have access to confidential information or records in a manner similar to the process used for accessing Closed Session documents (i.e. through a web-based password-protected document software like eSCRIBE or CitySHARE).


4. Timely Access To View Confidential Documents (Item 11.1)

That staff be directed to create a Procedure ***and Policy*** to enable Council timely access to confidential documents such as Memorandums of Understanding, Contracts and Agreements.



Hamilton

COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	October 29, 2021
SUBJECT:	Council Access to Confidential Information
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Lisa Barroso Manager, Corporate Records and FOI Corporate Services/City Clerk's Office
SIGNATURE:	

This communication update is provided in response to the Notice of Motion presented to the Audit, Finance and Administration Committee on October 21, 2021, as follows:

Timely Access to View Confidential Documents

WHEREAS, Council access to confidential documents takes inordinately long; and,

WHEREAS, there is no policy informing or directing staff to enable Councillors to view confidential documents;

THEREFORE, BE IT RESOLVED:

That staff be directed to create a Procedure to enable Council timely access to confidential documents such as Memorandums of Understanding, Contracts and Agreements.

The rights of Members of Council and staff to access information and their obligations to protect the confidentiality of information is set out in:

- *Municipal Freedom of Information & Protection of Privacy Act (MFFIPA)*;
- City of Hamilton's Code of Conduct for Members of Council
- City of Hamilton's Employee Code of Conduct

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: Routine Disclosure/Active Dissemination Policy Update - Page 2 of 2

Confidential information generally includes information developed or received by the City in confidence. Members of Council are provided with confidential information during closed session to support decision making involving matters identified under the *Municipal Act 2001*, as amended. In some instances, Members of Council delegate authority to staff to develop confidential documents based on direction provided by Members at Committee/Council.

The following process is in place to support members to access confidential information that is under the custody and control of the City of Hamilton:

- Members of Council can request and receive access to confidential records through requests to the Office of the City Clerk. This ensures access is granted according to access rights, which protect and track access for all records, and ensures the official record is provided.
- Confidential records previously viewed and distributed to members of Council through Committee/Council, are provided to members (password protected) upon request.
- Confidential records not previously distributed to members of Council may be viewed by Members in the Office of the City Clerk (e.g. Memorandums of Understanding and Agreements). Access to these confidential documents is tracked.

The *Municipal Freedom of Information & Protection of Privacy Act* guides the Office of the City Clerk when sharing records with all Members of Council, staff and the public. The Information and Privacy Commissioner recognizes that Members of Council do not have any greater right to access to information than the public. However, when exercising a Member's right as a Member of Council, at times, it may provide them with a level of access to confidential information in the custody of the Corporation, that is not distributed through Committee and Council.

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A Guide for Members of Hamilton City Council

Managing Records and Information in a Councillors Office

This guide informs Members of Council of their rights and obligations under Legislation and IPC decisions and directives regarding access to and the maintenance of records in their custody and/or control when acting 1) in their capacity as an elected representative of their constituents and 2) in an official capacity as a Member of Council on behalf of the City of Hamilton as it relates to the:

- *Municipal Act, 2001*
- *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
- Information & Privacy Commissioner of Ontario Fact Sheet 1 - *MFIPPA* and Councillors Records, 2016
- Procedural By-law 21-021
- Council Code of Conduct By-law 16-290
- City of Hamilton Protection of Privacy Policy
- Records and Information Management Policy
- Records Retention By-Law 11-040, as amended

A **record** as defined under section 2 of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) is “any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes,

- (a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine-readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and
- (b) subject to the regulations, any record that is capable of being produced from a machine-readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution;”

Records in a Councillor’s office normally includes records pertaining to both a Councillor’s **constituency** business, and the **City’s** corporate business and need to be handled with care. The risks of inappropriately handling information are reduced if steps are taken to 1) minimize data collection to that which is necessary for the purpose and 2) securely handle and store records at all times (i.e. keep a clean desk policy, encrypt devices, store records in locked filing cabinets, lock computer screens when stepping away from your desk).

Constituency Records

Constituency records – (political records) includes records that generally relate to issues the Councillor is dealing with involving one or more members of the public who either live or own a business within the Councillor's ward. Documents and records received or created as a result of interacting with constituents are considered political records containing the personal information of constituents. Some examples include:

- Requests for assistance from constituents and any applicable responses
- Notes from meetings with constituents

These records may include letters, emails, telephone messages and mailing lists.

Constituency records held solely by the Councillors office are generally not considered to be in the custody or under the control of the City of Hamilton, limited exceptions are discussed below.

Custody or control: The Information and Privacy Commissioner of Ontario (IPC) has defined "in the custody or under the control" broadly and considers several factors in making a decision as to who has custody or control of a record. These factors go beyond the physical location of a record and include the purposes of the record, its originator, and whether the record pertains to the institution's mandate or functions.

The IPC Fact Sheet - *MFIPPA* and Councillors Records states:

"Councillors' records are subject to MFIPPA where:

1. a councillor is acting as an officer or employee of the municipality, or performs a duty assigned by council, such that they might be considered part of the institution, or
2. the records are in the custody or control of the municipality." (See Fact Sheet attached)

Councillors should be mindful when forwarding communications from constituents to City staff.

Once information has been sent to a member of the City's staff, it is now a corporate record and potentially subject to a Freedom of Information (FOI) access request.

Councillors are responsible for safeguarding this information in order for the City to comply with its obligations related to an individual's right of access to a record or part of a record in the custody or under the control of the City.

In addition, Councillors should redact any personal information or sensitive material of the constituent before forwarding the information to City staff. In such circumstances, personal information may include the constituent's name, address, email address, phone number, the views or opinions of another individual about that individual, as well as other sensitive information. If personal information or sensitive material is required to be forwarded to City

staff for action, the Councillor should seek consent from the constituent to share their personal information, and only share what is necessary under the circumstances. The statement below provides a sample that could be used:

I'd like to assist you in resolving your concern/issue [or more appropriate wording] by sending your email to the appropriate city staff/department for action. Do I have your permission to forward your email containing your personal information (along with any attachments)? Once the email is forwarded all the contents including your personal information will be made available to the recipient.

City/Municipal Records

City/Municipal records - includes the records of Members of Council that relate to managing or administering their activities on Committee or Council or in an official capacity on behalf of the City of Hamilton.

- Project files documenting involvement with Council directed initiatives
- Notes from committee or Council meetings

Documents and records created in connection with City business such as the schedule of meetings, meeting agendas or email correspondence with City staff respecting City business are considered City records. As are records related to a Councillor's responsibilities as a Member of Council or to some aspect of City Council's mandate as a member of Sub-Committee or a part of the City's Agency's Boards and Committee. These records are subject to the provisions of MFIPPA and may be requested by members of the public.

For example, in a recent IPC decision, a Councillor was corresponding via email sent from their own personal email address to an outside party. The IPC found that the email was a responsive record to an access request under the control of the municipality as the subject matter was related to city business and was related to the councillors mandate (IPC Order MO-3281).

Record Keeping Best Practices

Councillors should take care by developing administrative practices around Constituency and City records. Councillors should maintain all electronic and paper records in separate filing systems that differentiate between constituent and city records. This can be achieved by using separate filing cabinets for physical records and using separate electronic filing systems and file naming conventions for both types of records. For email communications this can include using separate email folders, one that specifically stores incoming constituency records and another that stores incoming City records. Email 'sent folders' could also be set up to separately house responses containing constituency records in one and City records in the other.

Protecting Personal and Confidential Information - Safeguarding Information

Regardless of the type of record, documents containing personal and confidential information should be store in locked cabinets except when in use. Data stored on laptop computers, USB drives or similar devices should be encrypted and should not be left unattended. The disposal of paper documents should be done in a safe and secure manor in a City facility by depositing the records in a specially marked shredding console or bin. Care should be taken to ensure that personal and/or confidential information is not disclosed during public meetings. For personal information, written consent of the constituent is required prior to disclosure. Personal Information obtained from constituents should only be used for the purpose it was collected and not used for other purposes such as to communicate on other matters without the constituent's consent.

Office of the Mayor

The Mayor, as Head of Council, is an officer of the City. The Mayor's records that relate to mayoral duties are considered to be in the City's custody or control and therefore subject to MFIPPA (IPC Order MO-1403).

Access to Information by Members of Council

Members of Council have the same rights of access to City records as a member of the public. The City has made significant efforts to make information available on the City's website:

- The City of Hamilton makes all legislative information excluding and confidential information available through the City Clerk's webpage:
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>
- City By-laws: <https://www.toronto.ca/city-government/accountability-operations-customer-service/access-city-information-or-records/how-to-access-city-information/#detail-info>
- Open data Program: <https://www.hamilton.ca/city-initiatives/strategies-actions/open-data-program>
- Routine Disclosure and Active Dissemination (lists of information made available by City departments): <https://www.hamilton.ca/government-information/accountability/routine-disclosure-and-active-dissemination>

Access to Records Required to Conduct Corporate City Business

Council as a body has a right to access information if it is required in the performance of its duties. Councillors frequently receive confidential information to make decisions through the Council/Committee process. Confidential information as defined in the Council Code of Conduct includes but is not limited to information:

- '(i) in the possession of the City that the City: is prohibited from disclosing; is required to refuse to disclose; or has exercised its discretion to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* or any other law; and
- (ii) concerning matters that are considered in an in-camera meeting under section 239 of the *Municipal Act, 2001*'

Confidential information generally includes information developed or received by the City in confidence. It is the responsibility of Members of Council to ensure that this information is kept confidential as required by law and by the Council Code of Conduct.

Members of Council are entitled to confidential information held by the City if the record is required for the performance of the Member of Council's role in carrying out duties related to that function:

- Confidential records not distributed or circulated to Members through Committee/Council (e.g. Memorandums of Understanding and Agreements) may be viewed by Members in the Office of the City Clerk via the following process:
 - Members of Council are required to submit their request to the Office of the City Clerk in order to provide staff with adequate time to review and assess the record to ensure it contains no personal information and/or other information not relevant to the nature of the request.
 - After this review, staff will contact the Member of Council to schedule a time to view the record. Recording copies, taking photographs/scans or writing notes about the content within these documents is not permitted. All access to documents is logged.

Access to Personal Information

'Personal Information' as defined under section 2 of MFIPPA means "recorded information about an identifiable individual including,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,

- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except if they relate to another individual,
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (g) the views or opinions of another individual about the individual, and
- (h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual; “

Databases

The IPC has provided the City of Hamilton with guidance on Councillors access to personal information contained in City databases. The IPC's position is that 'routine automatic access by Councillors to Municipal government databases that contain personal information is not consistent with MFIPPA'. See attached correspondence from the IPC.

Outgoing Members of Council

When a member of Council is completing their term and will no longer be a member of the newly elected Council, City records need to be properly stored and constituency records shall be deleted.

- All City records are to be submitted by the Member of Council to either the Records Management or IT support team in the paper or electronic format in which they exist. These records will be retained for a period not longer than the end of the next term of Council.
- As it pertains to constituency records, Councillors should securely destroy these records upon their vacancy from office.

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