



City of Hamilton

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REVISED

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

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 January 19, 2023

5. COMMUNICATIONS

6. DELEGATION REQUESTS

7. DELEGATIONS

7.1 Angelo Cristofaro, Consilium Public Sector Services Inc., respecting Fairness of procurement process for contract number C5-09-22 - Development of a Multi-Year Plan to Build Safer Communities

(Approved on January 19, 2023)

8. STAFF PRESENTATIONS

9. CONSENT ITEMS

10. DISCUSSION ITEMS

- 10.1 Grightmire Arena Lessons Learned – Management Responses Status Report (PW23007/FCS23011) Outstanding Business List

Please refer to Item 14.1 for Confidential Appendix A to Report PW23007/FCS23011.

Confidential Appendix A has been released publicly.

- 10.2 2022 City Enrichment Fund Update (GRA23001) (City Wide)
- *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

13. GENERAL INFORMATION / OTHER BUSINESS

- 13.1 Amendments to the Outstanding Business List
- a. Items Considered Completed and to be Removed
- a. Road Maintenance Small Tools and Equipment Inventory Audit and Follow Up to Audit Report AUD11006 (AUD21010) (City Wide)
- Item on OBL: 21-M
Addressed as Item 10.7 on the January 19, 2023 agenda.

- b. Grightmire Arena Lessons Learned Audit (AUD22004) (City Wide)

Item on OBL: 22-C

Addressed as Item 10.1 on today's agenda.

14. PRIVATE AND CONFIDENTIAL

- 14.1 Grightmire Arena Lessons Learned – Management Responses Status Report (PW23007/FCS23011) Outstanding Business List - Confidential Appendix A

That the Committee move into Closed Session respecting Item 14.2 pursuant to Section 9.3, Sub-section (f) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Please refer to Item 10.1 for Public Report PW23007/FCS23011.

Appendix A to Report PW23007/FCS23011 has been released publicly; please see Item 10.1.

15. ADJOURNMENT



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 23-001

9:30 a.m.
January 19, 2023
Council Chambers
Hamilton City Hall

Present: Councillors C. Kroetsch (Chair), T. Hwang (Vice-Chair), J. Beattie, B. Clark, M. Tadeson, A. Wilson and M. Wilson

Also Present: Councillor T. Jackson

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. **860 Rymal Rd E - Wentworth Condominium Corporation (WCC) #128
Wastewater/Storm Sewer Credit (Item 7.1)**

(Beattie/Tadeson)

WHEREAS, 860 Rymal Rd E is an 87-unit townhome complex that experienced a sharp increase in their wastewater / storm bills during 2022 that was attributable to a private watermain break in a driveway and a service line break under the basement floor of a unit;

WHEREAS, prior to 2022 the typical monthly water billings averaged approximately 1,500m³ in consumption with total water and wastewater/storm monthly bills of about \$6,000 and the period of high consumption related to the service line leaks of January 4, 2022 to October 3, 2022 amounted to 50,317m³ equating to total water and wastewater/storm charges of \$190,299.32;

WHEREAS, Hamilton Water reviewed the private watermain break and concluded that given the location of the leak and the fact that the leaking water remained underground, it appears that the leaking water ended up underground and likely did not enter the City's sanitary or storm sewer systems.

WHEREAS, the wastewater portion associated with the excess water consumption related to the service line leak at 860 Rymal Road amounts to \$65,900.

THEREFORE BE IT RESOLVED:

That staff be directed to provide a credit adjustment in the amount of \$65,900 to the Wentworth Condominium Corporation (WCC) #128 for excess wastewater/storm sewer charges located at 860 Rymal Rd E, for the billing period from January 4, 2022 to October 3, 2022.

Result: Motion CARRIED by a vote of 6 to 1, as follows:

YES - Ward 1 Councillor Maureen Wilson
NO - CHAIR Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

2. 2022 City of Hamilton External Audit Plan (FCS23008) (City Wide) (Item 8.1)

(a) (Tadeson/Hwang)

That Appendix "A" attached to Report FCS23008 respecting the 2022 City of Hamilton External Financial Audit Planning Report prepared by KPMG be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 - Councillor Maureen Wilson
YES - CHAIR Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

(b) (Kroetsch/Clark)

That staff be directed to work with the external auditor to develop an executive summary of the financial audit to make it more accessible to the public, utilising clear writing standards, to be included as part of the final audit report.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 - Councillor Maureen Wilson
YES - CHAIR Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

3. Water Meter Program Audit and Water Billing Service Transition Project (AUD23002) (City Wide) (Item 8.2)

(Hwang/M. Wilson)

- (a) That Report AUD23002, and Appendices “A” and “C” to Report AUD23002, respecting the Water Meter Program Audit, be received;
- (b) That **staff be directed to revise** the Management Responses, as detailed in Appendix “B” to Report AUD23002, **to indicate approval of the Office of the City Auditor’s Recommendation 5, and that the revised Appendix “B” to Report AUD23002**, be approved;
- (c) That the General Manager of Public Works be directed to implement the Management Responses and report back to the Audit, Finance and Administration Committee by July 2023 on the nature and status of actions taken in response to the audit report; and
- (d) That the General Manager of Public Works, in conjunction with the General Manager of Finance and Corporate Services, be directed to conduct a fulsome risk assessment for the Water Billing Service Transition Project; **and**
- (e) **That staff ensure a privacy impact assessment is completed for the water billing service transition project.**

Result: Main Motion, As Amended, CARRIED by a vote of 7 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - CHAIR Ward 2 Councillor Cameron Kroetsch
- YES - Ward 4 Councillor Tammy Hwang
- YES - Ward 9 Councillor Brad Clark
- YES - Ward 10 Councillor Jeff Beattie
- YES - Ward 11 Councillor Mark Tadeson
- YES - Ward 13 Councillor Alex Wilson

4. Hamilton Municipal Cemeteries Trust Funds Audit (AUD23001) (City Wide) (Item 8.3)

(Beattie/A. Wilson)

- (a) That Report AUD23001 and Appendix “A” to Report AUD23001, respecting the Hamilton Municipal Cemeteries Trust Funds Audit be received;
- (b) That the Management Responses, as detailed in Appendix “B” to Report AUD23001 be approved;
- (c) That the General Managers of Public Works, and Finance and Corporate Services be directed to implement the Management Responses (attached as Appendix “B” to Report AUD23001) and report back to the Audit, Finance and Administration Committee by December 2023 on the nature and status of actions taken in response to the audit report; and
- (d) That the confidential Appendix “C” to Report AUD23001, respecting Hamilton Municipal Cemeteries Trust Funds Audit Report: Cash Handling Audit, remain confidential and restricted from public disclosure.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

5. Utility Billing Transition Project Procurement Plan (FCS21082(d)) (City Wide) (Item 10.1)

(A. Wilson/Beattie)

- (a) That the single source procurement with Olameter Inc. to provide manual water meter reading services for the City of Hamilton, pursuant to Procurement Policy #11 – Non-competitive Procurements, be approved;
- (b) That the General Manager, Public Works, be authorized to negotiate, enter into and execute a contract and any ancillary documents required to give effect thereto to provide manual water meter reading services for the City of Hamilton for a term of two years with a one-year term extension at the City's sole option, commencing from when the City assumes responsibility for utility billing from Alectra Utilities, in a form satisfactory to the City Solicitor.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

6. 2023 Budget Submission – Committee Against Racism (CM23003) (City Wide) (Item 10.2)

(Beattie/Clark)

That the Committee Against Racism 2023 base budget attached as Appendix "A" to report CM23003 in the amount of \$8,900, be approved and referred to the 2023 budget process for consideration.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR Ward 2 Councillor Cameron Kroetsch
NOT PRESENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie

YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

7. 2023 Budget Submission – Advisory Committee for Immigrants and Refugees (CM23006) (City Wide) (Item 10.3)

(A. Wilson/Beattie)

That the Advisory Committee for Immigrants and Refugees 2023 base budget submission attached as Appendix “A” to Report (CM23006) in the amount of \$3,500.00, be approved and referred to the 2023 budget process for consideration.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

8. 2023 Budget Submission: Mundialization Committee (CM23004) (City Wide) (Item 10.4)

(A. Wilson/Hwang)

- (a) That Appendix “A” to Report CM23004 respecting the Mundialization Committee’s 2023 base budget submission be approved in the amount of \$5,890.00; and
- (b) That Mundialization Committee’s 2023 budget submission be referred to the 2023 budget process.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

9. 2023 Budget Submission Hamilton Women and Gender Equity Committee (CM23002) (City Wide) (Item 10.5)

(Hwang/Tadeson)

That the Hamilton Women and Gender Equity Committee 2023 base budget submission attached as Appendix “A” to Report CM23002 in the amount of \$3,500.00, be approved and referred to the 2023 budget process for consideration.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

10. Recording of Advisory Committee Meetings (FCS21054(a)) (Item 10.6)

(Tadeson/A. Wilson)

- (a) That Council approve the recording and retention of all Virtual, Hybrid and In Person Advisory Committee meetings;
- (b) That subject to the approval of recommendation (a) to this report, the draft by-law, entitled “To Amend By-law No. 11-040 To Establish Retention Periods for Records of the City of Hamilton” (the “Records Retention By-law”), attached as Appendix ‘A’ to this report, be enacted by Council;
- (c) That subject to the approval of recommendation (a) to this report, the recruitment advertising for Advisory Committee Membership include notice that all Advisory Committee meetings will be livestreamed and recorded for future viewing; and
- (d) That subject to the approval of recommendation (a) to this report, all Council appointed Advisory Committee members be required to sign the Acknowledgement Form prior to each member attending their first meeting, as acknowledgement of the livestreaming and recording of all meetings.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

11. Road Maintenance Small Tools and Equipment Inventory Audit and Follow up to Audit Report AUD11006 (AUD21010): Management Update (PW23004) (City Wide) (Item 10.7)

(Beattie/A. Wilson)

That Report PW23004, respecting Road Maintenance Small Tools and Equipment Inventory Audit and Follow up to Audit Report AUD11006 (AUD21010): Management Update, be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - CHAIR Ward 2 Councillor Cameron Kroetsch
- YES - Ward 4 Councillor Tammy Hwang
- YES - Ward 9 Councillor Brad Clark
- YES - Ward 10 Councillor Jeff Beattie
- YES - Ward 11 Councillor Mark Tadeson
- YES - Ward 13 Councillor Alex Wilson

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.1 Angelo Cristofaro, Consilium Public Sector Services Inc., respecting Fairness of procurement process for contract number C5-09-22 - Development of a Multi-Year Plan to Build Safer Communities (For a future meeting).

10. DISCUSSION ITEMS

- 10.7 Road Maintenance Small Tools and Equipment Inventory Audit and Follow up to Audit Report AUD11006 (AUD21010): Management Update (PW23004) (City Wide)

11. MOTIONS

- 11.1 Development Charge Demolition Charge Credit Extension for 708 Rymal Road East, Hamilton, Ontario – **WITHDRAWN**

12. NOTICES OF MOTION

- 12.1 Delegated Authority to Staff relating to Water Service Line Leaks

(Hwang/A. Wilson)

That the agenda for the January 19, 2023 Audit, Finance and Administration Committee meeting be approved, as amended.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) December 1, 2022 (Item 4.1)

(Tadeson/Hwang)

That the Minutes of the December 1, 2022 meeting of the Audit, Finance and Administration Committee be approved, as presented.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

(d) COMMUNICATIONS (Item 5)

(i) Correspondence from Khursheed Ahmed, respecting their resignation from the Immigrant and Refugee Advisory Committee (Item 5.1)

(Hwang/A. Wilson)

That the correspondence from Khursheed Ahmed, respecting their resignation from the Immigrant and Refugee Advisory Committee, be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark

YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

(e) DELEGATION REQUEST (Item 6)

- (i) Angelo Cristofaro, Consilium Public Sector Services Inc., respecting Fairness of procurement process for contract number C5-09-22 - Development of a Multi-Year Plan to Build Safer Communities (For a future meeting) (Added Item 6.1)**

(Beattie/Tadeson)

That the delegation request from Angelo Cristofaro, Consilium Public Sector Services Inc., respecting Fairness of procurement process for contract number C5-09-22 - Development of a Multi-Year Plan to Build Safer Communities, be approved for a future meeting.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
NOT PRESENT - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

(f) DELEGATIONS (Item 7)

- (i) Patricia Ford, Wentworth Condominium Corporation (WCC) #128 at 860 Rymal Rd. E., respecting a water service line leak (Item 7.1)**

Patricia Ford, Wentworth Condominium Corporation (WCC) #128 at 860 Rymal Rd. E., addressed Committee respecting a water service line leak.

- (ii) Staff Supporting Documentation respecting a water service line leak at Wentworth Condominium Corporation (WCC) #128 at 860 Rymal Rd. E., (Item 7.1(a))**

(Hwang/Tadeson)

- (a) That the delegation from Patricia Ford, Wentworth Condominium Corporation (WCC) #128 at 860 Rymal Rd. E., respecting the water service line leak, be received; and
- (b) That the Staff Supporting Documentation respecting the water service line leak at Wentworth Condominium Corporation (WCC) #128 at 860 Rymal Rd. E., be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

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

(g) PRESENTATIONS (Item 8)

(i) 2022 City of Hamilton External Audit Plan (FCS23008) (City Wide) (Item 8.1)

Paul Ciapanna, KPMG, addressed the Committee respecting 2022 City of Hamilton External Audit Plan, with the aid of a presentation.

(Hwang/A. Wilson)

That the presentation from Paul Ciapanna, KPMG, respecting the 2022 City of Hamilton External Audit Plan, be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

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

(ii) Water Meter Program Audit and Water Billing Service Transition Project (AUD23002) (City Wide) (Item 8.2)

Brigette Minard, Deputy City Auditor, and Melissa Fournier, John Asher and Mike Cunningham, BDO, addressed the Committee respecting Water Meter Program Audit and Water Billing Service Transition Project, with the aid of a presentation.

(a) (Hwang/Beattie)

That the presentation from Brigette Minard, Deputy City Auditor, and Melissa Fournier, John Asher and Mike Cunningham, BDO, respecting Water Meter Program Audit and Water Billing Service Transition Project, be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

(b) (Kroetsch/Clark)

That subsection (b) of Report AUD23002, respecting the Water Meter Program Audit and Water Billing Service Transition Project, be **amended** as follows:

(b) That **staff be directed to revise** the Management Responses, as detailed in Appendix "B" to Report AUD23002, **to indicate approval of the Office of the City Auditor's Recommendation 5, and that the revised Appendix "B" to Report AUD23002**, be approved;

(c) (Clark/Beattie)

That Report AUD23002, respecting the Water Meter Program Audit and Water Billing Service Transition Project, be further **amended** to add a new subsection (e), as follows:

(e) That staff ensure a privacy impact assessment is completed for the water billing service transition project.

Result: Amendments (ii)(b) and (c) CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

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

(iii) Hamilton Municipal Cemeteries Trust Funds Audit (AUD23001) (City Wide) (Item 8.3)

Charles Brown, City Auditor addressed the Committee respecting Hamilton Municipal Cemeteries Trust Funds Audit, with the aid of a presentation.

(Beattie/A. Wilson)

That the presentation from Charles Brown, City Auditor, respecting Hamilton Municipal Cemeteries Trust Funds Audit, be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

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

(g) CONSENT ITEMS (Item 7)

(Hwang/Beattie)

That the Committee Against Racism Minutes of April 26, 2022, be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

(h) NOTICES OF MOTION (Item 12)

(i) Delegated Authority to Staff relating to Water Service Line Leaks (Added Item 12.1)

Councillor Hwang introduced the following Notice of Motion:

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.

(i) ADJOURNMENT (Item 15)

(Hwang/Tadeson)

That, there being no further business, the Audit, Finance and Administration Committee, be adjourned at 12:57 p.m.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

Respectfully submitted,

Councillor Cameron Kroetsch, Chair
Audit, Finance and Administration
Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk

Bates, Tamara

Subject: FW: Webform submission from: Request to Speak to a Committee of Council

Submitted on Wed, 12/28/2022 - 11:55

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee
Audit, Finance & Administration Committee

Will you be delegating in-person or virtually?
In-person

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

Requestor Information

Requestor Information
Angelo Cristofaro
Consilium Public Sector Services Inc.
angelo.cristofaro@cp2s.ca

Preferred Pronoun
he/him


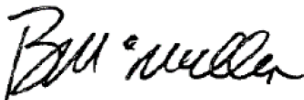
Reason(s) for delegation request
Fairness of procurement process for contract number C5-09-22 - Development of a Multi-Year Plan to Build Safer Communities

Will you be requesting funds from the City?
No

Will you be submitting a formal presentation?
No



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	February 2, 2023
SUBJECT/REPORT NO:	Grightmire Arena Lessons Learned – Management Responses Status Report (PW23007/FCS23011) Outstanding Business List
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Tina Iacoe (905) 546-2424 Ext. 2796 Susan Nicholson (905) 546-2424 Ext. 4707 Janet Warner (905) 546-2424 Ext. 7041 Shaba Shringi (905) 546-2424 Ext. 3142
SUBMITTED BY:	Craig Murdoch Acting Director, Energy, Fleet and Facilities Management Public Works Department
SIGNATURE:	
SUBMITTED BY:	Brian McMullen Acting General Manager, Finance and Corporate Services Corporate Services Department
SIGNATURE:	

COUNCIL DIRECTION

The Recommendations (Open Session) issued as part of the J.L. Grightmire Arena Lessons Learned Audit (AUD22004) presented at the Audit, Finance and Administration Committee on April 7, 2022, included the following:

- (c) *That the General Manager of Public Works and the General Manager of Finance and Corporate Services be directed to implement the Management Responses (attached as Confidential Appendices “A” and “C” to Report AUD22004) and report back to the Audit, Finance and Administration Committee by March 2023 on the nature and status of actions taken in response to the audit report;*

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**SUBJECT: Grightmire Arena Lessons Learned - Management Responses Status
Report PW23007/FCS23011 – Outstanding Business List (City Wide)
– Page 2 of 2**

INFORMATION REPORT

This Information Report is to report on the progress made by Energy, Fleet and Facilities Management, Procurement, Legal Services and Risk Management Services Divisions in response to the audit recommendations.

The updates from the respective Divisions to the 15 recommendations are detailed in Confidential Appendix “A” to Report PW23007/FCS23011.

APPENDICES AND SCHEDULES ATTACHED

Confidential Appendix “A” to Report PW23007/FCS23011 – Grightmire Arena Lessons Learned - Management Responses Update

RECOMMENDATION NO. (RESPONSIBLE DIVISION)	AUDIT RECOMMENDATION	AGREED/ DISAGREE	MANAGEMENT RESPONSE	EXPECTED COMPLETION DATE	Q4 2022 STATUS UPDATE
Recommendation #1 (AUD22004) <i>(Energy, Fleet and Facilities Management Division)</i>	We recommend that management develop a risk assessment framework and process, and that formal evaluation of risk be conducted as part of the project planning for each capital project. This would inform and identify the project management approach to be taken, resources that should be allocated, as well as the issues and mitigations that need to be tracked and reviewed on an ongoing basis.	Agree	<p>A risk assessment framework and process are planned for development as part of the continued implementation of the Quality Management System (QMS) in Public Works in 2022. The PW QMS team has developed and implemented project management documents (including a PM manual, project charter template, project transition checklist and closing report template) working with a cross-divisional team across the City.</p> <p>Energy, Fleet and Facilities Management Division (EFFM) has further developed project initiation and close-out checklists, a project budget template and communications plan for capital projects to continually improve project management processes and mitigate risk. EFFM's 2022-2023 initiatives include further development of planning/ design and implementation/ construction phase checklists.</p>	Expected Completion: Q2 2022 Revised Completion date: Q4 2023	<p><u>Q4 2022 – EFFM Update:</u> EFFM has developed internal working committees for various continuous improvement initiatives. EFFM has also recently completed the recruitment for the Sr. Project Manager of the EFFM Quality Management Office, which will be in place by the end Q1 2023, following which new template documents will be prepared.</p>
Recommendation #2 (AUD22004) <i>(Procurement Section and Legal and Risk Management Services Division)</i>	We recommend that when using a CCDC 2 Stipulated Price contract for construction projects, that the current version be used and that the contract conforms with the changes introduced by recent changes to the <i>Construction Act</i> .	Agree	All construction contracts utilized through a procurement process are current with respect to the <i>Construction Act</i> . A working group of staff has been tasked with updating supplemental conditions to be used with the new CCDC 2-2020 Stipulated Price contract for implementation in June 2022.	Expected Completion: Q2 2022	<p><u>Q4 2022 – Procurement Update:</u> As of June 30, 2022, the updated CCDC 2-2020 is in effect and staff are using it as required. Staff has completed its review of the supplemental conditions to the contract and these are currently being used as well.</p> <p>COMPLETED</p>
Recommendation #3 (AUD22004)	We recommend that contract management training be provided to project managers to ensure the City's rights under contract are	Agree	Contract management training will be provided to Project Managers involved in the planning and delivery of construction projects to ensure the City's rights are protected and timely remedies are	Estimated Completion: Q2 2022	<p><u>Q4 2022 – EFFM Update:</u> Contract Management Training is being organized by the Corporate Asset Management office on the</p>

RECOMMENDATION NO. (RESPONSIBLE DIVISION)	AUDIT RECOMMENDATION	AGREED/ DISAGREE	MANAGEMENT RESPONSE	EXPECTED COMPLETION DATE	Q4 2022 STATUS UPDATE
<i>(Energy, Fleet and Facilities Management Division)</i>	protected and timely remedies can be implemented during the capital project process.		implemented. Training will be provided once Legal and Procurement have confirmed delegated authority and available support.	Revised Completion date: Q1 2023	new CCDC 2-2020 contract for all departments across Public Works. Training sessions will be scheduled in Q1-2023.
Recommendation #4 (AUD22004) <i>(Energy, Fleet and Facilities Management Division)</i>	We recommend that management consider separating the roles of project management and contract management for capital projects in general, or alternatively with those that reach a pre-determined level of risk.	Agree with alternative to be implemented	<p>Current practices will be reviewed with Legal and Procurement to determine the changes necessary related to the roles of project and contract management in general, or when a pre-determined level of risk is reached. As defined by the Office of the City Auditor (OCA), contract management for capital projects (in comparison to contract administration), is strictly concerned with contract delivery/ adherence to the contract terms (i.e., role of a contract compliance specialist). As such, EFFM will review the existing Service Level Agreement (SLA) with Legal Services with regards to the requirement to engage an experienced Legal representative knowledgeable in construction contract law to enforce contract management practices for applicable high-risk projects.</p> <p>EFFM will undertake a municipal scan to explore models for construction contract management successfully implemented by other municipalities in Ontario for multidisciplinary construction projects. Understanding that the City is bound by existing Legal and Procurement policies, and have limited ability/ flexibility to change processes, EFFM relies on the subject matter experts in these support divisions/department to provide guidance on contract management practices.</p>	Expected Completion: Q4 2023	<u>Q4 2022 – EFFM Update:</u> EFFM is on target to complete a municipal scan and working with Legal Services will initiate this in Q2 2023 once the EFFM Quality Management Office is in place, to be completed by the end of Q4 2023.

RECOMMENDATION NO. (RESPONSIBLE DIVISION)	AUDIT RECOMMENDATION	AGREED/ DISAGREE	MANAGEMENT RESPONSE	EXPECTED COMPLETION DATE	Q4 2022 STATUS UPDATE
Recommendation #5 (AUD22004) <i>(Procurement Section)</i>	We recommend that contractor performance for each contract be tracked and formally evaluated using a consistent and robust process, and that the use of contractor ratings from previous performance be considered for implementation as a procurement criterion in order to mitigate the risk of poor results.	Agree	It is within Procurement's workplan to research and develop a more robust Vendor Performance Program. The context of this program has yet to be determined however, Procurement will investigate the potential to use contractor ratings from previous contract performance as a procurement criterion in order to mitigate the risk of poor results. Procurement also recognizes that significant consultation is required with both internal and external stakeholders in order for this program to be successful. EFFM Supplemental Comment: In discussions with Procurement, EFFM will participate in this initiative to develop a more robust Vendor Performance Program.	Expected Completion: Q4 2022 Revised Completion date: Q4 2023	<u>Q4 2022 – Procurement Update:</u> Procurement is still experiencing a shortage of staffing resources to complete this work. A recruitment is under way for a project manager to develop and implement. This is a priority for Procurement Staff to complete.
Recommendation #6 (AUD22004) <i>(Legal and Risk Management Services Division with Procurement Section)</i>	We recommend that the values used for liquidated damages be reviewed to ensure they adequately compensate the City for the damages of late delivery and daily costs incurred, and to motivate contractors to take prompt action to cure project delays/deficiencies. Where liquidated damages would likely fall short of what is necessary to motivate Contractors to meet schedule requirements, we also would recommend the use of bonus/penalty clauses and earn-backs in the Contract.	Agree	Staff will investigate and pursue best practices including discussion with other municipalities, on the approach to liquidated damages, bonus and penalty provisions pertaining to contractual dealings. Legal Services will aid Procurement in updating the approach to appropriately amending contracts arising from this investigation in order to best protect the City's interests as permitted by these measures. Further, Procurement staff will engage and consult with client staff to assess consequences and controls in order to ensure appropriate application of the changes involved.	Estimated Completion: Q1 2023 Revised Completion date: Q4 2023	<u>Q4 2022 – Procurement Update:</u> Procurement staff has had preliminary discussions with both internal staff (including Facilities, Hamilton Water, Legal Services) and external municipalities within Ontario. Limited staffing resources are such that an extension is required.

RECOMMENDATION NO. (RESPONSIBLE DIVISION)	AUDIT RECOMMENDATION	AGREED/ DISAGREE	MANAGEMENT RESPONSE	EXPECTED COMPLETION DATE	Q4 2022 STATUS UPDATE
Recommendation #7 (AUD22004) <i>(Energy, Fleet and Facilities Management Division)</i>	We recommend that project management processes be improved to ensure adequate project documentation is maintained by the City, including delays and deficiencies, ensuring that contract management administrative requirements are strictly adhered to, and formal communications with the contractor are timely, effective and sufficient.	Agree	<p>Project management processes will be improved with the planned introduction of a central filing system through the Enterprise Asset Management (EAM) project for all required project documentation, including delays and deficiencies. The EAM project is the medium-term solution to ensure adequate project documentation is always maintained. Implementation is expected by 2025.</p> <p>The existing EFFM Contract Analyst position along with a new Quality Management Office within EFFM will be redefined to add duties related to quality management and project record retention. A standard operating procedure detailing project management processes will also be introduced related to ensuring contract management and contract administrative requirements are strictly followed for timely and effective contractor communications.</p>	Estimated Completion: Q4 2022 for Quality Management Office (QMO) and EAM implementation by 2025	<u>Q4 2022 – EFFM Update:</u> EFFM continues to collaborate with the departmental Public Works Quality Management System (PWQMS) and EAM project teams in the development of project management processes. EFFM has also recently completed the recruitment for the Sr. Project Manager of the EFFM Quality Management Office, which will be in place by the end of Q1 2023.
Recommendation #8 (AUD22004) <i>(Energy, Fleet and Facilities Management Division)</i>	We recommend that special contingency procedures and guidelines be developed for enhancing the oversight and contract management practices for projects in difficulty.	Agree	<p>A standard operating procedure will be developed for the management of contingency in order to enhance the oversight and contract management practices for projects in difficulty. This procedure will define roles and responsibilities, as well as ensure updates for all projects on a routine basis through a project tracker or similar mechanism while incorporating an existing escalation protocol.</p> <p>Since 2020, EFFM has implemented an escalation protocol through bi-monthly project status updates on significant/major capital projects, which allows senior management to be notified of any project issues.</p>	Estimated Completion: Q4 2022 Revised Completion date: Q4 2023	<u>Q4 2022 – EFFM Update:</u> EFFM has kept senior management and Council apprised of project status updates and will continue to do so. The standard operating procedure will be developed in in 2023 once the EFFM Quality Management Office is in place.

RECOMMENDATION No. (RESPONSIBLE DIVISION)	AUDIT RECOMMENDATION	AGREED/ DISAGREE	MANAGEMENT RESPONSE	EXPECTED COMPLETION DATE	Q4 2022 STATUS UPDATE
Recommendation #9 (AUD22004) <i>(Energy, Fleet and Facilities Management Division)</i>	We recommend that Public Works implement a process to share critical capital project information such as cost estimates with Procurement to ensure the procurement team has all relevant information for a capital project.	Agree	A standard operating procedure will be developed to document the process to share critical capital project information with Procurement to ensure the Procurement team has all relevant information for a capital project e.g. cost estimates tracked in advance of tender issuance. This information could be attached as supporting documentation to the existing project budget template, RFCTA form and Project Charter submitted at the time of tender.	Estimated Completion: Q1 2022 Revised Completion date: Q4 2023	<u>Q4 2022 – EFFM Update:</u> EFFM has started including the completed project budget as part of the Request for Contract/Tender Approval (RFCTA) package. The standard operating procedure will be developed in 2023 to document the process.
Recommendation #10 (AUD22004) <i>(Procurement Section)</i>	We recommend that the practice of single sourcing of professional consulting firms be reviewed and be utilized only during exceptional circumstances. Professional consulting services generally should only be retained through a competitive process as outlined in the City of Hamilton's Procurement By-law.	Agree	The City's Procurement Policy sets out the requirements for awarding contracts to vendors. Staff agree that the most prudent mechanism to select a vendor is through a competitive process. However, where exceptional circumstances exist and a competitive process is not recommended, the appropriate approval to single source must be obtained either by the General Manager or Council.	Expected Completion: Not Applicable.	<u>Q4 2022 – Procurement Update:</u> Procurement Section has developed and implemented a revised Policy 11 approval form specifically for consultants. The new form requests additional information to support the Policy 11 request as well as includes an acknowledgement by the client department that, pending the dollar value of the services, a formal contract with the vendor will be required. COMPLETED
Recommendation #11 (AUD22004) <i>(Procurement Section)</i>	We recommend that a standard form of contract be developed and used for the procurement of architectural consulting as well as for contract administration services including terms and conditions specific to each type of service. Furthermore, we recommend contract	Agree	Procurement has developed and currently utilizes various templated competitive procurement documents for the engagement of contract administration and architectural consulting services. For those circumstances where architectural or contract administration services are not procured through a competitive process, staff will ensure that	Expected Completion: Q4 2022 Revised Completion date: Q2 2023	<u>Q4 2022 – Procurement Update:</u> As noted in the update to Recommendation #10, the new Policy 11 form requires a formal contract with the vendor based on the value of services. Procurement has a standard form of contract for a Prime Consultant in place. Any standard terms of


RECOMMENDATION NO. (RESPONSIBLE DIVISION)	AUDIT RECOMMENDATION	AGREED/ DISAGREE	MANAGEMENT RESPONSE	EXPECTED COMPLETION DATE	Q4 2022 STATUS UPDATE
	management techniques be utilized to manage the consultant's performance based on these agreements.		a formal contract is to be executed with the vendor prior to any work being carried out. The next revision of the Procurement Policy will be amended to include this requirement.		reference or scope of work required under the contract shall be created and maintained by Facilities and modified on a case by case basis to reflect project specific requirements.
Recommendation #12 (AUD22004) (Energy, Fleet and Facilities Management Division)	We recommend that communication with Council regarding projects in difficulty be timely and forthright, and that the risk assessment process (see Recommendation 1) be utilized to bring potentially unfavorable conditions and negative community impact to Council's attention in a proactive manner.	Agree	A standard operating procedure will be developed to document the procedure for timely and forthright communication of projects in difficulty to Council. This procedure will incorporate the output of the risk assessment process to ensure that potentially unfavorable conditions and negative community impact are proactively brought to Council's attention.	Expected Completion: Q4 2022 Revised Completion date: Q1 2023	<u>Q4 2022 – EFFM Update:</u> EFFM has continued to keep Council and senior management apprised of project updates since the completion of this audit. The standard operating procedure will be developed in 2023. .
Recommendation #13 (AUD22004) (Energy, Fleet and Facilities Management Division)	We recommend that the budget for the capital projects portfolio include sufficient funding for necessary corporate services, such as legal, financial, and contract management expertise, in order to ensure that they City's interests are protected during the completion of capital projects.	Agree	Corporate Services Financial Planning, Administration and Policy staff will work with the Corporate Asset Management team and the asset owners to assess the type of costs charged to Capital Projects and assess resources needed to support Capital Projects. Under the Asset Management framework, staff will develop a definition of the cost of a Capital Asset including a review of operating costs recovered from Capital Projects. Staff will be looking to change our approach for costs that are recovered from Capital Projects, such that, capital projects may only include costs that are directly attributable to a capital project. Therefore, we will be reviewing costs for City project management, City contract management, other City overhead, City financial services, City and external legal services, etc. It is expected that the impact of any change will be assessed, and the pros and cons	Expected Completion: Q3 2023	<u>Q4 2022 – EFFM Update:</u> EFFM is continuing to work on this item. EFFM's project budget template includes an estimate for internal fee recoveries as a percentage of the project costs. This will be reviewed along with the costs of other stakeholders mentioned in the recommendation column. As noted in the update to Recommendation #7, EFFM's QMO office will be operational by the end of Q1 2023, and meeting the expected completion target will be part of its mandate.

RECOMMENDATION NO. (RESPONSIBLE DIVISION)	AUDIT RECOMMENDATION	AGREED/ DISAGREE	MANAGEMENT RESPONSE	EXPECTED COMPLETION DATE	Q4 2022 STATUS UPDATE
			of alternatives will be provided. (Operating budget, capital financing costs, i.e. transfers to capital, may be needed to offset operating budget capital cost recoveries).		
<p>Recommendation #14 (AUD22004)</p> <p><i>(Energy, Fleet and Facilities Management Division)</i></p>	<p>We recommend that management implement and/or strengthen processes to ensure that when faced with contractor claims for cost increases or time extensions due to alleged design issues, that these alleged design flaws are rigorously and independently evaluated, commensurate with their seriousness. In particular, design flaws that potentially impact safety should be promptly addressed and accountability/liability for actual design flaws is assured.</p>	<p>Agree</p>	<p>The EFFM Capital team through its new Quality Management Office, in collaboration with Legal Services and Procurement will explore means of strengthening current process that is currently governed by both (i) CCDC-2 design-bid-build contract, which defines the role of the Consultant as the contract administrator (i.e., The Consultant will provide administration of the Contract as described in the Contract Documents), and (ii) the Ontario Building Code (OBC), whereby, the capital construction projects delivered by EFFM require building permits in compliance with the OBC, which include a Commitment to General Review signed by the Prime Design Consultant and/or design Engineers to complete construction documentation, field inspections, review of shop drawings and testing reports, and contract administration services to ensure compliance with the design.</p> <p>Additionally, CCDC-2 also includes mechanisms for conflict resolution. EFFM will review the existing Service Level Agreement (SLA) with Legal Services with regards to the requirement to engage an experienced Legal representative knowledgeable in construction contract law to enforce contract management practices for applicable high-risk projects. This will allow the City to act promptly to enforce our contractual rights going forward in situations where alleged design flaws are raised during the construction phase.</p>	<p>Expected Completion: Q2 2023</p> <p>Revised Completion date: Q3 2023</p>	<p><u>Q4 2022 – EFFM Update:</u> EFFM will formalise a process in consultation with Legal Services, Risk Management and the Procurement Section, once the EFFM QMO office is operational in Q1 2023 (as noted in the update to Recommendation #7). Limited staffing resources have resulted in requiring an extension.</p> <p>EFFM will collaborate with Legal Services to review the Service Level Agreement in 2023.</p>

RECOMMENDATION NO. (RESPONSIBLE DIVISION)	AUDIT RECOMMENDATION	AGREED/ DISAGREE	MANAGEMENT RESPONSE	EXPECTED COMPLETION DATE	Q4 2022 STATUS UPDATE
Recommendation #15 (AUD22004) (Legal Division)	We recommend that management review its process for approving settlements that exceed a predetermined threshold to ensure appropriate due diligence is being exercised over the proposed settlement amounts. Such process should be designed to provide Council with assurances that proposed settlements of significant cost were being subjected to the necessary scrutiny and validation and were properly supported.	Agree	Management supports reviewing its process to approve settlements to ensure appropriate checks and balances are in place before recommendations are made to Council. Staff will target completion of this review Q3, 2022, in advance of 2023 budget deliberations.	Expected Completion: Q3 2022 Revised Completion date: Q2 2023	<u>Q4 2022 – Legal Update:</u> A new City Solicitor joined the City in mid-October 2022 and as such, the timing of implementation of this review is deferred until the new City Solicitor has been given the opportunity to review.



CITY OF HAMILTON
CITY MANAGER'S OFFICE
Government & Community Relations Division

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	February 2, 2023
SUBJECT/REPORT NO:	2022 City Enrichment Fund Update (GRA23001) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Monique Garwood (905) 546-2424 Ext. 3991
SUBMITTED BY:	Morgan Stahl Director, Government Relations & Community Engagement City Manager's Office
SIGNATURE:	

RECOMMENDATION

- (a) That the overall 2022 City Enrichment Fund surplus (attached as Appendix "A" to Report GRA23001), in the amount of \$160,772 be transferred to the City Enrichment Fund Reserve # 112230.

EXECUTIVE SUMMARY

The total budget for the 2022 City Enrichment Fund program is \$6,088,340. During the year, additional amounts totalling \$10,392 was approved for one-time funding from the City Enrichment Fund Reserve # 112230, making total funds available for distribution of \$6,098,732. As at the 2022 year-end, the City Enrichment Fund shows an unspent balance of \$160,772. The unspent balance is comprised of funds returned from 2021 grant recipients as well as uncollected grants (as outlined in Appendix "B" to Report GRA23001).

The City Enrichment Fund Reserve # 112230 had an opening balance of \$1,354,593. During the year, Council approved transfers of \$10,392, resulting in a closing reserve balance of \$1,344,201. Of the \$1,344,201, \$500,000 is earmarked for the One-Time Enhancement Grant program and \$75,000 for the approved Digital Equity Stream to be utilized in 2023 and 2024. Following these entries, the remaining reserve balance will be \$694,201.

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SUBJECT: 2022 City Enrichment Fund Update (GRA23001) (City Wide) - Page 2 of 3

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The overall surplus in the City Enrichment Fund is \$1,344,201. If transferred to the City Enrichment Fund Reserve, the balance in this reserve as at Dec 31, 2022 will be \$1,504,973. Of this balance, \$500,000 is earmarked for the One-Time Enhancement Grant program and \$75,000 for the approved Digital Equity Stream to be utilized in 2023 and 2024, resulting in a remaining reserve balance will be \$854,973.

Staffing/Legal: There are no staffing or legal implications of this report.

HISTORICAL BACKGROUND

Prior to the final year-end closing entries, staff prepare a final draft of the City Enrichment Fund actual costs, in order to provide Council a review of any unclaimed or unallocated grant funds. This report outlines all the grants paid, returned, due or allocated for the year ending December 31, 2022. This is consistent with the practice of previous years and is common practice for staff overseeing the City Enrichment Fund.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The unallocated balance for the City Enrichment Fund is \$160,772.

The summary of funding is below:

2022 Approved Funding	\$6,098,732
Grants Issued per Category:	
Agriculture	\$ 77,191
Arts	\$2,710,478
Communities, Culture & Heritage (CCH)	\$ 500,970
Community Services	\$2,236,188
Environment	\$ 139,327
Sport & Active Lifestyles	\$ 238,715
Administration Costs	<u>\$ 35,091</u>

SUBJECT: 2022 City Enrichment Fund Update (GRA23001) (City Wide) - Page 3 of 3

Total Payments	\$5,937,960
Balance/Surplus	<u>\$ 160,772</u>

ALTERNATIVES FOR CONSIDERATION

The Committee could choose not to transfer the surplus to the City Enrichment Fund Reserve # 112230. The surplus would form part of the City's overall surplus/deficit for 2022.

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.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to GRA23001 – 2022 City Enrichment Fund Summary

Appendix "B" to GRA23001 – 2022 City Enrichment Fund Unallocated & Returned Funds

2022 City Enrichment Fund SUMMARY

Category	Total Applications Received	Total Applications Funded	2022 Approved Budget	2022 Total Approved Funding	2022 Total Payment	Variance (Approved Funding vs Payment)
Agriculture	15	15	\$ 143,360	\$ 109,388	\$ 77,191	\$ 32,197
Arts	69	61	\$ 2,770,540	\$ 2,721,573	\$ 2,710,478	\$ 11,095
Communities, Culture & Heritage (CCH)	67	47	\$ 567,700	\$ 601,557	\$ 500,970	\$ 100,587
Community Services	111	89	\$ 2,164,360	\$ 2,236,688	\$ 2,236,188	\$ 500
Environment	10	10	\$ 146,390	\$ 139,327	\$ 139,327	\$ -
Sport & Active Lifestyles	45	44	\$ 245,990	\$ 240,199	\$ 238,715	\$ 1,484
Total Traditional Grant Categories	317	266	\$ 6,038,340	\$ 6,048,732	\$ 5,902,869	\$ 145,863
CEF Administration			\$ 50,000	\$ 50,000	\$ 35,091	\$ 14,909
Total City Enrichment Fund	317	266	\$ 6,088,340	\$ 6,098,732	\$ 5,937,960	\$ 160,772

2022 City Enrichment Fund Uncollected Grants

REF #	Organization	Program Name	2022 Approved	2022 Payment	Variance
ART-D19	Trip Print Press (Nicholas Kennedy)	Established Artist Project	1,800		1,800
CCH-A1	Downtown Dundas BIA	Community, Culture, Heritage Large Events	25,909		25,909
CS-H12	Disability Justice Network Of Ontario	Youth Action	4,500	4,000.00	500
					-
Total 2022 Uncollected Grants			32,209	4,000.00	28,209
Funds Returned				Amount	
AGR	Rockton Agricultural Society	2021 Grant funds returned		27,139.00	
AGR	Golden Horseshoe Beekeepers' Association	2021 Grant funds returned		282.00	
AGR	Hamilton-Wentworth 4-H Association	2021 Grant funds returned		897.50	
AGR	Hamilton Wentworth Soil and Crop Improvement Association	2021 Grant funds returned		2,461.51	
AGR	Ancaster Horticultural Society	2021 Grant funds returned		143.00	
AGR	Hamilton Wentworth Fed of agr	2021 Grant funds returned		1,275.00	
ARTS	Bach Elgar Choir (Bach Elgar Choral Society)	2021 Grant funds returned		4,815.00	
ARTS	Dundas Concert Band Inc.	2021 Grant funds returned		733.00	
ARTS	Mashal Khan	2021 Grant funds returned		3,750.00	
CCH	Hamilton Folk Arts Heritage Council	2021 Grant funds returned		41,480.00	

REF #	Organization	Program Name	2022 Approved	2022 Payment	Variance
CCH	South Asian Heritage Association of Hamilton & Region	2021 Grant funds returned		2,761.00	
CCH	Rotary Club of Hamilton AM	2021 Grant funds returned		298.00	
CCH	Durand Neighbourhood Association Inc.	2021 Grant funds returned		1,273.00	
CCH	Festitalia Corporation	2021 Grant funds returned		5,952.00	
CCH	Hamilton Santa Claus Parade Committee	2021 Grant funds returned		22,914.00	
SAL	Hamilton Bay Sailing Club	2021 Grant funds returned		1,483.80	
Total Returned Grants			-	117,657.81	117,658
Total CEF Administration Costs			50,000	35,090.57	14,905
Total Remaining Funds			82,209	156,748.38	160,772



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.

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**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.

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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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 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
			\$ 5,356,199.90
Net impact to Other Program Specific Reserves			\$ 5,347,446.43

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**SUBJECT: Capital Project Closing Report as of September 30, 2022 –
(FCS22079(a)) (City Wide) – Page 5 of 9**

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 –
(FCS22079(a)) (City Wide) – Page 6 of 9**

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 –
(FCS22079(a)) (City Wide) – Page 7 of 9**

- 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

**SUBJECT: Capital Project Closing Report as of September 30, 2022 –
(FCS22079(a)) (City Wide) – Page 8 of 9**

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.

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

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.

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- 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 or 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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