



City of Hamilton
GENERAL ISSUES COMMITTEE
REVISED

Meeting #: 23-010
Date: March 22, 2023
Time: 9:30 a.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

Angela McRae, Legislative Coordinator (905) 546-2424 ext. 5987

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 February 15, 2023

4.2 February 28, 2023 - Special

4.3 March 1, 2023 - Budget

4.4 March 9, 2023 - Special

5. COMMUNICATIONS

*5.1 Correspondence from Tys Theijmeijer, Head of Natural Areas, Royal Botanical Gardens, respecting Item 9.5 - Chedoke Creek Order – Remediation Update

Recommendation: Be received and referred to consideration of Item 9.5.

- *5.2 Correspondence from Greg Dunnett, President and CEO, Hamilton Chamber of Commerce, respecting Item 11.2 - 2023 Temporary Outdoor Patio Program Fees

Recommendation: Be received and referred to consideration of Item 11.2

6. DELEGATION REQUESTS

- 6.1 Daniel Freiheit, respecting vaccination requirement and how that's creating resource issues in the system (For a future meeting) (Virtual)
- 6.2 Hafeez Hussain, respecting Equity, Diversity and Inclusion and My Experience with the City of Hamilton (For a future meeting) (in-Person)
- *6.3 James Kemp, respecting Item 11.2 2023 Temporary Outdoor Patio Program Fees (For today's meeting) (Virtually)
- *6.4 Adan Amer and Lucia Iannantuono, Hamilton 350, respecting item 10.3 Gas Tax Transfer funding agreement (For today's meeting) (In-Person)

7. DELEGATIONS

8. STAFF PRESENTATIONS

- 8.1 Hamilton Waterfront Trust - Options for Future Operations, Programs & Services (FCS23029) (City Wide)

9. CONSENT ITEMS

- 9.1 Business Improvement Advisory (BIA) Sub-Committee Minutes - January 10, 2023
- 9.2 Municipal Accommodation Tax (PED20009(d)) (City Wide) (Outstanding Business List Item)
- 9.3 Revised Board of Management for the Concession Street Business Improvement Area (BIA) (PED23059) (Ward 7)
- 9.4 Assessment of Illness Linked to the Chedoke Creek Sewage Spill (BOH23009) (City Wide) (Outstanding Business List Item)
- 9.5 Chedoke Creek Order - Remediation Update (PW19008(t)) (City Wide)
- 9.6 Attracting Diversity During the Recruitment Process (HUR18017(a) / FCS23046) (City Wide)
- 9.7 Proposed Transfer of Prosecution Duties for Part III and Part IX Provincial Offences from the Province to the City (LS23003) (City Wide)

9.8 Comprehensive Legal Services Report 2020 and 2021 (LS23002) (City Wide)

10. DISCUSSION ITEMS

- 10.1 Preparatory Activities Agreement - Hamilton Light Rail Transit (LRT) (PED23050) (City Wide)
- 10.2 2023 Battle of Stoney Creek Re-enactment (PED23070) (City Wide) (Outstanding Business List Item)
- 10.3 City of Hamilton / Ministry of Transportation 2022-23 Dedicated Gas Tax Funding Agreement (FCS23043) (City Wide)
- 10.4 Advisory Committee for Persons with Disabilities (ACPD) Report 23-002 - February 14, 2023
- 10.5 Next Generation 9-1-1 Service Delivery (FCS20082(b) / HSC20045(b)) (City Wide)
- 10.6 Media Relations Program Review – Update to Media Relations Policy (CM23007(a)) (City Wide)
- 10.7 City of Hamilton Endorsement of the Federation of Canadian Municipalities Pre-Budget 2023 Priorities (CM23013) (City Wide)

11. MOTIONS

- 11.1 City of Hamilton's Investments into the 2026 and 2030 Commonwealth Games Bids
- 11.2 2023 Temporary Outdoor Patio Program Fees

12. NOTICES OF MOTION

- *12.1 Stairs at Grant Boulevard, Hamilton (Ward 13)
- *12.2 Securing Canada's \$1 Billion Investment in a Strengthened Freshwater Action Plan

13. GENERAL INFORMATION / OTHER BUSINESS

13.1 Amendments to the Outstanding Business List:

- a. Items Considered Complete and Needing to be Removed:

Submission for the Disaster Mitigation and Adaptation Fund Intake Two Program

OBL Item: L

Added: October 6, 2021 at GIC (Item 7)

Completed: February 15, 2023 at GIC (Item 9.3)

Property & Liability Insurance Renewal (LS22036) (City Wide)

OBL Item: OO

Added: November 30, 2022 at GIC (Item 12)

Completed: January 18, 2023 at GIC (Item 10.20)

Amendment to Appendix "A" of Item 4.1 of the August 26, 2021 Council Minutes, respecting Report HUR21008, the Mandatory COVID-19 Vaccination Verification Policy, which was approved by Council on August 26, 2021 - REVISED

OBL Item: PP

Added: December 7, 2022 at Council (Item 7.12)

Completed: February 1, 2023 at GIC (Item 9.2)

The 2023 Battle of Stoney Creek Event

OBL Item: Z

Added: June 8, 2022 at Council (Item 6.2)

Completed: March 22, 2023 at GIC (Item 10.2)

Methodology for Municipal Accommodation Tax Collection

OBL Item: FF

Added: August 4, 2022 at GIC (Item 4(n))

Completed: March 22, 2023 at GIC (Item 9.2)

Health-Related Incidents Associated with Exposure to Contaminated Waterways in the Chedoke Creek & Cootes Paradise

OBL Item: G

Added: November 20, 2019 at GIC

Completed: March 22, 2023 at GIC (Item 9.4)

Media Relations Program Review – Update to Media Relations Policy (CM23007)

OBL Item: 2023-N

Added: February 15, 2023 at GIC

Completed: March 22, 2023 at GIC (Item 10.6)

Hamilton Waterfront Trust - April 27, 2022 Council Meeting

OBL Item: RR

Added: September 28, 2023 at Council (Item 11.3)

Completed: March 22, 2023 at GIC (Item 8.1)

b. Items Requiring a New Due Date:

City of Hamilton and the Hamilton Urban Precinct Group LP, with regard the lands known as the FirstOntario Centre, the Hamilton Convention Centre and the FirstOntario Concert Hall may be publicly released

OBL Item: T

Current Due Date: January 18, 2022

Requested New Due Date: Q3 2023

Update on Request for Information – Downtown Parking Structure (PED16105 and PED15183)

OBL Item: A

Current Due Date: March 22, 2023

Requested New Due Date: December 6, 2023

Updated Hamilton Tourism Strategy 2021 to 2025

OBL Item: H

Current Due Date: March 22, 2023

Requested New Due Date: September 6, 2023

Annual Report on the Impacts of the No Growth Option

OBL Item: P

Current Due Date: April 19, 2023 - To GIC

Requested New Due Date: April 4, 2023 - To Planning Committee

Commonwealth Games 2030 Update (PED19108(h))

OBL Item: X

Current Due Date: March 22, 2023

Requested New Due Date: June 14, 2023

Policies and Procedures to Rescue and Safely Transport Stranded Pedestrians and their Mobility Devices

OBL Item: CC

Current Due Date: March 22, 2023

Requested New Due Date: September 20, 2023

Accessibility Award Program

OBL Item: S

Current Due Date: May 2023

Requested New Due Date: June 14, 2023

14. PRIVATE AND CONFIDENTIAL

14.1 Closed Session Minutes - February 15, 2023

Pursuant to Section 9.3, Sub-sections (b), (e), (h) and (i) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (b), (e), (h) and (i) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; information explicitly supplied in confidence to the City or a local board by Canada, a province or territory or a Crown agency of any of them; and a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

14.2 Closed Session Minutes - March 1, 2023 - Budget

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.

14.3 Acquisition of Land in the City of Hamilton (Ward 10)

Pursuant to Section 9.3, Sub-section (c) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (c) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board.

*14.4 Privileged Solicitor-Client Encampment Litigation (LS20023(f)) (City Wide)

Pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

15. ADJOURNMENT



GENERAL ISSUES COMMITTEE MINUTES 23-007

9:30 a.m.

February 15, 2023

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

Present: Deputy Mayor N. Nann (Chair)
Mayor A. Horwath
Councillors J. Beattie, C. Cassar, B. Clark, J. P. Danko, M. Francis, T. Hwang, C. Kroetsch, T. McMeekin, E. Pauls, M. Spadafora, M. Tadeson, A. Wilson

Absent: Councillors M. Wilson and T. Jackson – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Digital Strategy (CM23010) (City Wide) (Item 8.3)

(Hwang/Cassar)

- (a) That the Digital Strategy as outlined in Appendix “A” to Report CM23010 be approved;
- (b) That any future staffing, or implementation cost, outside of existing complement or budgets, required to implement the Digital strategy be brought forward to council via normal budget approval process;
- (c) That staff be directed to implement the Digital strategy, and report back in one year to the General Issues Committee on the progress made.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls

Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

2. Hamilton.ca Website Redevelopment - Status Update (CM20011(b)) (City Wide) (Item 9.1)

(Cassar/Tadeson)

That Report CM20011(b), respecting Hamilton.ca Website Redevelopment - Status Update, be received.

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

Absent	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

3. Residential Water and Sewer Line Warranty Protection Program Update 2023 (FCS23014) (City Wide) (Item 9.2)

(Beattie/Cassar)

That Report FCS23014, respecting the Residential Water and Sewer Line Warranty Protection Program Update 2023, be received.

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

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson

Yes	-	Ward 2	Councillor Cameron Kroetsch
Yes	-	Ward 3	Councillor Nrinder Nann
Absent	-	Ward 4	Councillor Tammy Hwang
Yes	-	Ward 5	Councillor Matt Francis
Absent	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Absent	-	Ward 15	Councillor Ted McMeekin

**4. Application Update on Disaster Mitigation and Adaptation Fund (DMAF)
Intake Two (FCS21090(a)) (City Wide) (Outstanding Business List) (Item 9.3)**

(Pauls/Kroetsch)

That Report FCS21090(a), respecting an Application Update on Disaster Mitigation and Adaptation Fund (DMAF) Intake Two, be received.

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

5. Innovation Factory and Synapse Life Sciences Consortium Request for Funding Renewal (PED23037) (City Wide) (Outstanding Business List Item) (Item 10.1)

(Hwang/Tadeson)

- (a) That the request by Innovation Factory to exercise their renewal option of the City's 2022 Annual Community Partnership contribution of \$50K, per previous General Issues Committee (GIC) Reports PED20197 and PED21204, be approved;
- (b) That the \$50K annual contribution for the Innovation Factory be funded from the Economic Development Investment Reserve Account No. 112221;
- (c) That the request by the Synapse Life Sciences Consortium to exercise their renewal option of the City's 2022 Annual Community Partnership contribution of \$10K per previous General Issues Committee (GIC) Reports PED19057(a) and PED21204, be approved;
- (d) That the \$10K contribution for the Synapse Life Sciences Consortium be funded from the Economic Development Initiatives/Investment Reserve Account No. 112221; and,
- (e) That City staff, together with Innovation Factory, including Synapse Life Sciences Consortium, report back to General Issues Committee with an annual review of the Municipal Funding Program prior to the approval of a renewal option for 2023 and subject to satisfactory Key Performance Indicator (KPI) results of the previous year.

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

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Absent	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

6. Fleet Services Realignment (PW23011) (City Wide) (Item 10.2)**(Horwath/Cassar)**

That the General Manager of the Public Works Department be authorized and directed to transfer the Fleet Services Section of the Energy, Fleet & Facilities Management Division to the Corporate Asset Management Division within the Public Works Department, including 57 FTE's and a total 2022 Council Approved Budget in the amount of \$147,777, effective March 1, 2023:

- (i) Fleet Services Section in the amount of \$147,777 and 57 FTE's;
- (ii) Fleet Vehicle Replacement Reserve #112025 with a 2022 forecasted year-end balance of (\$4,369,128)

CARRIED**7. City Auditor Reporting of Serious Matters to Council (Case #60942 Employee Corruption Allegations) (AUD23004) (City Wide) (Item 10.3)****(Clark/Beattie)**

That Report AUD23004, respecting the City Auditor Reporting of Serious Matters to Council (Case #60942 Employee Corruption Allegations), be received.

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

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Absent	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

8. Amendment to Municipality Contribution Agreement with Ontario Lottery and Gaming Corporation - Sportsbooks (FCS23026) (City Wide) (Item 10.4)**(Clark/Tadeson)**

That the Mayor and City Clerk be authorized to sign and execute the Amendment to Municipality Contribution Agreement (MCA) between the City of Hamilton (the

“Municipality”) and the Ontario Lottery and Gaming Corporation (OLG) as outlined in Appendix “A” to Report FCS23026.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

9. Advisory Committee for Persons with Disabilities (ACPD) Report 23-001 - January 10, 2023 (Item 10.5)

(Tadeson/Cassar)

(a) Establishing an Annual Accessibility Event (Item 12.1)

WHEREAS, the Advisory Committee for Persons with Disabilities’ (ACPD) Outreach Working Group’s main objective is to explore partnership opportunities with other community agencies and organizations as well as outreach with the public;

WHEREAS, the ACPD’s Accessibility Fair 2022 “Ability First” was considered successful for an inaugural event;

WHEREAS, the event consisted of twenty-five stakeholder, local organization, and City department stations as well as six interactive events;

WHEREAS, the participants of the event have expressed interest in attending and participating in any future events organized by the ACPD; and

WHEREAS, events such as the Accessibility Fair provide opportunities for collaborations, networking, public education and direct informational

conduits from members of the public to members of City Council.

THEREFORE, BE IT RESOLVED:

- (a) That an annual Accessibility Event organized by the Advisory Committee for Persons with Disabilities, be approved;
- (b) That City staff be directed to provide support and assistance to the Advisory Committee for Persons with Disabilities for the annual Accessibility Event, subject to their availability;
- (c) That the 2023 Advisory Committee for Persons with Disabilities be authorized to use up to \$8,000 from the Volunteer Committee Reserve (#112212) to fund the Accessibility Event; and
- (d) That the funding for future Accessibility Events be considered within the Advisory Committee for Persons with Disabilities' annual budget submission.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

10. City of Hamilton Property Tax Bill Increases Due to Ontario Legislative Changes (Item 11.2)

(Clark/Danko)

That staff be directed to explore methods and resources in order to include language in City of Hamilton property tax bills that would indicate any increase in property taxes due to Ontario legislative changes and report back to the General Issues Committee.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

11. Financial Impacts of Waterfront Lands (Item 11.3) - REVISED

(Kroetsch/Francis)

That City Staff report back in an Information Report, to a General Issues Committee in May, on the financial impacts (including property taxes, leases, and City fees) to the City of Hamilton with respect to West Harbour and industrial bayfront waterfront lands including lands owned by the Hamilton Oshawa Port Authority, the City of Hamilton, and private owners.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

12. Staff Investigation (PED23051) (City Wide) (Item 14.3)

(Hwang/Francis)

That Report PED23051, respecting the Staff Investigation, be received and remain confidential.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

4. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

4.2 February 1, 2023 – REVISED

6. DELEGATION REQUESTS - WITHDRAWN

6.2 P.J. Mercanti and Louis Frapporti, Hamilton100, respecting the 2030 Commonwealth Games (In-Person) (For today's meeting)

6.3 Brian MacPherson, Commonwealth Sport Canada, respecting the 2030 Commonwealth Games Bid (In-Person) (For today's meeting)

8. STAFF PRESENTATIONS - WITHDRAWN

8.1 Commonwealth Games 2030 Update (PED19108(j)) (City Wide)

11. MOTIONS - WITHDRAWN

11.1 Appointments to the Interview Sub-committee to the General Issues Committee

14. PRIVATE AND CONFIDENTIAL

14.4 Canada Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative (RHI) Round 3 (HSC20056(c)) (Referred to the February 15, 2023 GIC Meeting by Council on February 8,2023)

(Beattie/Cassar)

That the agenda for the February 15, 2023 General Issues Committee meeting, be approved, as amended.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(Francis/Hwang)

That the following minutes of the General Issues Committee be approved, as presented:

- (i) January 27, 2023 – Special (Item 4.1)
- (ii) February 1, 2023 - REVISED (Item 4.2)

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(d) DELEGATION REQUESTS (Item 6)

- (i) David Carter, Innovation Factory, respecting commentary and background for Report PED23037 which addresses the City's funding to Innovation Factory (In-Person) (Item 6.1)**

(Hwang/Spadafora)

That the delegation request from David Carter, Innovation Factory, respecting commentary and background for Report PED23037 which addresses the City's funding to Innovation Factory, be approved for today's meeting.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann

Yes	-	Ward 4	Councillor Tammy Hwang
Yes	-	Ward 5	Councillor Matt Francis
Absent	-	Ward 6	Councillor Tom Jackson
Yes	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

(e) DELEGATIONS (Item 7)

(i) David Carter, Innovation Factory, respecting commentary and background for Report PED23037 which addresses the City's funding to Innovation Factory (In-Person) (Added Item 7.1)

David Carter, Innovation Factory, addressed the Committee respecting commentary and background for Report PED23037 which addresses the City's funding to Innovation Factory.

(Hwang/A. Wilson)

That the Delegation from David Carter, Innovation Factory, respecting commentary and background for Report PED23037 which addresses the City's funding to Innovation Factory, be received.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

For further disposition of this matter, refer to Item 5.

(f) STAFF PRESENTATIONS (Item 8)

(i) Media Relations Program Review (Item 8.2)

Matthew Grant, Director of Communications & Strategic Initiatives addressed the Committee with a presentation on the Media Relations Program Review.

(McMeekin/Pauls)

That the staff presentation respecting the Media Relations Program Review, be received.

For disposition of this matter, refer to Items (f)(ii) & (f)(iii).

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(ii) Media Relations Program Review – Update to Media Relations Policy (CM23007) (City Wide) (Item 8.2(a))

(Hwang/Tadeson)

- (a) That the City of Hamilton’s Revised Media Relations Policy, attached as Appendix “A” to Report CM23007, be approved for implementation on July 31st, 2023; and,
- (b) That Communications staff be directed to provide all needed training and support to implement updated policy provisions, prior to July 31st, 2023.

(Horwath/Danko)

That Report CM23007, respecting Media Relations Program Review – Update to Media Relations Policy, be REFERRED back to staff to amend the policy to reflect the following, and report back to the General Issues Committee:

- (a) That the City does not wish to require media to reveal their sources where circumstances dictate that they should be; and,
- (b) That all press conferences be recorded and made available publicly.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(iii) Media Relations Program Review – Media Accreditation Policy (CM23008) (City Wide) (Item 8.2(b))

(Clark/Hwang)

- (a) That the City of Hamilton’s Media Accreditation Policy and Procedure (attached as Appendix “A” to Report CM23008), be approved;
- (b) That Council authorize staff to enter into Media Centre User Agreements for regular users and Per Use Agreements for temporary users of the Media Centre agreements as outlined in the Major Terms and Conditions overview (attached as Appendix “B” to Report CM23008);

- (c) That Council authorize the creation of a new Media category for parking passes, which would allow a single pass to be shared between pre-determined vehicles associated with a specific media outlet.

(Horwath/Clark)

WHEREAS, the City of Hamilton is committed to open, transparent and accountable communications with the media;

WHEREAS, the media is an important part of the democratic process and the City is committed to assisting them with their work in covering municipal affairs at the City of Hamilton;

WHEREAS, the City wants to ensure that any policy it puts in place assists the media in it's work and ensures that the City is supporting the dissemination of news and information to the community;

THEREFORE, BE IT RESOLVED:

That consideration of Report CM23008, respecting Media Relations Program Review – Media Accreditation Policy, be DEFERRED to a future General Issues Committee meeting, pending an independent third-party review of the policy that includes consultation with independent Hamilton news stakeholders, and recommendations on best practices.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(iv) Digital Strategy (CM23010) (City Wide) (Item 8.3)

Cyrus Tehrani, Chief Digital Officer & Director of Innovation; Justin LoPresti, Deloitte; and Andy Potter, Deloitte addressed the Committee with a presentation on the Digital Strategy.

(Hwang/Cassar)

That the presentation respecting the Digital Strategy, be received.

For disposition of this matter, refer to Item 1.

(Tadeson/Hwang)

That the General Issues Committee recess for 30 minutes until 2:00 pm.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(g) NOTICES OF MOTION (Item 12)

Councillor Kroetsch introduced the following Notice of Motion:

(i) City of Hamilton's Investments into the 2026 and 2030 Commonwealth Games Bids (Item 12.1)

That City staff report back on any investments, monetary, in kind, and in staff time, including any estimates if specifics are not available, that were contributed by the City of Hamilton to the 2026 and 2030 Commonwealth Games bids.

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

(i) Amendments to the Outstanding Business List: (Item 13.1)

(Spadafora/Hwang)

That the Amendments to the Outstanding Business List, be approved, as follows:

(a) Items Considered Complete and Needing to be Removed: (Item 13.1(a))

Disbanding of the Mayor's Ukrainian Humanitarian Crisis and Response Advisory Committee

Added: December 7, 2022 (at Council 22-024 - Item 7.1)

Completed: January 18, 2023 (at GIC - Item 10.16)

Results of the Project Evaluations by the Government of Canada

Added: March 23, 2022 (at GIC 22-006 - Item 11(c))

Completed: February 7, 2023 (at GIC Budget - Item 7.19)

Innovation Factory Request for Funding Renewal Option and Synapse Life Sciences Consortium Funding Update

Completed: February 15, 2023 (at GIC – Item 10.1)

Review of the function and role of the Energy Office within the Energy Fleet & Facilities Management Division of Public Works, and any other potential service areas

Completed: February 15, 2023 (at GIC – Item 10.2)

(b) Items Requiring a New Due Date: (Item 13.1(b))

Corporate Strategic Growth Initiatives – Annual Update

OBL Item: B

Current Due Date: January 18, 2023

Proposed New Due Date: April 5, 2023

ACPD, Environmental Working Group Plan

OBL Item: I

Current Due Date: March 22, 2023

Proposed New Due Date: December 6, 2023

Strategic Land Acquisition Plan Along the Hamilton Light Rail Transit (LRT) Corridor

OBL Item: W

Current Due Date: February 15, 2023

Proposed New Due Date: May 17, 2023

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(i) PRIVATE & CONFIDENTIAL (Item 14)

(Cassar/Hwang)

That the following Closed Session Minutes be approved and remain confidential:

- (i) Closed Session Minutes – January 27, 2023 – Special (Item 14.1)
- (ii) Closed Session Minutes – February 1, 2023 (Item 14.2)

CARRIED

(Spadafora/Hwang)

That Committee move into Closed Session to discuss Items 14.3 and 14.4, pursuant to Section 9.3, Sub-sections (b), (e), (h) and (i) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (b), (e), (h) and (i) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; information explicitly supplied in confidence to the City or a local board by Canada, a province or territory or a Crown agency of any of them; and a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(i) Staff Investigation (PED23051) (City Wide) (Item 14.3)

For disposition of this matter, please refer to Item 12.

The following resolution was considered by Council at its special meeting of February 15, 2023:

(ii) Canada Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative (RHI) Round 3 (HSC20056(c)) (Added Item 14.4)

(Horwath/Nann)

- (a) That the General Manager of the Healthy and Safe Communities Department, or designate, be authorized and directed to enter into the Rapid Housing Initiative Agreement with the Canada Mortgage and Housing Corporation (CMHC) to accept Hamilton's Rapid Housing Initiative Round 3 allocation through the Cities Stream for the creation of affordable housing units through conversion or rehabilitation of existing buildings, new builds, including modular construction, in a form satisfactory to the City Solicitor;
- (b) That the General Manager of the Healthy and Safe Communities Department, or designate, be authorized and directed to administer the Rapid Housing Initiative Round 3 (RHI3) entering into any agreements and ancillary agreements on such terms as they consider appropriate; approving purchase orders; exempting actions from approved City policies, procedures, and business practices as needed to meet RHI timelines; and taking other actions

needed to ensure success, in a form satisfactory to the City Solicitor;

- (c) That as a condition to approving the acceptance of the Rapid Housing Initiative Round 3 funding made available for Hamilton affordable housing projects by CMHC, Council approve a preliminary financial contingency for Rapid Housing Initiative Round 3 of up to \$5M from the Unallocated Capital Levy Reserve (108020) for potential financial risks related to construction overages incurred for projects approved under the Cities Stream and that all actual draws against this commitment be brought to Council for approval;
- (d) That staff explore with CMHC and project proponents, strategies to minimize municipal exposure for construction overages for the projects selected in RHI3 and that these strategies be built into RHI3 contracts;
- (e) That staff report back to the Emergency and Community Services Committee with financial recommendations in the case that actual financial obligations against the City related to construction overages incurred for projects approved under the Cities Stream, exceed Council approved funding;
- (f) That, in light of, the federal funding shortfall inherent in Rapid Housing Initiative Round 3, and the federal program not keeping pace with construction costs, staff work with Council to educate the public and advocate for increased federal and provincial contribution for affordable housing projects; and,
- (g) That Report HSC20056(c) respecting the Canada Mortgage and Housing Corporation Rapid Housing Initiative remain confidential upon a formal public announcement.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie

Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

(j) ADJOURNMENT (Item 15)

(Hwang/Horwath)

That there being no further business, the General Issues Committee be adjourned at 3:45 p.m.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Absent	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

Respectfully submitted,

Deputy Mayor Nrinder Nann
Chair, General Issues Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk



SPECIAL GENERAL ISSUES COMMITTEE MINUTES 23-008

9:30 a.m.

February 28, 2023

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

Present: Mayor A. Horwath, Deputy Mayor Nann (Chair)
Councillors J. Beattie, C. Cassar, B. Clark, J.P. Danko, M. Francis, T. Hwang, T. Jackson, C. Kroetsch, T. McMeekin, E. Pauls, M. Spadafora, M. Tadeson, A. Wilson, and M. Wilson

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

(Hwang/Danko)

That the agenda for the February 28, 2023 Special General Issues Committee meeting, be approved, as presented.

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Absent	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar

Yes - Ward 13 Councillor Alex Wilson
 Absent - Ward 14 Councillor Mike Spadafora
 Absent - Ward 15 Councillor Ted McMeekin

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) STAFF PRESENTATIONS (Item 4)

(i) Hamilton Water Standard of Care and Due Diligence Training (Item 4.1)

(a) Hamilton Water Standard of Care and Due Diligence Training

Nick Winters, Director, Hamilton Water; Wendy Jackson, Senior Regulatory Coordinator; and Susan Girt, Manager, Compliance and Regulations, provided the presentation respecting the Hamilton Water Standard of Care and Due Diligence Training, and answered questions of Committee.

(McMeekin/Spadafora)

That the presentation respecting the Hamilton Water Standard of Care and Due Diligence Training, be received.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Absent - Mayor Andrea Horwath
 Yes - Ward 1 Councillor Maureen Wilson
 Yes - Ward 2 Councillor Cameron Kroetsch
 Yes - Ward 3 Councillor Nrinder Nann
 Yes - Ward 4 Councillor Tammy Hwang
 Yes - Ward 5 Councillor Matt Francis
 Yes - Ward 6 Councillor Tom Jackson
 Yes - Ward 7 Councillor Esther Pauls
 Yes - Ward 8 Councillor J. P. Danko
 Absent - Ward 9 Councillor Brad Clark
 Yes - Ward 10 Councillor Jeff Beattie
 Yes - Ward 11 Councillor Mark Tadeson
 Yes - Ward 12 Councillor Craig Cassar
 Yes - Ward 13 Councillor Alex Wilson
 Yes - Ward 14 Councillor Mike Spadafora
 Yes - Ward 15 Councillor Ted McMeekin

Deputy Mayor Nann relinquished the Chair to Councillor Danko for the remainder of the meeting.

(b) Wastewater/Stormwater Requirements (Item 4.1(b))

Nick Winters, Director, Hamilton Water; Wendy Jackson, Senior Regulatory Coordinator; and Susan Girt, Manager, Compliance and Regulations, provided the presentation respecting the Wastewater/Stormwater Requirements, and answered questions of Committee.

(A. Wilson/Hwang)

That the presentation respecting the Wastewater Requirements, be received.

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

Absent	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Absent	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Absent	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(d) ADJOURNMENT (Item 5)

(Hwang/M. Wilson)

That there being no further business, the General Issues Committee be adjourned at 12:31 p.m.

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

Absent	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Absent	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Absent	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Absent	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

Respectfully submitted,

Councillor Nrinder Nann
Deputy Mayor, General Issues
Committee

Janet Pilon
Manager, Legislative Services/Deputy Clerk
Office of the City Clerk



**GENERAL ISSUES COMMITTEE
(OPERATING BUDGET)
MINUTES 23-001(j)**

9:30 a.m.

Wednesday, March 1, 2023
Council Chambers, City Hall, 2nd Floor
71 Main Street West, Hamilton, Ontario

Present: Mayor A. Horwath, Councillors B. Clark (Chair)
J.P. Danko, J. Beattie, C. Cassar, M. Francis, T. Hwang, T. Jackson,
C. Kroetsch, T. McMeekin, N. Nann, M. Spadafora, M. Tadeson,
A. Wilson and M. Wilson

Absent: Councillor E. Pauls – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

**1. Sufficiency of the Affordable Housing Funding Program (AHFP)
(HSC23003(a)) (City Wide) (Outstanding Business List Item) (Item 5.1)**

(Nann/A. Wilson)

That Report HSC23003(a), respecting the Sufficiency of the Affordable Housing Funding Program (AHFP), be received.

Result: MOTION, CARRIED by a vote of 15 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

2. Service Delivery Review (FCS23038) (City Wide) (Item 5.2)

(M. Wilson/Cassar)

That Report FCS23038, respecting the Service Delivery Review, be received.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Absent	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

3. Motion Regarding Grounds for an Appeal to the Ontario Civil Police Commission (LS23018) (City Wide) (Item 11.1)

(Beattie/Cassar)

(a) That Report LS23018, respecting the Motion Regarding Grounds for an Appeal to the Ontario Civil Police Commission, be received and remain confidential; and,

(b) That appendices "A", "B", and "C" to Report LS23018, Motion Regarding Grounds for an Appeal to the Ontario Civil Police Commission, be released publicly following approval by Council.

Result: MOTION, CARRIED by a vote of 15 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark

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Yes - Ward 10 Councillor Jeff Beattie
 Yes - Ward 11 Councillor Mark Tadeson
 Yes - Ward 12 Councillor Craig Cassar
 Yes - Ward 13 Councillor Alex Wilson
 Yes - Ward 14 Councillor Mike Spadafora
 Yes - Ward 15 Councillor Ted McMeekin

4. Living Wage (HUR20003(c)) (City Wide) (Item 7.1)

(Kroetsch/A. Wilson)

That Report HUR20003(c), respecting the Living Wage, be received.

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Absent - Mayor Andrea Horwath
 Yes - Ward 1 Councillor Maureen Wilson
 Yes - Ward 2 Councillor Cameron Kroetsch
 Yes - Ward 3 Councillor Nrinder Nann
 Yes - Ward 4 Councillor Tammy Hwang
 Absent - Ward 5 Councillor Matt Francis
 Yes - Ward 6 Councillor Tom Jackson
 Absent - Ward 7 Councillor Esther Pauls
 Yes - Ward 8 Councillor J. P. Danko
 Yes - Ward 9 Councillor Brad Clark
 Yes - Ward 10 Councillor Jeff Beattie
 Yes - Ward 11 Councillor Mark Tadeson
 Yes - Ward 12 Councillor Craig Cassar
 Yes - Ward 13 Councillor Alex Wilson
 Yes - Ward 14 Councillor Mike Spadafora
 Yes - Ward 15 Councillor Ted McMeekin

5. Living Wage (HUR20003(b) / FCS20013(b)) (City Wide) (Item 7.2)

(Nann/Danko)

(a) That staff be directed to implement the Living Wage of \$19.05 per hour for School Crossing Guards and the non-union part-time casual employee group as follows:

- (i) Effective September 1, 2023, amend the hourly rate for School Crossing Guards from \$17.20 to \$19.05 per hour and update the salary schedule to reflect the new Living Wage rate;
- (ii) Effective July 1, 2023, amend the hourly rates for positions in the non union part-time casual employee group by updating the salary schedule for the first three grades (1EK, 1DI, 1DI) from \$17.20 to \$19.05 per hour and applying the same percentage increase to the rest of the non-union, part-time casual salary schedule to maintain

internal equity in accordance with the City of Hamilton compensation policy and practices;

- (b) That staff be directed to maintain the unionized full-time summer student classifications at their existing rates whereby outside unionized student workers continue to earn \$16.00 per hour with a \$0.95 shift premium for afternoon and weekend work and inside unionized student workers continue to earn a minimum \$16.00 per hour and up to \$19.773 per hour. As these positions fall under CUPE 5167, the rates are subject to the collective bargaining process;
- (c) That staff be directed to maintain the non-union full-time summer student classifications at their existing rates of \$17.20 per hour (previous Living Wage rate). These rates can be adjusted separately by the department should attraction and retention become an issue;
- (d) That staff be directed to bring forward a report to Council for approval should there be any future changes to the Living Wage rate prior to implementation, in order to consider budget impacts and to assess the effects on the City's internal compensation system.

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Absent	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Absent	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

6. 2023 Tax Supported Operating Budget - Recommendations (FCS23007(a)) (City Wide) (Item 6.1)

(i) (Kroetsch/Nann)

That sub-section (a)(v) of the recommendations within Report FCS23007(a), respecting Item 2.9 of Appendix "H" of Report FCS23007(a), be approved, as **amended**, as follows:

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- 2.9** Housing Services Funding for YWCA Hamilton (Motion - ECS Dec. 1, 2022) **\$2,600,000** (Gross), \$2,600,000 (Net), 0.24% Residential Tax Impact.

Result: MAIN MOTION, As Amended, CARRIED by a vote of 12 to 3, as follows:

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
No	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
No	-	Ward 8 Councillor J. P. Danko
No	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(ii) (Danko/Jackson)

That sub-section (a)(v) of the recommendations within Report FCS23007(a), respecting Item 2.11 of Appendix "H" of Report FCS23007(a), be approved, as follows:

- 2.11** Housing Services Encampment Pilot Evaluation - Coordination Response Team (HSC20038(c) / PED21188(b)), \$1,366,646 (Gross), \$1,366,646 (Net), 10.50 FTE, Residential Tax Impact 0.12%

Result: MOTION, CARRIED by a vote of 10 to 5, as follows:

Yes	-	Mayor Andrea Horwath
No	-	Ward 1 Councillor Maureen Wilson
No	-	Ward 2 Councillor Cameron Kroetsch
No	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson

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Yes	-	Ward 12	Councillor Craig Cassar
No	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
No	-	Ward 15	Councillor Ted McMeekin

(iii) (Kroetsch/A. Wilson)

That sub-section (a)(v) of the recommendations within Report FCS23007(a), respecting Item 4.1 of Appendix "H" of Report FCS23007(a), be approved, as follows:

4.1 City Clerk's Office - Election Expense Reserve for Internet Voting Consideration for 2026 Municipal Election (FCS20081(a)), \$153,800 (Gross), \$153,800 (Net), Residential Tax Impact 0.01%

Result: MOTION, CARRIED by a vote of 10 to 5, as follows:

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
No	-	Ward 4 Councillor Tammy Hwang
No	-	Ward 5 Councillor Matt Francis
No	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
No	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
No	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(iv) (Kroetsch/A. Wilson)

That sub-section (a)(v) of the recommendations within Report FCS23007(a), respecting Item 6.2 of Appendix "H" of Report FCS23007(a), be approved, as follows:

6.2 Legislative - Increase to Councillors' Office Budgets (Motion - Council Dec. 7, 2022), \$600,000 (Gross), \$600,000 (Net), Residential Tax Impact 0.05%

Result: MOTION, CARRIED by a vote of 11 to 4, as follows:

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann

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Yes	-	Ward 4	Councillor Tammy Hwang
No	-	Ward 5	Councillor Matt Francis
No	-	Ward 6	Councillor Tom Jackson
Absent	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
No	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
No	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

(v) (Nann/A. Wilson)

That sub-section (a)(v) of the recommendations within Report FCS23007(a), respecting Item 6 of Appendix “H” of Report FCS23007(a), be approved, as follows:

- 6** Corporate Financials, Living Wage (HUR20003(b)/FCS20013(b)), \$353,600 (Gross), \$353,600 (Net), Residential Tax Impact 0.03%

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Absent	-	Mayor Andrea Horwath	
Yes	-	Ward 1	Councillor Maureen Wilson
Yes	-	Ward 2	Councillor Cameron Kroetsch
Yes	-	Ward 3	Councillor Nrinder Nann
Yes	-	Ward 4	Councillor Tammy Hwang
Absent	-	Ward 5	Councillor Matt Francis
Yes	-	Ward 6	Councillor Tom Jackson
Absent	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

(vi) (Cassar/Beattie)

(a) Council Referred Items, Business Cases and 2023 – 2025 Multi-Year Outlook:

- (i) That the 2023 Council Referred Items in **Amended** Appendix “A” attached to Report FCS23007(a), **by removing Healthy & Safe Communities Item 2.6; noting GIC APPROVED on**

Items 2.9, 2.11, 4.1 and 6.2; and adjusting the respective totals, be received;

- (ii) That the 2023 Business Cases in Appendix “B” attached to Report FCS23007(a), be received;
- (iii) That the 2023 Tax Supported Operating Budget Amendments in ***Amended*** Appendix “C” attached to Report FCS23007(a), ***by including Items 6(i), 6(ii), 6(iii), 6(iv) and 6(v)***, be received;
- (iv) That the 2024 – 2026 Multi-Year Outlook in Appendix “G” attached to Report FCS23007(a), be received.

Result: MOTION, As Amended, CARRIED by a vote of 13 to 0, as follows:

Absent	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Absent	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(vii) (Jackson/Danko)

(b) Boards and Agencies:

- (i) That the Hamilton Police Services operating budget of \$193,596,008 in Appendix “D” attached to Report FCS23007(a), be approved;

Result: MOTION, CARRIED by a vote of 8 to 5, as follows:

Absent	-	Mayor Andrea Horwath
No	-	Ward 1 Councillor Maureen Wilson
No	-	Ward 2 Councillor Cameron Kroetsch
No	-	Ward 3 Councillor Nrinder Nann
No	-	Ward 4 Councillor Tammy Hwang
Absent	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson

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Absent	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
No	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

(viii) (Nann/Jackson)

(b) Boards and Agencies:

- (ii) That the City Enrichment Fund operating budget of \$6,717,793 in Appendix "D" attached to Report FCS23007(a), be approved;
- (iii) That all other Boards and Agencies budgets totaling \$50,898,149 in Appendix "D" attached to Report FCS23007(a), be approved;

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Absent	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Absent	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(ix) (A. Wilson/Kroetsch)

(c) Planning and Economic Development Department

- (i) That the Planning and Economic Development operating budget (2023 Tax Supported Operating Budget Book – Appendix "I" to Report FCS23007(a), page 46) of \$33,627,976, inclusive of amendments as per **Amended**

Appendix “C” attached to Report FCS23007(a), be approved;

(d) Healthy and Safe Communities Department

- (i) That the Healthy and Safe Communities operating budget (2023 Tax Supported Operating Budget Book – Appendix “I” attached to Report FCS23007(a), page 85) of ~~\$298,203,618~~ **\$302,170,264**, inclusive of amendments as per **Amended** Appendix “C” attached to Report FCS23007(a), be approved;
- (ii) That the General Manager of the Healthy and Safe Communities Department, or delegate, be authorized and directed to execute, on behalf of the City, all agreements, including all federal and provincial funding agreements and any agreements with Community Services Provider(s), as well as, any ancillary agreements, contracts, extensions and documents, associated with, or arising out of, Council’s approval of the budgets, outlined Appendix “I” attached to Report FCS23007(a), inclusive of amendments as per **Amended** Appendix “C” attached to Report FCS23007(a), which also includes the authority to authorize the submission of budgets and quarterly and / or year-end reporting, as well as, the authority to make appropriate payments to community service providers, in a form satisfactory to the City Solicitor;
- (iii) That, where required for Public Health Services, the General Manager of the Healthy and Safe Communities Department, or delegate, or the Medical Officer of Health, or delegate, be authorized and directed to execute, on behalf of the City, all agreements, including all federal and provincial funding agreements, as well as, any ancillary agreements, contracts, extensions and documents, associated with or arising out of Council’s approval of the budgets outlined in Appendix “I” attached to Report FCS23007(a), inclusive of amendments as per **Amended** Appendix “C” attached to Report FCS23007(a), and includes the authority to authorize the submission of budgets and quarterly and / or year-end reporting;

(e) Public Works Department

- (i) That the Public Works operating budget (2023 Tax Supported Operating Budget Book – Appendix “I” to Report FCS23007(a), page 128) of \$293,485,615, inclusive of

amendments as per **Amended** Appendix “C” attached to Report FCS23007(a), be approved;

- (f) City Manager’s Office
 - (i) That the City Manager’s operating budget (2023 Tax Supported Operating Budget Book – Appendix “I” to Report FCS23007(a), page 161) of \$14,497,624, inclusive of amendments as per **Amended** Appendix “C” attached to Report FCS23007(a), be approved;

- (g) Corporate Services Department
 - (i) That the Corporate Services operating budget (2023 Tax Supported Operating Budget Book – Appendix “I” to Report FCS23007(a), page 188) of ~~\$42,621,670~~ **\$42,775,470** inclusive of amendments as per **Amended** Appendix “C” attached to Report FCS23007(a), be approved;

- (h) Legislative
 - (i) That the Legislative operating budget (2023 Tax Supported Operating Budget Book – Appendix “I” to Report FCS23007(a), page 231) of ~~\$5,530,967~~ **\$6,130,967**, inclusive of amendments as per **Amended** Appendix “C” attached to Report FCS23007(a), be approved;

- (i) Hamilton Entertainment Facilities
 - (i) That the Hamilton Entertainment Facilities operating budget (2023 Tax Supported Operating Budget Book – Appendix “I” to Report FCS23007(a), page 228) of \$150,000, inclusive of amendments as per **Amended** Appendix “C” attached to Report FCS23007(a), be approved;

- (j) Corporate Financials – Expenditures / Non-Program Revenues
 - (i) That the Corporate Financials – Expenditures operating budget (2023 Tax Supported Operating Budget Book - Appendix “I” to Report FCS23007(a), page 220, ~~\$30,579,480~~ **\$30,933,080**, inclusive of amendments as per **Amended** Appendix “C” attached to Report FCS23007(a), be approved;
 - (ii) That the Non-Program Revenues operating budget (2023 Tax Supported Operating Budget Book - Appendix “I” to Report FCS23007(a), page 223) of \$51,319,613, inclusive of

amendments as per **Amended** Appendix “C” attached to Report FCS23007(a), be approved;

- (k) Capital Financing
 - (i) That the Capital Financing operating budget (2023 Tax Supported Operating Budget Book – Appendix “I” to Report FCS23007(a), page 249) of \$154,977,052, inclusive of amendments as per **Amended** Appendix “C” attached to Report FCS23007(a), be approved;
- (l) 2023 By-Law Authorization
 - (i) That the City Solicitor be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of establishing the tax levy;
 - (ii) That the City Solicitor be authorized and directed to amend By-law 07-248 respecting the remuneration of members of Council to exclude salary adjustments in relation to the approved municipal comparators and Non-Union Compensation Policy;
- (m) Budgeted Complement and Transfer Extension Schedule
 - (i) That in accordance with the “Budgeted Complement Control Policy”, the requested change in staff complement as outlined in Appendix “E” attached to Report FCS23007(a), be approved;
- (n) Budget Exclusions Related to Regulation 284/09
 - (i) That the budget exclusions related to Regulation 284/09 of the *Municipal Act* titled “Budget Matters – Expenses”, as per Appendix “F” attached to Report FCS23007(a), be received;

Result: MOTION, As Amended, CARRIED by a vote of 13 to 0, as follows:

Absent	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Absent	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark

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Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

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

3. APPROVAL OF MINUTES OF PREVIOUS MEETING

3.2 February 27, 2023

4. COMMUNICATIONS

4.4 Correspondence from Lou Piriano, President, REALTORS Association of Hamilton-Burlington, respecting the proposed hike to the tax levy

Recommendation: Be received.

4.5 Correspondence from Grand River Conservation Authority, respecting the 2023 Grand River Conservation Authority Municipal Levy and Budget

Recommendation: Be received.

10. GENERAL INFORMATION / OTHER BUSINESS

10.1. Amendments to the Outstanding Business List:

10.1.a. Items Requiring a New Due Date: - REVISED

Requirements for the Implementation of a 311 Customer Service Call Platform
 That staff be directed to review the 311 Customer Service Call Platform to determine the costs associated with having the 311 system operated by staff 24 hours per day, 7 days per week, and report back to the General Issues Committee during the 2023 operating budget process.

Added: November 25, 2022 at GIC

Requested New Due Date: Q2 2023 - Regular GIC

11. PRIVATE AND CONFIDENTIAL

- 11.1 Motion Regarding Grounds for an Appeal to the Ontario Civil Police Commission (LS23018) (City Wide)

CHANGE TO THE ORDER OF ITEMS

That Item 11.1, Report LS23018, respecting the Motion Regarding Grounds for an Appeal to the Ontario Civil Police Commission, be moved up on the agenda to be considered immediately following the Staff Presentation respecting Item 6.1, Report FCS23007(a), respecting the 2023 Tax Supported Operating Budget – Recommendations, and prior to the consideration of Report FCS23007(a).

(Kroetsch/M. Wilson)

That the agenda for the March 1, 2023 General Issues Committee (Budget) meeting, be approved, as amended.

Result: MOTION, CARRIED by a vote of 15 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor M. Wilson declared a non-disqualifying interest to the Item 6.1, 2023 Tax Supported Operating Budget - Recommendations (FCS23007(a)) (City Wide), respecting the YWCA as her spouse works for an entity that is a lender to the YWCA.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(Spadafora/Horwath)

That the following minutes of the General Issues Committee (Budget) be approved, as presented:

- (i) February 21, 2023 (Item 3.1)
- (ii) February 27, 2023 (Added Item 3.2)

Result: MOTION, CARRIED by a vote of 15 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(d) COMMUNICATIONS (Item 4)

(Tadeson/Beattie)

That Communications Items 4.1 through 4.5, be approved as follows:

- (i) Correspondence from Anne Washington, respecting living wage (Item 4.1)
 Recommendation: Be received.
- (ii) Correspondence from Dorothy Bartalos, respecting Hamilton as a Certified Living Wage Employer (Item 4.2)
 Recommendation: Be received.
- (iii) Correspondence from Robert Cooper, respecting the 2023 proposed property tax increase (Item 4.3)
 Recommendation: Be received.

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- (iv) Correspondence from Lou Piriano, President, REALTORS Association of Hamilton-Burlington, respecting the proposed hike to the tax levy (Added Item 4.4)

Recommendation: Be received.

- (v) Correspondence from Grand River Conservation Authority, respecting the 2023 Grand River Conservation Authority Municipal Levy and Budget (Added Item 4.5)

Recommendation: Be received.

Result: MOTION, CARRIED by a vote of 15 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(Kroetsch/Tadeson)

That the General Issues Committee recess for 15 minutes until 11:20 am.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Absent	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson

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Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

(e) STAFF PRESENTATIONS (Item 6)

**(i) 2023 Tax Supported Operating Budget - Recommendations
(FCS23007(a)) (City Wide) (Item 6.1)**

Mike Zegarac, General Manager of Finance and Corporate Services, provided the Committee with a presentation respecting the 2023 Tax Supported Operating Budget - Recommendations, and answered questions of Committee.

(Francis/Tadeson)

That the presentation respecting the 2023 Tax Supported Operating Budget - Recommendations, be received.

Result: MOTION, CARRIED by a vote of 15 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(Francis/Cassar)

That the General Issues Committee recess for 30 minutes until 1:00 pm.

Result: MOTION, CARRIED by a vote of 15 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang

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Yes	-	Ward 5	Councillor Matt Francis
Yes	-	Ward 6	Councillor Tom Jackson
Absent	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

(f) PRIVATE AND CONFIDENTIAL (Item 11)

(Tadeson/A. Wilson)

That Committee move into Closed Session to discuss Item 11.1 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.

Result: MOTION, CARRIED by a vote of 14 to 0, as follows:

Absent	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(i) Motion Regarding Grounds for an Appeal to the Ontario Civil Police Commission (LS23018) (City Wide) (Item 11.1)

For disposition of this matter, refer to Item 3.

(g) STAFF PRESENTATIONS (Item 6) (Continued)

(i) 2023 Tax Supported Operating Budget - Recommendations
(FCS23007(a)) (City Wide) (Item 6.1)

(1) Council Referred Items (Item 6.1 (a)(v) – Item 2.6)

Committee was advised that, as Council had on February 22, 2023, referred REVISED Report HSC22015(a) respecting a Hamilton Alliance for Tiny Shelters Proposal back to staff to work with the Hamilton Alliance for Tiny Shelters on the establishment of an operational plan and report back to the Emergency and Community Services Committee, the \$100,000 for Hamilton Alliance for Tiny Shelters Proposal (HSC22014(a)) – Council Referred Item 2.6, would be removed from the listing.

(A. Wilson/McMeekin)

That sub-section (a)(v) of the recommendations within Report FCS23007(a), respecting Item 2.6 of Appendix “H” of Report FCS23007(a), **be amended** as follows:

2.6 That \$100,000 be transferred to the Housing Stabilization Reserve (Reserve # 110041) and considered as a one-time funding source for Tiny Shelters or other community-led housing innovations.

Result: MOTION, DEFEATED by a vote of 7 to 8, as follows:

No	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
No	-	Ward 3 Councillor Nrinder Nann
No	-	Ward 4 Councillor Tammy Hwang
No	-	Ward 5 Councillor Matt Francis
No	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
No	-	Ward 8 Councillor J. P. Danko
No	-	Ward 9 Councillor Brad Clark
No	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(2) Council Referred Items (Item 6.1 (a)(v) – Item 2.9)

(Kroetsch/Nann)

That sub-section (a)(v) of the recommendations within Report FCS23007(a), respecting Item 2.9 of Appendix “H” of Report FCS23007(a), be approved as follows:

- 2.9** Housing Services Funding for YWCA Hamilton (Motion - ECS Dec. 1, 2022) \$6,550,000 (Gross), \$2,600,000 (Net), 0.24% Residential Tax Impact.

(Danko/Francis)

That sub-section (a)(v) of the recommendations within Report FCS23007(a), respecting Item 2.9 of Appendix “H” of Report FCS23007(a), be **amended** as follows:

- 2.9** *That \$2,600,000 be transferred to the Housing Stabilization Reserve (Reserve # 110041) as a one-time funding source for future consideration for YWCA or other transitional housing opportunities for women and children in conjunction with the Housing Sustainability Investment Roadmap.*

Result: MOTION, DEFEATED by a vote of 6 to 9, as follows:

Yes	-	Mayor Andrea Horwath
No	-	Ward 1 Councillor Maureen Wilson
No	-	Ward 2 Councillor Cameron Kroetsch
No	-	Ward 3 Councillor Nrinder Nann
No	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
No	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
No	-	Ward 11 Councillor Mark Tadeson
No	-	Ward 12 Councillor Craig Cassar
No	-	Ward 13 Councillor Alex Wilson
No	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(Francis/Danko)

That the following motion respecting sub-section (a)(v) of the recommendations in relation to Item 2.9 of Appendix “H” of Report FCS23007(a), be REFERRED to March 29, 2023 Council meeting for consideration:

- (i) That sub-section (a)(v) of the recommendations within Report FCS23007(a), respecting Item 2.9 of Appendix “H” of Report FCS23007(a), be **amended** as follows:

2.9 That \$2,600,000 be transferred to the Housing Stabilization Reserve (Reserve # 110041) as a one-time funding source for future consideration for YWCA or other transitional housing opportunities for women and children in conjunction with the Housing Sustainability Investment Roadmap.

Councillor C. Kroetsch challenged the Chair’s ruling on the REFERRAL Motion being in order. Upon issuing the challenge, the Clerk assumed the role of the Chair and a vote on the appeal was voted upon, as follows:

(Kroetsch/M. Wilson)

That the Chair’s ruling be challenged.

Result: MOTION, DEFEATED by a 2/3 vote of 9 to 6, as follows:

Yes	-	Mayor Andrea Horwath
No	-	Ward 1 Councillor Maureen Wilson
No	-	Ward 2 Councillor Cameron Kroetsch
No	-	Ward 3 Councillor Nrinder Nann
No	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
No	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
No	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

Result: MOTION on the REFERRAL to Council on March 29, 2023, DEFEATED by a vote of 7 to 8, as follows:

Yes	-	Mayor Andrea Horwath
No	-	Ward 1 Councillor Maureen Wilson
No	-	Ward 2 Councillor Cameron Kroetsch
No	-	Ward 3 Councillor Nrinder Nann
No	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
No	-	Ward 6 Councillor Tom Jackson

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Absent	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
No	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
No	-	Ward 13	Councillor Alex Wilson
No	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

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

(A. Wilson/M. Wilson)

That consideration of the remainder of the recommendations within Report FCS23007(a) 2023 Tax Supported Operating Budget - Recommendations, be DEFERRED until after the consideration of Items 7.1 and 7.2.

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Absent	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Absent	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(M. Wilson/Nann)

That the General Issues Committee (Budget) meeting of March 1, 2023, be permitted to extend the meeting past 5:30 pm curfew for up to an additional 30 minutes.

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Absent	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang

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Absent	-	Ward 5	Councillor Matt Francis
Yes	-	Ward 6	Councillor Tom Jackson
Absent	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

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

(h) STAFF PRESENTATIONS (Item 6) (Continued)

**(i) 2023 Tax Supported Operating Budget - Recommendations
(FCS23007(a)) (City Wide) (Item 6.1) Continued**

At the request of Committee, the balance of sub-section (a), was voted on separately.

For further disposition of this matter, refer to Item 6(v).

At the Committee's request, sub-section (b), was voted on separately.

For further disposition of this matter, refer to Item 6(vi).

At the Committee's request, the balance of sub-section (b), was voted on separately.

For further disposition of this matter, refer to Item 6(vii).

At the Committee's request, the balance of the sub-sections ((c) through to (n)), were voted on separately.

For further disposition of this matter, refer to Item 6(viii).

(i) GENERAL INFORMATION / OTHER BUSINESS (Item 10)

(i) Amendments to the Outstanding Business List: (Added Item 10.1)

(Kroetsch/Spadafora)

That the amendment to the Outstanding Business List, be approved as follows:

(a) Item Requiring a New Due Date: - REVISED (Added Item 10.1(a))

Requirements for the Implementation of a 311 Customer Service Call Platform

That staff be directed to review the 311 Customer Service Call Platform to determine the costs associated with having the 311 system operated by staff 24 hours per day, 7 days per week, and report back to the General Issues Committee during the 2023 operating budget process.

Added: November 25, 2022 at GIC

Requested New Due Date: Q2 2023 - Regular GIC

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Absent	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Absent	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

(j) ADJOURNMENT (Item 12)

(Tadeson/Spadafora)

That there being no further business, the General Issues Committee be adjourned at 5:35 p.m.

Result: MOTION, CARRIED by a vote of 13 to 0, as follows:

Absent	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Absent	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls

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Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

Respectfully submitted,

Councillor Brad Clark
Chair, General Issues Committee Budget

Angela McRae
Legislative Coordinator
Office of the City Clerk



SPECIAL GENERAL ISSUES COMMITTEE MINUTES 23-009

1:30 p.m.

March 9, 2023

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

Present: Mayor A. Horwath, Deputy Mayor T. Jackson (Chair)
Councillors J. Beattie, C. Cassar, B. Clark, J.P. Danko, M. Francis,
T. Hwang, C. Kroetsch, T. McMeekin, N. Nann, E. Pauls, M. Spadafora,
M. Tadeson, A. Wilson, and M. Wilson

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

(Pauls/Spadafora)

That the agenda for the March 9, 2023 Special General Issues Committee meeting, be approved, as presented.

Result: MOTION, CARRIED by a vote of 15 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Absent	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar

Yes - Ward 13 Councillor Alex Wilson
 Yes - Ward 14 Councillor Mike Spadafora
 Yes - Ward 15 Councillor Ted McMeekin

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) STAFF PRESENTATIONS (Item 4)

(i) Toward a Sustainable Housing System in Hamilton: Framing the Issues (Item 4.1)

Angela Burden, General Manager of Healthy and Safe Communities introduced Steve Pomeroy; Industry Professor, McMaster University, and Executive Advisor to the Canadian Housing Evidence Collaborative (CHEC); and Dr. James Dunn; Associate Dean Research, Faculty of Social Sciences, McMaster University, and Director of the Canadian Housing Evidence Collaborative (CHEC), provided the presentation respecting Toward a Sustainable Housing System in Hamilton: Framing the Issues, and answered questions of Committee.

(Horwath/Tadeson)

That the presentation respecting Toward a Sustainable Housing System in Hamilton: Framing the Issues, be received.

Result: MOTION, CARRIED by a vote of 16 to 0, as follows:

Yes - Mayor Andrea Horwath
 Yes - Ward 1 Councillor Maureen Wilson
 Yes - Ward 2 Councillor Cameron Kroetsch
 Yes - Ward 3 Councillor Nrinder Nann
 Yes - Ward 4 Councillor Tammy Hwang
 Yes - Ward 5 Councillor Matt Francis
 Yes - Ward 6 Councillor Tom Jackson
 Yes - Ward 7 Councillor Esther Pauls
 Yes - Ward 8 Councillor J. P. Danko
 Yes - Ward 9 Councillor Brad Clark
 Yes - Ward 10 Councillor Jeff Beattie
 Yes - Ward 11 Councillor Mark Tadeson
 Yes - Ward 12 Councillor Craig Cassar
 Yes - Ward 13 Councillor Alex Wilson
 Yes - Ward 14 Councillor Mike Spadafora
 Yes - Ward 15 Councillor Ted McMeekin

(d) ADJOURNMENT (Item 5)

(Spadafora/Francis)

That there being no further business, the General Issues Committee be adjourned at 4:07 p.m.

Result: MOTION, CARRIED by a vote of 16 to 0, as follows:

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Yes	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

Respectfully submitted,

Councillor Tom Jackson
Deputy Mayor, General Issues
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk



Tel: 905-527-1158
Fax: 905-577-0375
www.rbg.ca

March 21, 2023

Re: Chedoke Creek Order – Remediation Update – GIC Agenda Item 9.5 March 22 2023

Hamilton City Council – GIC Committee

The Royal Botanical Gardens is pleased to continue to support the intended dredge work and provide access to the property as per the renewed agreement with the City of Hamilton.

In terms of the shorter-term condition of the creek waters and sediment we are noting our concern pertaining to timelines. The spill to be remediated was originally stopped in July 2018, but continues to be delayed for cleanup. We also highlight that Chedoke Creek discharges directly to the waterfront area and continues to be a highly polluted creek in need of shorter-term remediation measures beyond existing signage. Existing water quality conditions at the creek mouth for rain events and baseflow conditions are highlighted in the following examples. For larger rain events associated with combined sewers, at the largest CSO tank (Main King) overflows occurred 4 times in 2022, with the largest event about 58 million liters of water and lasting almost 24 hours (Feb 23, 2023). For perspective this is equivalent to filling the entire associated inlet area of Cootes Paradise Marsh completely with CSO water during typical summer water levels (i.e. from the marsh outlet at the Fishway back to Kay Drage Park). In addition, multiple uncontrolled CSOs continue to exist on this creek. For baseflow conditions (dry conditions) ongoing monitoring of surface water quality at the creek mouth continues to illustrate variable and problematic water quality conditions including phosphorus levels averaging about 10 times provincial guidelines for aquatic life (Station CC-SW3 Hamilton Surface Water Samples -ongoing online information). We emphasize that the local communities, First Nations, and Royal Botanical Gardens desire to have a healthy waterfront and environmental protection area and acknowledge the challenges associated with achieving this end goal.

We are fully supportive of the work to date and ongoing processes to establish long-term Chedoke Creek water quality remediation. We also recognize that this historically based situation is an example of why the Hamilton Harbour Area of Concern and associated funding processes were first established. We look forward to continued collaboration to restore reasonable water conditions to this region with all partners.

Thank you and we look forward to continued progress with the remediation.

Tys Theijsmeijer

A handwritten signature in black ink, appearing to read "Tys Theijsmeijer".

Head of Natural Areas

680 Plains Rd. W
Burlington, ON
L7T 4H4

Mailing Address
P.O. Box 399
Hamilton, ON
L8N 3H8



March 22, 2023

Re: Item 11.2 – 2023 Temporary Outdoor Patio Program Fees

As President & CEO of the Hamilton Chamber of Commerce, I have the privilege of speaking for our nearly 1,000 member organizations that employ over 75,000 people in our community, including dozens of local hospitality and restaurant establishments. I would like to take this opportunity to express our support for Councillor McMeekin's Motion, "2023 Temporary Outdoor Patio Program Fees," and recommend its endorsement by the General Issues Committee.

It is no secret that the hospitality sector has endured significant economic hardships over the past several years and continues to experience lingering impacts of the COVID-19 pandemic. From the revolving operating restrictions, to the ongoing supply chain related cost increases, to the significant labour shift that saw thousands of hospitality workers seek employment in new sectors, our hospitality economy has weathered a unique storm and requires ongoing tailored supports to boost business and business confidence.

In response to this specific need and in recognizing the importance to the vibrancy and vitality of our community, the Hamilton Chamber of Commerce has created a specific membership class for hospitality sector organizations. This class only charges an introductory member rate to join the Chamber to help create and leverage new business opportunities for them and their employees, while simultaneously providing them significantly discounted access to Chambers Insurance Plan, that provides comprehensive benefits coverage to over 30,000 organizations nationwide. We strongly believe in supporting our hospitality and restaurant members through the unique economic challenges they continue to face.

The success of the Temporary Outdoor Patio Program is evidenced enough by Council's decision in 2022 to make the program permanent and moreover by the significant participation in the program that has seen well over 150 local hospitality and restaurant organizations register since the program began in 2020. It is also noted, however, that the administration and set-up costs associated with the program are significant and can potentially otherwise compromise a successful revenue stream.

The Motion as presented will help offset a generous portion of these costs, roughly to the tune of \$1,400 per establishment. This is a significant and positive investment in our community that will not only help Hamilton's hospitality sector by cutting administrative red tape, but also to create economic opportunity and jobs for Hamiltonians. For comparison's sake, the City of Toronto's CaféTO program in 2021 generated \$206M in economic activity, served approximately 5 million customers at 940 participating



organizations, and analyses estimate that approximately 36% of all restaurant sales during that period were from the CaféTO program ([2021 CaféTO Economic Benefits Study](#)). While operating at a smaller scale, one can clearly see the parallel positive economic impact of the City of Hamilton's Temporary Outdoor Patio Program locally.

Looking to the past, we can recall on the rejuvenated vibrancy that this program brought to our community at a very challenging time. For so long North America has yearned for the outdoor dining districts and open-air patios of Europe, and we have taken positive steps towards realizing this vision for our community. Looking to the future, let's continue this new tradition of transforming our public spaces during the short spring and summer seasons we have in Canada where Hamiltonians of all ages can enjoy their community in unique ways. Moreover, let's continue this tradition of creating new opportunities for restauranteurs and other entrepreneurs in our community to bring Hamilton to life with their partners at the municipality.

In closing, the Hamilton Chamber of Commerce would like to express its support for the motion as drafted and believe that this is a productive investment into Hamilton's hospitality industry that will generate significant social and economic returns.

Regards,

A handwritten signature in black ink, appearing to read "GD". The signature is stylized and fluid.

Greg Dunnett
President & CEO

Submitted on Mon, 02/06/2023 - 09:59

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee

GENERAL ISSUES COMMITTEE

Will you be delegating in-person or virtually?

Virtually

Will you be delegating via a pre-recorded video?

No

Requestor Information

Requestor Information

Daniel Freiheit

Preferred Pronoun

he/him

Reason(s) for delegation request

Vaccination requirement and how that's creating resource issues in the system

Will you be requesting funds from the City?

No

Will you be submitting a formal presentation?

No

Submitted on Tue, 03/07/2023 - 23:03

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee
General Issues 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

Hafeez Hussain

Preferred Pronoun

he/him

Reason(s) for delegation request

Since the General Issues Committee meeting is scheduled on March 22, 2023, I would like to bring Ramadan Greetings to Council and the Committee and discuss the following General issue Topic

Equity, Diversity and Inclusion and My Experience with the City of Hamilton

Topic Discussed

- The need to have a diverse workforce reflecting the community
- Barriers and Roadblocks that I have faced accessing city services and personnel as a Taxpayers
- Hiring Practices and Training Program by City Management and Staff in the Strategic Plan
- Valuing EDI at the centre of everything we do
- Issues that new immigrants and refugees face with in the City of Hamilton and accessing city services
- How is the City respecting religious holidays of other communities (i.e. Ramadan) when it comes to city events, planning committee

Will you be requesting funds from the City?

No

Will you be submitting a formal presentation?

Yes

Submitted on Fri, 03/17/2023 - 11:52

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee
General Issues Committee

Will you be delegating in-person or virtually?
Virtually

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

Requestor Information

Requestor Information
James Kemp

Preferred Pronoun
he/him

Reason(s) for delegation request
2023 Temporary Outdoor Patio Program Fees and an idea to improve their accessibility and safety for pedestrians using the bypasses.

Will you be requesting funds from the City?
No

Will you be submitting a formal presentation?
No

Submitted on Tue, 03/21/2023 - 09:50

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee

General Issues 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

Adan Amer and Lucia Iannantuono

Hamilton 350

Preferred Pronoun

she/her

Reason(s) for delegation request

Request to delegate to GIC on March 22nd regarding agenda item 10.3 Gas Tax Transfer funding agreement. Will be presenting on behalf of organizations Hamilton350 and the Hamilton Chapter of Council of Canadians with Lucia Iannantuono. Purpose of the presentation is to request council to consider allocating Gas Tax funding for HSR fare reduction, and at the very least to prevent further fare increases scheduled for Sep 1, 2023.

Will you be requesting funds from the City?


No

Will you be submitting a formal presentation?

Yes



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

TO:	Chair and Members General Issues Committee
COMMITTEE DATE:	March 22, 2023
SUBJECT/REPORT NO:	Hamilton Waterfront Trust Business Model Review (FCS23029) (City Wide) (Outstanding Business List)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Carolyn Paton (905) 546-2424 Ext. 4371
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That City of Hamilton – Hamilton Waterfront Trust Future Options – Final Report by KPMG dated November 29, 2022, attached as Appendix “A” to Report FCS23029, be received;
- (b) That a detailed review of the following two business models for the Hamilton Waterfront Trust future operations be undertaken as follows:
- (i) Status quo with consideration of varying the business model and governance structure; and
 - (ii) A joint model whereby the management and operations of programs and services are principally delivered by the Hamilton Waterfront Trust with the potential for some operations delivered by the City of Hamilton;
- (c) That Council approve a single-source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for a detailed review of the two business models for Hamilton Waterfront Trust operations and that the General Manager, Finance and Corporate Services Department be authorized to negotiate, enter into, and execute the extension and any ancillary documents required to give effect thereto with KPMG LLP, in a form satisfactory to the City Solicitor;

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

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

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

**SUBJECT: Hamilton Waterfront Trust Business Model Review (FCS23029)
(City Wide) – Page 2 of 7**

- (d) That staff report back to City Council on the preferred model and the cost including the resources necessary to deliver the programs and services required.

EXECUTIVE SUMMARY

Council, at its meeting on September 28, 2022, directed staff to work with the Hamilton Waterfront Trust and prepare a report for the General Issues Committee on how to transfer the Hamilton Waterfront Trust’s operational responsibilities and Hamilton Waterfront Trust’s assets to the City of Hamilton.

In October 2022, the City of Hamilton engaged KPMG to prepare a report on the future of the Hamilton Waterfront Trust (“HWT”), more specifically, a review of HWT was requested to provide options for the operations model of HWT including future programs and services of the Trust.

Since engaging KPMG, the following work was undertaken:

- KPMG engaged with both City staff and HWT staff;
- Established three high-level options for the future of HWT as follows:
 1. Transfer all assets and operations to the City: HWT is dissolved with all assets and operations absorbed by the City;
 2. Transfer all assets and operations to another entity: HWT is dissolved and all assets and operations absorbed by an outside entity;
 3. HWT remains status quo or operates under a hybrid model: HWT operates under a hybrid model or remains status quo;
- Defined understanding of the current governance and operating model of HWT, as well as, thoughts on future operating models of HWT;
- KPMG collected relevant information on HWT’s current mandate and operations. The key steps in this process included: reviewing documents, stakeholder consultation and analysis of the three high-level options (identified above);
- A SWOT (strengths, weaknesses, opportunities and threats) analysis was prepared by KPMG to help assess internal and external factors affecting the three operational models / options for consideration; and
- KPMG released a final report for consideration (attached as Appendix “A” to Report FCS23029).

After further discussion with senior leadership, staff is recommending that a detailed review of the following two business models for HWT future operations be conducted:

- (i) Status quo with consideration of varying the business model and governance structure; and

**SUBJECT: Hamilton Waterfront Trust Business Model Review (FCS23029)
(City Wide) – Page 3 of 7**

- (ii) A joint model whereby the management and operations of programs and services are principally delivered by the HWT with the potential for some operations delivered by the City of Hamilton.

The cost for the detailed review will be funded from the Corporate Financials operating budget (Dept ID 211090).

It is being recommended that KPMG be retained pursuant to Procurement Policy #11 – Non-competitive Procurements for the services required in Report FCS23029. As KPMG completed the initial evaluation (Appendix “A” to Report FCS23029), their knowledge of HWT and its operations will ensure this new work is carried out in a cost-effective and timely fashion. Staff will report back to City Council on the preferred model, and the cost including the resources necessary to deliver the programs and services required.

The terms and conditions in the Revised Deed of Trust between the City and HWT, effective as of October 1, 2018, indicate that it shall continue until terminated by the City on no less than 12 months’ written notice to the Trust. Further, this Revised Deed of Trust may be amended by a Special Resolution of the Trustees, subject to the prior written approval of the City, provided that the Trust Assets shall, at all times, be held in trust absolutely and exclusively for the purposes set out in this Revised Deed.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The cost of the detailed review will be funded from the Corporate Financials operating budget (Dept ID 211090).

Staffing: Staff in the Financial Planning, Administration and Policy Division of the Corporate Services Department will be the lead division for the contract for the review outlined in Report FCS23029. It is highly unlikely that existing staff would be able to take on the necessary thorough review required to make a recommendation to Council on what the best option would be for the future of the HWT. Staff will certainly be an integral part of discussions surrounding options (i.e. effort and impacts on bringing in-house). However, a consulting firm with experience in business operations modelling and tax expertise is essential.

Legal: Staff in Legal and Risk Management Services of the Corporate Services Department may be required to review the Revised Deed of Trust and review agreements related to changes to the HWT business model.

**SUBJECT: Hamilton Waterfront Trust Business Model Review (FCS23029)
(City Wide) – Page 4 of 7**

HISTORICAL BACKGROUND

Hamilton Waterfront Trust (HWT), initially known as Hamilton Harbour Development Trust, was established through a Trust Deed dated November 24, 2000 between the City and the Hamilton Harbour Commissioners (the “Commissioners”) now known as the Hamilton Port Authority (the “HPA”).

On or about November 24, 2000, the Commissioners transferred to HWT approximately \$6.3 M for the purposes of land assembly, improvements and development costs relating to Hamilton’s West Harbour which funds have long since been invested or expended and HWT has since developed several alternative revenue sources.

Council, at its meeting of September 26, 2018, approved a Revised Deed of Trust.

In closed session at its meeting on April 27, 2022, Council received confidential correspondence from David A. van der Woerd, Ross & McBride LLP, respecting the Hamilton Waterfront Trust.

Council, at its meeting on September 28, 2022, received correspondence from HWT Board Chair and Executive Director Werner Plessl stating: “As mutually desired, the Hamilton Waterfront Trust team welcomes the imminent arrival of amicable and productive dialogue with City Staff respecting the future path of management of all of our much loved and managed operations.”

Council, at its meeting on September 28, 2022, approved the release of the direction to staff from the closed session Council meeting on April 27, 2022 which stated:

“That staff be directed to work with the Hamilton Waterfront Trust and prepare a report for the General Issues Committee within 90 days on how to transfer the Hamilton Waterfront Trust’s operational responsibilities and Hamilton Waterfront Trust’s assets to the City of Hamilton.”

In October 2022, and in accordance with Procurement Policy #11, Non-Competitive Procurements, the City of Hamilton engaged KPMG to prepare a report on the future of HWT, more specifically, a review of HWT was requested to provide options for the business operations model of HWT including future programs and services of HWT.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

In accordance with By-law 20-205 as amended, Procurement Policy #11, Non-Competitive Procurements, staff is recommending that a single-sourced contract through Policy #11 of the City’s Procurement Policy be awarded to KPMG as it is more cost effective or beneficial for the City.

**SUBJECT: Hamilton Waterfront Trust Business Model Review (FCS23029)
(City Wide) – Page 5 of 7**

RELEVANT CONSULTATION

Staff representatives from appropriate city departments, including Procurement and Legal Services, were consulted in the preparation of Report FCS23029.

HWT staff and HWT Board members were consulted in the preparation of KPMG's report, attached as Appendix "A" to Report FCS23029.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Since engaging KPMG, the following work was undertaken:

October 2022

- KPMG engaged with both City staff and HWT leadership and Board Members
- Scope of work defined
- Established three high-level options for the future of HWT as follows:
 1. Transfer all assets and operations to the City: HWT is dissolved with all assets and operations absorbed by the City;
 2. Transfer all assets and operations to another entity: HWT is dissolved and all assets and operations absorbed by an outside entity;
 3. HWT remains status quo or operates under a hybrid model: HWT operates under a hybrid model or remains status quo;
- During research, review and stakeholder engagement, KPMG gained an understanding of the current governance and operating model of HWT, as well as, thoughts on future operating models of HWT;
- Staff in the Office of the City Auditor were consulted in preparation of Report FCS23029.

October / November 2022

- KPMG collected relevant information on HWT's current mandate and operations. The key steps in this process included: reviewing documents, stakeholder consultation and analysis of the three high-level options (identified above).
- A SWOT (strengths, weaknesses, opportunities, and threats) analysis was prepared by KPMG to help assess internal and external factors affecting the three operational models / options for consideration.
- KPMG released a final report for consideration (attached as Appendix "A" to Report FCS23029).

**SUBJECT: Hamilton Waterfront Trust Business Model Review (FCS23029)
(City Wide) – Page 6 of 7**

KPMG is recommending that following Council endorsement of their report, both the City and HWT establish a Steering Committee to further review the preferred option. For the Steering Committee to be effective, the composition of the committee requires a cross-departmental team including members of Finance, Legal, Human Resources and Internal Audit. Policies and implementation plans are to form part of the plan.

City Staff Discussions

Through a consensus of leadership, a sustainable framework going forward to further assess the options being considered for a future operating model of the HWT is warranted. The framework would ensure consideration of the following principles and criteria in assessing any business model of the HWT. They are as follows:

1. That the role and purpose of the waterfront lands is, first and foremost, a public space, for the free and accessible enjoyment of residents and visitors;
2. Land and other assets relating to Hamilton's waterfront will remain public (i.e. use of spaces or buildings would be contemplated through leases and licenses, but not sale of assets);
3. All decisions must consider Hamilton's waterfront in its entirety. The geographic scope of the "operator" would, at minimum, include Pier 5-8 lands, but should consider a single entity to be responsible for the operations of the full waterfront area from Bayfront Park to Pier 8;
4. The chosen operating model should be one that generates revenues to help offset operating costs and ensures that commercial and for-profit entities pay appropriate market rates for use of waterfront spaces or buildings; and
5. The Hamilton waterfront should be financially stable not excluding an investment by the City.

ALTERNATIVES FOR CONSIDERATION

Alternatives to selecting KPMG, an external vendor, for the consulting services review of the two recommended business models for the HWT would be preparing a Request for Proposal or having internal City staff manage the review.

Existing City staff do not have the complete expertise and capacity to undertake the review required to make a recommendation to Council on the best option for the future of the Hamilton Waterfront Trust operations. Staff will certainly be an integral part of discussions surrounding options (i.e. effort and impacts on bringing in-house). KPMG has the experience in business operations modelling and tax expertise that will be required.

**SUBJECT: Hamilton Waterfront Trust Business Model Review (FCS23029)
(City Wide) – Page 7 of 7**

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

Culture and Diversity

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

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 FCS23029 – City of Hamilton – Hamilton Waterfront Trust Future Operations – Final Report by KPMG November 29, 2022.

CP/dt



City of Hamilton

Hamilton Waterfront Trust Future Options

Final Report

November 29, 2022



Disclaimer

This report has been prepared by KPMG LLP ("KPMG") for City of Hamilton (the "City", or "Client") pursuant to the terms of our engagement agreement with Client dated July 8, 2022 (the "Engagement Agreement"). KPMG neither warrants nor represents that the information contained in this report is accurate, complete, sufficient or appropriate for use by any person or entity other than Client or for any purpose other than set out in the Engagement Agreement. This report may not be relied upon by any person or entity other than Client or for any purpose other than set out in the Engagement Agreement. This report may not be relied upon by any person or entity other than Client, and KPMG hereby expressly disclaims any and all responsibility or liability to any person or entity other than Client in connection with their use of this report.

The information provided to us by Client was determined to be sound to support the analysis. Notwithstanding that determination, it is possible that the findings contained could change based on new or more complete information. KPMG reserves the right (but will be under no obligation) to review all calculations or analysis included or referred to and, if we consider necessary, to review our conclusions in light of any information existing at the document date which becomes known to us after that date. Analysis contained in this document includes financial projections. The projections are based on assumptions and data provided by Client. Significant assumptions are included in the document and must be read to interpret the information presented. As with any future-oriented financial information, projections will differ from actual results and such differences may be material. KPMG accepts no responsibility for loss or damages to any party as a result of decisions based on the information presented. Parties using this information assume all responsibility for any decisions made based on the information.

No reliance should be placed by Client on additional oral remarks provided during the presentation, unless these are confirmed in writing by KPMG.

KPMG have indicated within this report the sources of the information provided. We have not sought to independently verify those sources unless otherwise noted within the report.

KPMG is under no obligation in any circumstance to update this report, in either oral or written form, for events occurring after the report has been issued in final form.



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01

Project Overview

City of Hamilton | Hamilton Waterfront Trust Future Options

Project Overview



Project Objectives

The City of Hamilton (the “City”) engaged KPMG to prepare a report on the future of the Hamilton Waterfront Trust (the “Trust”). Due to the nature of its operations, the Trust has a for-profit (HWT Inc.) and non-profit status.

The overall objectives of this report were to identify and analyze three high-level options for the Trust:

1. Transfer all assets and operations to the City.
2. Transfer all assets and operations to another entity.
3. Trust remains status quo or operates under a hybrid model.

Note: the above actions were not mutually exclusive and may have evolved over the course of the project.



Project Principles

- The knowledge and expertise of City and Trust staff will be fully engaged and built upon, to arrive at recommended actions through a transparent participative and inclusive process facilitated by KPMG.
- The development of the report will be conducted in a way that engages stakeholders.
- The framework and approach will be based on leading practices from other municipalities, or other levels of government experience and/or private sector.
- Lastly, this is not an audit nor a deeper-dive operational review. This is a review to provide options for the future programs and services of the Hamilton Waterfront Trust.

City of Hamilton | Hamilton Waterfront Trust Future Options Project Overview



Project Work Plan

The project commenced on October 14th, 2022 and will be completed when the Final Report is presented to the Project Team in January 2023.



Project Initiation

October

Meet with the Project Team to clarify expectations, clarify lines of inquiry, and refine proposed work program and stakeholder engagement plan.



Options Analysis

October - November

Key steps in this process include

- Documentation review
- Stakeholder consultation
- Analysis of three high-level options



Final Report

January 2023

Develop a draft Final Report. Incorporate City feedback to enhance and finalize the Final Report.

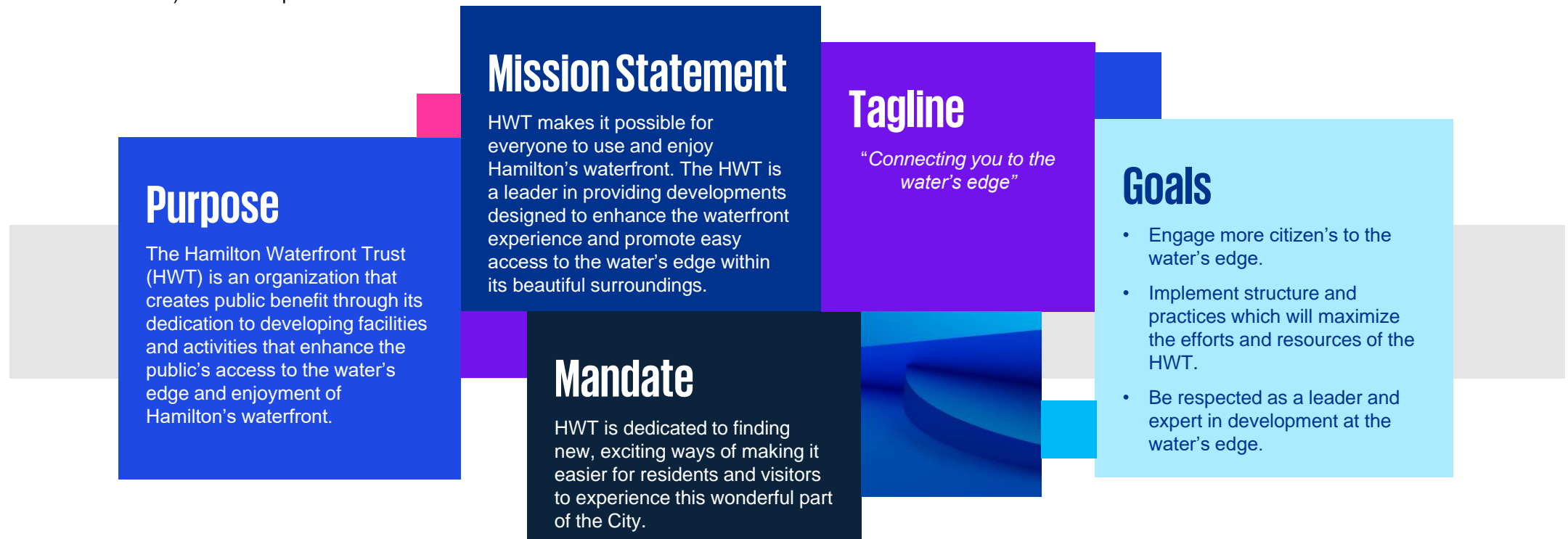
02

Trust Background Information

City of Hamilton | Hamilton Waterfront Trust Future Options

Trust Background

The City of Hamilton and the Hamilton Harbour Commission’s November 24th, 2000 Deed of Trust resulted in the constitution of the Hamilton Waterfront Trust (Trust). During this time, the Hamilton Harbour Commission transferred funds to the Trust for the purposes of land assembly, improvements and development costs relating to Hamilton’s West Harbour. A Board of Trustees managed the Trust and ensured that the investment of funds to designated projects aligns with the terms of the Deed of Trust. On October 26th, 2018, the City, Hamilton Port Authority, and the Trust approved a restructuring of the board removing the Port Authority from further participation and allowing the City to appoint all Trustees. This agreement also noted that the Trustees may, when in that position, carry out any transaction on behalf of the Trust and exercise any of the powers, discretion and authorities (e.g., enter into contracts) conferred upon them in the revised Deed.¹



Source – Deed of Trust Effective October 1, 2018

City of Hamilton | Hamilton Waterfront Trust Future Options

Trust Operations

As of November 21, 2016, the Trust restructured and began operating as a not-for-profit organization. On the same date, the trust incorporated HWT Inc. as a wholly-owned subsidiary.

For-profit Operations

- Waterfront Rink Operation
- Hamiltonian Tour Boat
- Williams Fresh Café
- Hamilton Harbour Queen
- Waterfront Scoops
- Waterfront Trolley
- Waterfront Grill
- Skate Rental Concession
- HWT Centre Operations
- Bike Rental Concession

Not-for-profit Events and Activities

- Hamilton Harbour Fishing Derby
- Hamilton Waterfront Wingfest
- Music on the Waterfront
- Winter Light Display

03

Stakeholder Engagement

City of Hamilton | Hamilton Waterfront Trust Future Options

Stakeholders Engaged

KPMG interviewed City staff and members of the Trust to obtain an understanding of the current governance and operating model as well as uncover any insights on the future options for the Trust. Below is a summary of the interviews (one-on-one) that were held.

01

City Staff Interviews

1. City Auditor
2. Executive Director, Human Resources
3. Director, Financial Planning, Administration & Policy
4. Director, Environmental Services
5. General Manager, Planning & Economic Development
6. General Manager, Finance & Corporate Services
7. Director, Economic Development
8. Manager, Municipal Land Development
9. Manager, Construction, Engineering Services

02

Trust Members

1. Former Executive Director, HWT
2. Chairman / Treasurer / Citizen Representative, HWT
3. Interim Executive Director / Administrative Assistant, HWT
4. Legal Advisor

City of Hamilton | Hamilton Waterfront Trust Future Options

Summary of Stakeholder Themes

Stakeholder Interviews

Based on our stakeholder interviews, KPMG identified the following consistent themes:

1

Importance of Trust Operations

All stakeholders identified the Trust's operations as crucial to the City and that they should continue regardless of the selected future option. Stakeholders expressed the need for animation and events to promote the waterfront as a tourism destination.

2

City's Liability

The Trust maintains an arms length relationship with the City. This relationship leaves the City with limited oversight into the Trust's compliance with City policies (e.g., City's procurement policy). Stakeholders also described the language within the current contracts between the Trust and the City as 'weak' due to the City's limited ability to monitor assets and that ultimately the City remains responsible for any liability incurred by the Trust.

3

Trust's Financial Constraints

All stakeholders identified financial sustainability as a barrier contributing to continued Trust operations. They noted that the project management work the Trust performs for the City is a key financial contributor for their operations. With the projects expected to end in the spring of 2023, stakeholders noted concerns with the financial implications for the Trust.

4

City's Ability / Capability to Operate

Stakeholders indicated that the City retains the ability, but not the capacity, to absorb Trust operations. The City will need financial and operational resources to carry out the Trust mandate. Some stakeholders indicated that the City might not have the bandwidth to manage Trust operations.

City of Hamilton | Hamilton Waterfront Trust Future Options

Stakeholder Feedback – Trust Objectives

Key themes from the stakeholder interviews are summarized below:

	Observations
<p>Trust Objectives</p>	<ul style="list-style-type: none"> • All stakeholders identified the Trust’s operations as crucial to the City and that they should continue regardless of the selected future option. All stakeholders indicated that the Trust has met its objectives and mandate, is a valuable contributor to waterfront development and has created a strong goodwill within the community. Stakeholders noted that the Trust has the structure and model that allows focused attention and dedicated energy for the assets. • Stakeholders agreed that the Trust has been able to deliver on the City’s capital projects effectively. • Trust stakeholders indicated that the Trust has been able to achieve its objectives due to their independent nature, quick decision making and minimal procedural red tape. • Some stakeholders indicated that overtime there has been a ‘scope creep’ that lead the Trust to engage in activities that is not aligned with municipal mandate. • Stakeholders identified a misalignment between the City’s goal of a self-sustaining entity and the Trust’s goal of enhancing the enjoyment of the waterfront. To operate as a self-sustaining entity, the Trust may need to eliminate popular activities that operate at a loss (i.e., the Trolley). • Stakeholders noted that City staff, members of the public, and Trust members have an inconsistent understanding of the Trust’s mandate and objectives. • All stakeholders agreed that the Trust has maintained an arms length relationship with the City that has at times created a knowledge gap for City staff. • Stakeholders noted that City staff are unsure about their roles and responsibilities regarding Trust operations. There remains unclarity around who is the “owner” of Trust related documents/processes (for e.g. financial statements, rink agreement etc.). • All stakeholders believe that the Trust can not continue operations without increased financial support.

Stakeholder Feedback – Trust Operations

Key themes from the stakeholder interviews are summarized below:

	Observations
<p style="text-align: center;">Trust Operations</p>	<ul style="list-style-type: none"> Stakeholders indicated that the Trust has historically been seen as a “vendor” versus an agency and the City’s overall approach to the Trust differs from how the City financially supports and manages other transfer payment recipients (for e.g. CityHousing Hamilton). Stakeholders expressed a difference in opinion regarding the Trust’s transparency. City stakeholders noted the Trust’s current independent governance structure provides limited transparency and accountability for the City. Trust stakeholders identified that the Trust remains transparent by posting all meeting minutes, videos, and financial statements to their website and YouTube channel. Stakeholders indicated that the Trust’s performance is regularly reported to the Board. These reports include an analysis of the Trust’s sales per customer, number of customers, etc. The Trust also tracks performance through website analytics. Stakeholders expressed concerns regarding the Trust’s limited policy guidance, systems, and supports. The Trust follows the City’s procurement guidelines. However, given the arms length relationship, the City has limited oversight over compliance of the procurement policy (for example, if City’s standard terms and conditions were employed) by the Trust. Stakeholders recognized that the City will ultimately be responsible for any liability incurred by the Trust. From a governance and controls perspective, Trust operations have not been internally audited by the City Auditor. However, Trust operations are part of the overall audit plan. Stakeholders indicated that the Trust provides their audited financials to the City annually. Some stakeholders believe that the Trust should provide further information regarding the activities that make a profit, breakeven, and require subsidization. Stakeholders noted that the City has limited ability to monitor the Trust’s assets. Stakeholders described the contract language surrounding the monitoring of physical assets as ‘weak’. The contract also has limited ‘checks and balances’ pertaining to environmental inspections. Stakeholders identified that a gap exists between the Trust Board members understanding of their role and the City’s expectation’s of the Trust’s Board.

City of Hamilton | Hamilton Waterfront Trust Future Options

Stakeholder Feedback - Constraints

Key themes from the stakeholder interviews are summarized below:

	Observations
Financial Sustainability	<ul style="list-style-type: none"> All stakeholders expressed financial sustainability as a barrier to continued Trust operations. Trust staff noted that the not-for-profit status of the Trust limits its ability to generate funds. Moreover, Trust operations were also negatively impacted in recent years due to the pandemic. Stakeholders noted that the project management work the Trust has performed for the City is a key financial contributor for Trust operations. With the projects expected to end in the spring of 2023, stakeholders noted concerns with financial implications for the Trust. Stakeholders expressed concern regarding the Trust's ability to address any significant capital failures independent of the City.
Reporting Structure	<ul style="list-style-type: none"> City stakeholders indicated that the current Trust governance model and Council presence on the Trust board sometimes informs City actions/involvement without sufficient City staff input.
Recruitment	<ul style="list-style-type: none"> The Trust is facing challenges in recruitment of seasonal staff with the number of applications declining significantly in recent years. Stakeholders identified the retirement of the Trust's current Executive Director (ED) as a major barrier for the Trust's continued operations due to their institutional knowledge, experience and skills. Stakeholders noted it will be challenging to fill the ED position.
Parking and Storage Constraints	<ul style="list-style-type: none"> Stakeholders identified storage as an operational constraint; the Trust has limited space for storing assets in the winter. Stakeholders also identified parking as an ongoing constraint and noted that the opening of Pier's five to seven will create a further strain on already limited parking.
City Support	<ul style="list-style-type: none"> Trust stakeholders indicated that under the current arms length arrangement, the Trust receives limited operational and financial support from the City. The City provides advice and support on a limited basis (by human resources, landscape architects etc.). The City provides other mechanisms to support the Trust – for. e.g. the City utilized the Trust to deliver project management services that boosted the financial performance of the Trust in recent years. Multiple stakeholders indicated that the overall relationship between the City and Trust has not been the strongest. City staff do not fully understand the Trust scope and mandate (confusion around why services are provided by the Trust versus the City). The gap in understanding Trust mandate has lead to a barrier in terms of developing or leveraging relationships.

City of Hamilton | Hamilton Waterfront Trust Future Options

Stakeholder Feedback – Future Operations

Key themes from the stakeholder interviews are summarized below:

	Observations
Continued Operations	<ul style="list-style-type: none"> • Most stakeholders expressed the significance of the City retaining control of the waterfront either through the Trust or absorption of Trust operations. • Some stakeholders indicated that the Trust provides a valuable service, but that other entities, both internally within the City or a third-party, could provide similar services. • Stakeholders noted that regardless of the chosen model, the future leaders will require significant knowledge transfer to obtain an adequate understanding of the current processes, policies, and agreements. • Stakeholders indicated that the unique Trust offerings (e.g., skate rentals) and the waterfront animation should continue regardless of the selected option.
City Assumes Operations	<ul style="list-style-type: none"> • Stakeholders indicated that the City retains the ability, but not the capacity, to absorb Trust operations. The City will need financial and operational resources to carry out the Trust mandate. The additional resources are expected to be at a higher cost due to unionized employment for some of the roles. The City will also have to take into account labour relation implications. • Some stakeholders indicated that the City might not have the bandwidth to manage Trust operations. City staff indicated plans are in place to operationalize Discovery Centre in the near future. • Stakeholders acknowledged that if Trust operations are absorbed by the City, the overall responsibility would have to be clearly defined and the City departments will need to collaborate to manage operations. This division of responsibilities may include the Corporate Facilities team in Public Works overseeing the facilities management, the Parks and Recreation department handling asset management (e.g., grass cutting, garbage removal), and potentially tourism managing the animation of the waterfront. • Stakeholders noted that the City’s mandate does not include the operation of a commercial business (i.e., Williams Café). The potential absorption of the Trust operations by the City may require the City to lease out the business to new operators.
Possible Future State	<ul style="list-style-type: none"> • Multiple stakeholders suggested that there is an opportunity for the City to collaborate with the Trust to develop a strategic plan (with an updated agreement) and operate as a hybrid model in the short-term. The model will be successful if roles, responsibilities, funding, accountability and governance are clearly defined, there is explicit direction and the model integrates with the City’s vision for the waterfront. • Stakeholders acknowledged that decisions regarding the future of the Trust should be taken based on impact on community and the City’s overall commitment to waterfront development.

04

Options

City of Hamilton | Hamilton Waterfront Trust Future Options

Summary of Options

Options Development

Based on our interviews with stakeholders, KPMG identified three options. The options for the City's consideration regarding the future of the Trust are:

1

Transfer all assets and operations to the City

The Trust is dissolved with all its assets and operations absorbed by the City.

2

Transfer all assets and operations to another entity

The Trust is dissolved with all its assets and operations absorbed by an outside entity.

3

Trust remains status quo or operates under a hybrid model

The Trust remains either status quo or operates under a hybrid model.

Option 1 – Transfer all Assets and Operations to the City

Strengths

- As the City currently performs maintenance services (e.g., grass cutting) for other City properties, the assumption of additional maintenance services will not significantly impact City's operations.
- The City's direct ownership of all other waterfront assets will ensure smoother coordination of activities across the waterfront.
- The quality of maintenance and other operations may increase as trained personnel complete the specialized jobs.
- The City can leverage its larger social media presence to more effectively promote waterfront events.
- The City's policies and procedures reduce the its potential liabilities and increases the transparency compared to the Trust.
- The City's policies and procedures will improve overall governance of Trust operations. For e.g., the City will have control over physical assets, will be able to conduct environmental inspections etc.
- The City has the resources to provide streamlined back office functions (e.g. HR, Finance etc.).

Weaknesses

- To meet the expected service levels with the additional assets and responsibilities, the City will require additional resources.
- The City's bureaucratic barriers may make the decision-making process slower.
- The current decentralized nature of the City will create difficulties when determining the ownership of the absorbed assets and responsibilities.
- The City does not retain the in-house expertise to program events for the waterfront.
- The City's current collective agreements will increase the operating costs associated with Trust activities as the union absorbs Trust positions.
- The staff will take time integrating into the new model and this may impact staff morale.

Opportunities

- All waterfront development will be housed within the City allowing the City to have more control over waterfront development and a strategic/connected vision.
- Current Trust staff will potentially move into the City and benefit from a higher pay/benefits (through the unionized environment).

Threats

- Retirement of the Trust's current Executive Director poses as a loss of institutional knowledge and skills.
- The Trust maintains long-standing relationships with community partners (e.g., Rotary Club utilizes Williams Café for meetings). If the City ends these informal agreements, it may pose as a reputational risk.
- The City's mandate does not include operation of a commercial restaurant. This will require the City to lease out the space and decrease the revenue currently used to support some Trust activities. The City also identified facing challenges leasing space.
- If the City absorbs Trust operations without proper resourcing or necessary leadership, it could negatively impact Trust operations and the historical goodwill the Trust has created.
- The City may not find an operator to manage the "for profit" structure of the Trust (for e.g. Williams Café). In this situation, the City might have to operate a business that does not align with the City's mandate. The City also has limited experience in managing food handling (with the exception of the food handling at the two golf courses).
- Insufficient change management resulting in Trust operations not receiving due attention.
- The City will have to explore any tax implications of this option.

Option 2 – Transfer All Assets and Operations to Another Entity

Strengths

- As an independent agency, the entity would face limited bureaucratic decision-making barriers (e.g., Council approval not required to increase staffing complement).
- If the assets and operations are transferred to a not-for-profit entity, there is potential for the entity to access grants, such as Trillium Foundation grants, to offset cost of operations.
- The entity may remain a non-unionized environment with lower staffing costs compared to the City's unionized positions.
- The City can draft and implement modern contracts with the entity to increase the City's authority and limit their liability exposure.

Weaknesses

- The entity's overall goal and vision may not be aligned with the City's vision for waterfront development.
- The entity will not possess the same level institutional knowledge or skills when compared to Trust or the City.
- The entity may not have the governance structure, internal controls an/or procedures that meet City requirements. The entity may not be bound to use the City's procurement policies and contractual terms and conditions.
- If recruiting challenges continue, the entity will face similar challenges as the Trust in staffing seasonal positions.

Opportunities

- A new entity with a newly developed MOU and contracts will ensure the clarity of responsibilities.
- The potential for shared services agreements with the City would give the entity access to the City's expertise and tools (e.g., City of Hamilton social media accounts, HR functions).
- A new entity with an expanded mandate that includes the entire waterfront would ensure a coordination of activities across the waterfront.
- The City can further support the entity through a funding agreement similar to the one in place with City Housing Hamilton.
- The entity can purchase and operate a dinner boat on the harbour to generate additional revenues.
- The entity will need to ensure the governance model promotes transparency and accountability.

Threats

- The new entity will not have access to the project management revenues that currently sustain the Trust.
- There may be labor relations implications in providing any shared services to another entity. The new model will have to clearly identify the level and kind of services the City will provide.
- Ongoing construction projects will negatively impact waterfront access and parking. This may impact the Trust's attendance and revenues.
- If the entity operates without proper resourcing or necessary leadership, it could negatively impact operations and the historical goodwill the Trust has created.

Option 3 – Trust Remains Status Quo or Operates Under a Hybrid Model

Strengths

- As an independent agency, the Trust remains agile with limited bureaucratic decision-making barriers (e.g., the Trust does not require Council approval to increase staffing complement).
- The Trust can access grants, such as Trillium Foundation grants, to offset cost of operations.
- The Trust may remain a non-unionized environment with lower staffing costs compared to the City's unionized positions.
- The Trust can continue operations without significant staffing/organizational changes.

Weaknesses

- The current standalone governance model limits the Trust's transparency and accountability.
- The Trust will need to implement additional governance policies and contracts that align with City's overall governance structure.
- If recruiting challenges continue, the Trust may not receive enough applications to appropriately staff the operations.

Opportunities

- A refined mandate will increase the clarity of the Trust's responsibilities and ensure the Trust focuses on in-scope activities.
- A hybrid model will allow the City and Trust to enter into shared services agreements that give the Trust access to the City's expertise and tools (e.g., City of Hamilton social media accounts, HR functions).
- The Trust can create social media accounts to further promote events occurring at the waterfront.
- A hybrid model that expands the Trust's mandate to include other areas within the waterfront will ensure a coordination of activities across the waterfront.
- The City can further support the Trust through a formalized funding agreement.
- The Trust can purchase and operate a dinner boat on the harbour to generate additional revenues.
- The hybrid model will have defined roles, responsibilities, funding, reporting, accountability and governance, with a clear direction on the mandate objectives.

Threats

- Retirement of the Trust's current Executive Director poses a threat due to the loss of institutional knowledge and skills. The Trust may be unable to find a replacement with the same skill set.
- After spring 2023, the Trust will not perform project management responsibilities related to the pier construction. This loss in revenue will create additional financial challenges for the Trust.
- There may be labor relations implications in providing any shared services to the Trust. The new model will have to clearly identify the level and kind of services the City will provide.
- Ongoing construction projects will negatively impact waterfront access and parking. This may impact the Trust's attendance and revenues.

05

Next Steps

City of Hamilton | Hamilton Waterfront Trust Future Options

Next Steps

These SWOT analyses identify the strengths, weaknesses, opportunities, and threats of each option. Following this report, the City and Trust should review the following considerations prior to determining the preferred option and developing an implementation plan.

Steering Committee

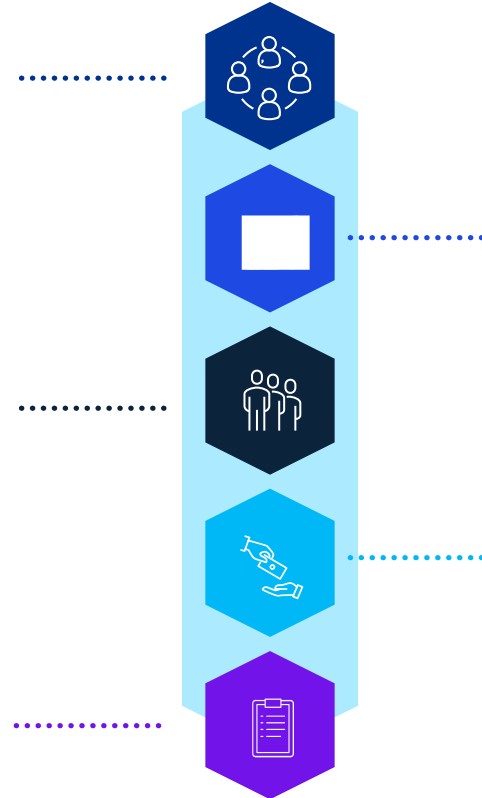
The City and Trust should establish a collaborative team (e.g., a steering committee) to review all options and considerations. The team's role should include the coordination of analyses and interviews to obtain a fulsome understanding of each option. This includes the development of governance policies, implementation plan, etc.

Labour Implications

The City's Human Resource department can provide input regarding the labour implications associated with each option.

Audit Input

The team should consult the Office of the City Auditor prior to determining the preferred option. The City Auditor can provide input regarding the financial sustainability, and comment on governance risks and controls for each option.



Legal Constraints

The collaborative team should consult the City's Solicitor to obtain legal implications of all options. This includes the amendment of current contracts, by-laws, or other legal documentation.

Financial Constraints

The collaborative team should perform an analysis of the financial implications of each option. This includes any financial support the Trust would require when continuing operations, the salary costs associated with the positions absorbed by the City, and any potential tax implications.

05

Appendices

Project Approach

KPMG’s approach to this project was divided into three (3) phases. Each phase was focused on the accomplishment of specific tangible objectives and activities. Below is an outline of KPMG’s approach for each phase.

Phase 1: Project Initiation October	Phase 2: Options Analysis October – November	Phase 3: Final Report & Presentation November
Met with the Project Team to clarify expectations, lines of inquiry, refine work program, and stakeholder engagement plan.	Collected relevant information on Trust’s current mandate, structures and operations, and conducted stakeholder engagement exercises. Performed an analysis of the three high-level options.	Developed a draft final report and recommendations for the City of Hamilton’s consideration. Incorporated the City of Hamilton’s feedback and presented the final report.

Documents Reviewed

Throughout the project KPMG reviewed documentation provided by the Project Team and documentation discovered during desktop research to support the analysis. Below is a listing of the documentation reviewed over the course of this project.

Document Title	Document Title	Document Title	Document Title
Deed of Trust – Effective October 1, 2018 – SIGNED COPY	Organizational Chart – 2022	General Security Agreement	HWT 2022 PowerPoint Presentation
Executive Director – contract	Salary Employees – vacation entitlement	Full and Final Release – June 24 2011	HWT Background
HWT – Incorporation	HWT Board By-Law No. 1	BARC – Occupancy Agreement – 47 Discovery Drive	HWT Vision
HWT Letters Patent	Franchise Agreement – WFC – June 24 2011	Building Lease – 47 Guise St.	Waterfront Outdoor Rink Management Agreement – 2017 – HWT Signatures
Signed Minutes mtg auth continuance 1.10.2017	Franchise AMENDING Agreement – WFC – June 24 2011	Continuance – Prorogation.2017	HWT – Needs and Challenges
			HWT Vision Session Report Apr. 2016 BOOKER

Stakeholders Engaged

Throughout the project KPMG engaged stakeholders to gain an understanding of the current operating environment and obtain their perspectives regarding the desired future state. Below is a listing of all the stakeholders engaged over the course of this project.

City Stakeholders Engaged	Hamilton Waterfront Trust Stakeholders Engaged
City Auditor	Executive Director, HWT
Executive Director, Human Resources	Vice-Chairman, Treasurer, Citizen Representative, HWT
Director, Financial Planning, Administration & Policy	Administrative Assistant, HWT
Director, Environmental Services	Legal Advisor
General Manager, Planning & Economic Development	
General Manager, Finance & Corporate Services	
Director, Economic Development	
Manager, Municipal Land Development	
Manager, Construction, Engineering Services	



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City of Hamilton

Hamilton Waterfront Trust Future Options

Final Report

November 29, 2022



01

Project Overview

City of Hamilton | Hamilton Waterfront Trust Future Options

Project Overview



Project Objectives

The City of Hamilton (the “City”) engaged KPMG to prepare a report on the future of the Hamilton Waterfront Trust (the “Trust”). Due to the nature of its operations, the Trust has a for-profit (HWT Inc.) and non-profit status.

The overall objectives of this report were to identify and analyze three high-level options for the Trust:

1. Transfer all assets and operations to the City.
2. Transfer all assets and operations to another entity.
3. Trust remains status quo or operates under a hybrid model.

Note: the above actions were not mutually exclusive and may have evolved over the course of the project.



Project Principles

- The knowledge and expertise of City and Trust staff will be fully engaged and built upon, to arrive at recommended actions through a transparent participative and inclusive process facilitated by KPMG.
- The development of the report will be conducted in a way that engages stakeholders.
- The framework and approach will be based on leading practices from other municipalities, or other levels of government experience and/or private sector.
- Lastly, this is not an audit nor a deeper-dive operational review. This is a review to provide options for the future programs and services of the Hamilton Waterfront Trust.

City of Hamilton | Hamilton Waterfront Trust Future Options

Project Overview



Project Work Plan

The project commenced on October 14th, 2022 and will be completed when the Final Report is presented to the Project Team in January 2023.



Project Initiation

October

Meet with the Project Team to clarify expectations, clarify lines of inquiry, and refine proposed work program and stakeholder engagement plan.



Options Analysis

October - November

Key steps in this process include

- Documentation review
- Stakeholder consultation
- Analysis of three high-level options



Final Report

January 2023

Develop a draft Final Report. Incorporate City feedback to enhance and finalize the Final Report.

03

Stakeholder Engagement

City of Hamilton | Hamilton Waterfront Trust Future Options

Stakeholders Engaged

KPMG interviewed City staff and members of the Trust to obtain an understanding of the current governance and operating model as well as uncover any insights on the future options for the Trust. Below is a summary of the interviews (one-on-one) that were held.

01

City Staff Interviews

1. City Auditor
2. Executive Director, Human Resources
3. Director, Financial Planning, Administration & Policy
4. Director, Environmental Services
5. General Manager, Planning & Economic Development
6. General Manager, Finance & Corporate Services
7. Director, Economic Development
8. Manager, Municipal Land Development
9. Manager, Construction, Engineering Services

02

Trust Members

1. Former Executive Director, HWT
2. Chairman / Treasurer / Citizen Representative, HWT
3. Interim Executive Director / Administrative Assistant, HWT
4. Legal Advisor

Summary of Stakeholder Themes

Stakeholder Interviews

Based on our stakeholder interviews, KPMG identified the following consistent themes:

1

Importance of Trust Operations

All stakeholders identified the Trust's operations as crucial to the City and that they should continue regardless of the selected future option. Stakeholders expressed the need for animation and events to promote the waterfront as a tourism destination.

2

City's Liability

The Trust maintains an arms length relationship with the City. This relationship leaves the City with limited oversight into the Trust's compliance with City policies (e.g., City's procurement policy). Stakeholders also described the language within the current contracts between the Trust and the City as 'weak' due to the City's limited ability to monitor assets and that ultimately the City remains responsible for any liability incurred by the Trust.

3

Trust's Financial Constraints

All stakeholders identified financial sustainability as a barrier contributing to continued Trust operations. They noted that the project management work the Trust performs for the City is a key financial contributor for their operations. With the projects expected to end in the spring of 2023, stakeholders noted concerns with the financial implications for the Trust.

4

City's Ability / Capability to Operate

Stakeholders indicated that the City retains the ability, but not the capacity, to absorb Trust operations. The City will need financial and operational resources to carry out the Trust mandate. Some stakeholders indicated that the City might not have the bandwidth to manage Trust operations.

04

Options

City of Hamilton | Hamilton Waterfront Trust Future Options

Summary of Options

Options Development

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Opportunities

- All waterfront development will be housed within the City allowing the City to have more control over waterfront development and a strategic/connected vision.
- Current Trust staff will potentially move into the City and benefit from a higher pay/benefits (through the unionized environment).

Weaknesses

- To meet the expected service levels with the additional assets and responsibilities, the City will require additional resources.
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Threats

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Strengths

- As an independent agency, the entity would face limited bureaucratic decision-making barriers (e.g., Council approval not required to increase staffing complement).
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Threats

- The new entity will not have access to the project management revenues that currently sustain the Trust.
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City of Hamilton | Hamilton Waterfront Trust Future Options

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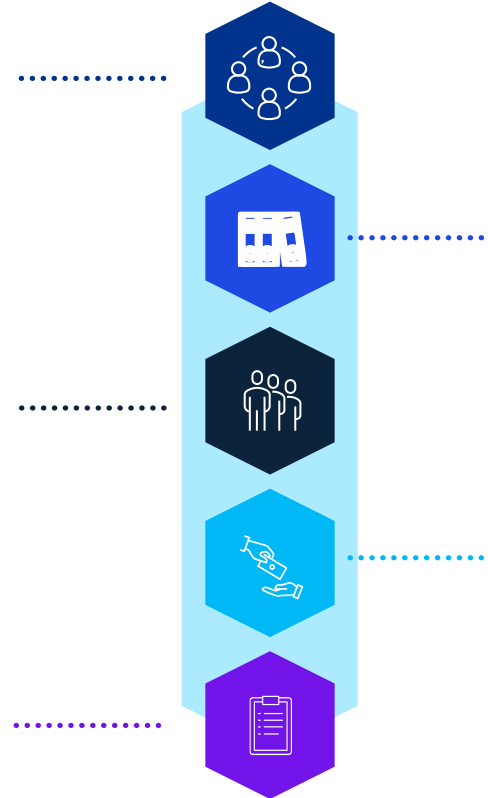
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Labour Implications

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The team should consult the Office of the City Auditor prior to determining the preferred option. The City Auditor can provide input regarding the financial sustainability, and comment on governance risks and controls for each option.



Legal Constraints

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Financial Constraints

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Hamilton

BUSINESS IMPROVEMENT AREA SUB-COMMITTEE

MINUTES 23-001

10:30 a.m.

Tuesday, January 10, 2023

Hamilton City Hall

71 Main Street West

Room 264

Present: Susie Braithwaite (Chair) – International Village BIA
Susan Pennie (Vice-Chair) – Waterdown BIA
Alexa Chavez – Concession Street BIA
Tracy MacKinnon – Westdale Village BIA and Stoney Creek BIA
Bettina Schormann – Locke Street BIA
Emily Walsh – Downtown Hamilton BIA
Heather Peter – Ancaster BIA
Chelsea Braley – Ottawa Street BIA

Absent: Michal Cybin – King West BIA
Jessica Myers – Barton Village BIA
Bender Chug – Main West Esplanade BIA
Dundas BIA

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

(Walsh/Schormann)

That the agenda for the January 10, 2023 Business Improvement Area Sub-Committee meeting be approved, as presented.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) December 13, 2022 (Item 4.1)

(Braley/Schormann)

That the December 13, 2022 Minutes of the Business Improvement Area Sub-Committee be approved, as presented.

CARRIED

(d) PRESENTATIONS (Item 8)

(i) Winterfest 2023 Updates (Item 8.1)

Jeremy Freiburger, Cobalt Connects addressed the Committee with a presentation on Winterfest 2023 Updates.

(Schormann/Pennie)

That the presentation respecting Winterfest 2023 Updates, be received.

CARRIED

(ii) Business Improvement Area (BIA) Audit Updates (Item 8.2)

Rajdeep Dhillon, KPMG, addressed the Committee with a presentation on Business Improvement Area (BIA) Audit Updates.

(Peter/Walsh)

That the presentation respecting Business Improvement Area (BIA) Audit Updates, be received.

CARRIED

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

(i) Verbal Update from Cristina Geissler, Business Development & BIA Officer (Item 13.1)

Cristina Geissler, Business Development & BIA Officer, addressed the Committee respecting updates on Commercial Districts and Small Business.

(Pennie/Chavez)

That the verbal update respecting Commercial Districts and Small Business, be received.

CARRIED

(ii) Statements by Members (Item 13.2)

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

(McKinnon/Pennie)

That the updates from Committee Members, be received.

CARRIED

(f) ADJOURNMENT (Item 15)

(Chavez/Peter)

That there being no further business, the Business Improvement Area Sub-Committee be adjourned at 11:17 a.m.

CARRIED

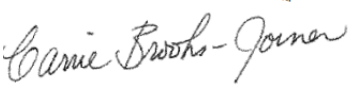
Respectfully submitted,

Susie Braithwaite
Chair Business Improvement Area
Sub-Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 22, 2023
SUBJECT/REPORT NO:	Municipal Accommodation Tax (PED20009(d)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Pam Mulholland (905) 546-2424 Ext. 4514
SUBMITTED BY:	Carrie Brooks-Joiner Director, Tourism and Culture Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

On August 12, 2022, Council approved Item 4(n) of the General Issues Committee Report 22-015 directing staff to report back on a methodology for Municipal Accommodation Tax (MAT) collection from short-term rental (STR) accommodation providers in Hamilton.

INFORMATION

Section 400.1 of the Municipal Act, 2001, S. O. 2001, c.25, provides that the Council of a municipality may pass by-laws imposing a tax on the purchase of transient accommodation within the city. Amendments were introduced as part of the 2017 Provincial Budget and received Royal Assent on May 17, 2017.

Ontario Regulation 435/17: Transient Accommodation Tax under the jurisdiction of the Municipal Act, 2001 came into effect December 1, 2017, allowing municipalities to levy a Municipal Accommodation Tax as a revenue source to fund tourism development.

The regulations permit municipalities to charge up to 4% on the purchase of transient accommodations (i.e. at hotels, motels, bed and breakfasts, and short-term rentals), including those sold online. MAT is applied on all room rental accommodations of four hours or more and continuous stays of 29 nights or less.

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SUBJECT: Municipal Accommodation Tax (PED20009(d)) (City Wide) - Page 2 of 3

On August 12, 2022, Council approved General Issues Committee Report 22-015, Item 4(a), (b) and (c), which resulted in the following outcomes that are directly relevant to this report:

- By-law No. 22-209 came into effect January 1, 2023, establishing a mandatory 4% MAT collection on Hamilton transient accommodations, including on registered short-term rentals if/when licensed by the City;
- The Ontario Restaurant Hotel Motel Association (ORHMA) was designated as the City's MAT collection agent; and
- A MAT Collection Agreement (Agreement) was executed on November 9, 2023, between the City and ORHMA to collect MAT from hotel, motel and bed and breakfast accommodation providers and remit funds to the City and the Hamilton Tourism Development Corporation. In addition, the Agreement includes the collection of MAT from short-term rentals once licensed by the City.

On January 25, 2023, Council approved Planning Committee Report 23-001, Item 4(a), (b), (c), (d), (e), thereby licensing short-term rental accommodations in Hamilton. The deadline for current STR operators to become licensed is May 31, 2023. As a result, at a rate of 4%, MAT will be collected from STR operators beginning in 2023 by ORHMA, and funds will be remitted to the City and the Hamilton Tourism Development Corporation quarterly.

Per the Council-approved Planning Committee Report 23-001, Item 4(c), Licensing and By-law Services staff will complete its Short-Term Rental Licensing Implementation Plan. In addition, Tourism and Culture Division staff will work with ORHMA to communicate to STR operators and STR brokers (online platforms such as Airbnb) MAT collection and remittance requirements, procedures and reporting deadlines and to respond to inquiries, as per the following legislation and Agreement:

- Ontario Regulation 435/17
- City of Hamilton MAT By-law No. 22-209
- City of Hamilton Licensing By-law 07-170, and
- ORHMA-CoH MAT Agreement 394-2022.

As outlined in City of Hamilton By-law 22-209, Section 10 through 13 inclusive, interest will apply on any overdue MAT payment at a monthly rate of 1.25% from the first day after the tax payment is due up to and including the date on which the tax is paid in full. ORHMA will collect any unpaid MAT remittances, penalties, and applicable interest for 90 days on overdue accounts, after which collection becomes the responsibility of the City's Corporate Services. The City may add unpaid MAT, penalties and interest owing to the tax roll; it may become a lien against the STR property.

SUBJECT: Municipal Accommodation Tax (PED20009(d)) (City Wide) - Page 3 of 3

In conclusion, the General Issues Committee's Outstanding Business List Item FF respecting staff reporting the methodology to collect MAT from registered short-term rental providers is complete.

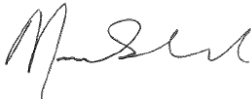
APPENDICES AND SCHEDULES ATTACHED

N/A

PM:ac



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 22, 2023
SUBJECT/REPORT NO:	Revised Board of Management for the Concession Street Business Improvement Area (BIA) (PED23059) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Cristina Geissler (905) 546-2424 Ext. 2632
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the following individuals be removed from the Concession Street Business Improvement Area Board of Management:

- (i) Brendan Eyre – Investment Planning Counsel;
- (ii) David Andrews – Community Rep;
- (iii) Kathryn Goegan – At Your Service.

That the following individuals be appointed to the Concession Street Business Improvement Area Board of Management:

- (i) Subbu Subramonian – Property Owner of 540 Concession;
- (ii) Brenda Eszenyi – Penny Pinchers Costumes;
- (iii) Terry Rhodes – Community Rep.

EXECUTIVE SUMMARY

Changes to Board Members to the Concession Street Business Improvement Area (BIA) Board of Management that include removal of Directors and their appointed replacements.

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SUBJECT: Revised Board of Management for the Concession Street Business Improvement Area (BIA) (PED23059) (Ward 7) - Page 2 of 3

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable

Staffing: Not Applicable

Legal: The *Municipal Act 2001*, Sections 204-215 governs BIAs. Section (204) Subsection (3) stipulates “A Board of Management shall be composed of, (a) one or more Directors appointed directly by the Municipality; and (b) the remaining Directors selected by a vote of the membership of the improvement area and appointed by the Municipality”. Section 204 Subsection (12) stipulates “...if a vacancy occurs for any cause, the Municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area.”

HISTORICAL BACKGROUND

A meeting of the Board of Management of the Concession Street BIA took place on January 19, 2023. At this meeting, the membership nominated Subbu Subramonian, Brenda Eszenyi and Terry Rhodes to the position of Directors on the Board of Management.

Should Council adopt the recommendation in PED23059, the aforementioned nominated BIA members would replace Brendan Eyre, David Andrews and Kathryn Goegan as Directors who resigned from the BIA Board of Management.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not Applicable

RELEVANT CONSULTATION

Not Applicable

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not Applicable

SUBJECT: Revised Board of Management for the Concession Street Business Improvement Area (BIA) (PED23059) (Ward 7) - Page 3 of 3

ALTERNATIVES FOR CONSIDERATION

Not Applicable

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

APPENDICES AND SCHEDULES ATTACHED

N/A

CG/rb



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 22, 2023
SUBJECT/REPORT NO:	Assessment of Illness Linked to the Chedoke Creek Sewage Spill (BOH23009) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Mackenzie Slifierz (905) 546-2424 Ext. 4868
SUBMITTED BY:	Julie Prieto Director, Public Health Services - Epidemiology and Wellness Division Healthy and Safe Communities
SIGNATURE:	

COUNCIL DIRECTION

Report 19-024 of the November 20, 2019 meeting of the General Issues Committee, and its subsequent amendment Report 19-021 of the November 27, 2019 and November 28, 2019 Council meetings, contained the following direction:

Item 8.0 Potential Litigation Update (Confidential Item 14.3)

- (f) That Public Health be directed to immediately identify, assess and report back on:
 - (i) any health-related incidents associated with exposure to contaminated waterways in the Chedoke Creek and Cootes Paradise; and,
 - (ii) hospital and clinic data and public health notifications for any unusual illnesses reported since January 2014 that may be the result of bacterial contamination related to the discharge storm water runoff and sanitary sewage into Chedoke Creek and Cootes Paradise;

This information report details the response to the above direction and General Issues Committee Outstanding Business List Item G.

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**SUBJECT: Assessment of Illness Linked to the Chedoke Creek Sewage Spill
(BOH23009) (City Wide) - Page 2 of 5**

INFORMATION**Background**

In July 2018, the City of Hamilton discovered that the Main-King combined sewer overflow (CSO) tank was discharging untreated wastewater into Chedoke Creek. An investigation determined that a bypass gate in the CSO tank that should have been in the closed position appears to have been manually opened to approximately five percent on January 28, 2014 and remained open until the source was discovered on July 18, 2018. The City estimates approximately 24 billion litres of storm water runoff and sanitary sewage was discharged into Chedoke Creek during the time that the gate was open. Initial clean up at Chedoke Creek was completed in August and tests showed a substantial improvement in water quality including a decrease in E.coli bacterial levels.

As per Council's direction, Hamilton Public Health Services has completed an assessment to determine whether any changes in gastrointestinal and waterborne illness in the City of Hamilton population were associated with the Chedoke Creek spill. The results of this assessment are summarized below.

Assessment 1: Exposures to Chedoke Creek and adjoining waterways

Diseases of public health significance (i.e., reportable diseases) listed under *Ontario's Health Protection and Promotion Act* are required to be reported to the local Medical Officer of Health. In response, staff at the applicable local public health unit will investigate and manage these reported cases. As part of this process, persons reported to be infected with a gastrointestinal or waterborne illness are interviewed to determine possible sources (exposures) from where the case may have acquired their infection. This information is documented into the provincial Integrated Public Health Information System (iPHIS). Records of reported cases residing in Hamilton were extracted from the iPHIS database and reviewed for any documented exposures to Chedoke Creek and adjoining waterways.

In total 10,307 exposure records were reviewed for cases of gastrointestinal and waterborne diseases reported to Hamilton Public Health Services between January 1, 2014 and December 31, 2021. All records were searched for any documented exposures to Chedoke Creek and adjoining waterways. Overall, there was only one exposure record found for a case who reported contact with water from an adjoining waterway of Chedoke Creek in 2020, two years after the sewer gate was closed and the initial clean-up had been completed. However, the actual cause of this infection is unclear as the case also reported other exposures that could have been responsible for their infection.

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SUBJECT: Assessment of Illness Linked to the Chedoke Creek Sewage Spill (BOH23009) (City Wide) - Page 3 of 5

Assessment 2: Changes in gastrointestinal and waterborne disease trends

This assessment used data from two sources (reported cases to public health and emergency department visits) to assess gastrointestinal and waterborne disease trends in the City of Hamilton population from January 1, 2010 to December 31, 2021 (for reference, the Chedoke Creek spill occurred continuously from January 28, 2014 to July 18, 2018, with the initial clean up being completed in August 2018). The gastrointestinal and waterborne diseases from each data source that were included in this assessment are shown below:

1. Reportable Diseases from the Integrated Public Health Information System (iPHIS); and,

- Cryptosporidiosis;
- Cyclosporiasis;
- Amebiasis;
- Listeriosis;
- Campylobacter enteritis;
- Giardiasis;
- Shigellosis;
- Salmonellosis;
- E. coli;
- Hepatitis A;
- Yersiniosis;
- Typhoid fever; and,
- Food poisoning, all causes.

2. Emergency Department Visits from the National Ambulatory Care Reporting System (NACRS):

- Typhoid and paratyphoid fevers;
- Other Salmonella infections;
- Shigellosis;
- Other bacterial intestinal infections;
- Other bacterial foodborne intoxications, not elsewhere classified;
- Amebiasis;
- Other protozoal intestinal diseases;
- Viral and other specified intestinal infections; and,
- Other gastroenteritis and colitis of infectious and unspecified origin.

The results of the assessment of reportable gastrointestinal and waterborne infections from the public health database (iPHIS) are shown in Figure 1 (below). The annual rate of these reportable diseases had a relatively consistent level from 2010 to 2019, consistent with provincial trends. These results indicate that reportable gastrointestinal and waterborne diseases did not increase during the period of the Chedoke Creek spill

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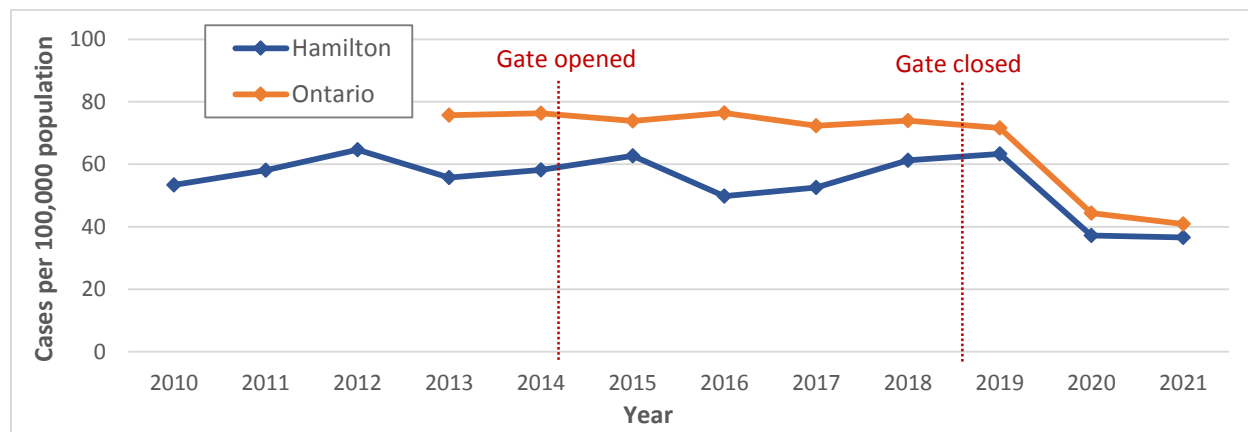
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SUBJECT: Assessment of Illness Linked to the Chedoke Creek Sewage Spill (BOH23009) (City Wide) - Page 4 of 5

relative to the period before the spill. In addition, there was no decrease in the rate of these reportable diseases in 2019 after the sewer gate was closed and the initial clean-up was completed. There was, however, a decrease in the rate of these reportable diseases in 2020 and 2021 but this has been attributed to the COVID-19 pandemic.

Figure 1. Annual Rate of Reportable Gastrointestinal and Waterborne Disease Cases (Probable or Confirmed) in the City of Hamilton, 2010-2021.



Sources: Integrated Public Health Information System [2010-2021], Extracted: [5 Jan 2023]; Public Health Ontario Infectious Disease Query Tool [2013-2021], Extracted: [17 Jan 2023]; Statistics Canada. Table 17-10-0139-01 Population estimates, July 1, by census division, 2016 boundaries.

Note: At the time of this assessment, provincial data was only available from 2013 and onwards.

The results of the assessment of gastrointestinal and waterborne illness from the emergency department (ED) database are displayed in Figure 2 (below). The rate of ED visits for gastrointestinal and waterborne illness were relatively stable from 2010 to 2019 and Hamilton's rates were similar to the provincial rates during this period. These results indicate there were no unusual trends in the rate of ED visits for gastrointestinal and waterborne illness from 2010 to 2019. These ED rates in Hamilton and Ontario did see a decrease in 2020 and 2021 but again, this has been attributed to the COVID-19 pandemic.

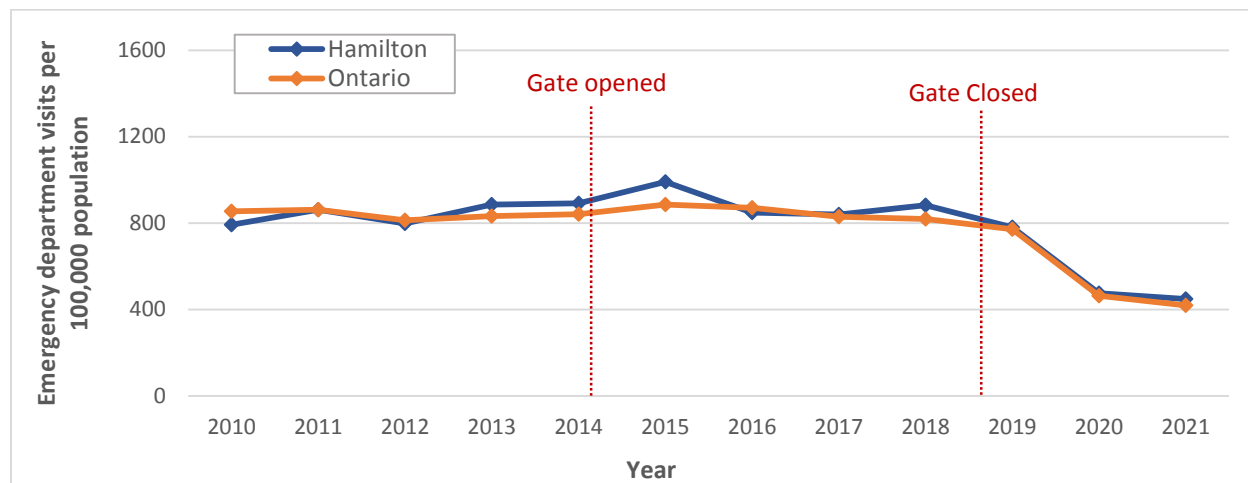
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Figure 2. Rate of Emergency Department (ED) Visits due to Gastrointestinal and Waterborne Illness in the City of Hamilton and Ontario, 2010-2021.



Sources: Ambulatory Emergency External Cause [2010-2021], Ontario Ministry of Health and Long-Term Care, IntelliHEALTH ONTARIO, Date Extracted: [5 Jan 2023]; Statistics Canada. Table 17-10-0139-01 Population estimates, July 1, by census division, 2016 boundaries.

Conclusion

Overall, the available data indicates that the Chedoke Creek spill did not result in an increase in gastrointestinal and waterborne illness among Hamiltonians.

APPENDICES AND SCHEDULES ATTACHED

Not Applicable.


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INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 22, 2023
SUBJECT/REPORT NO:	Chedoke Creek Order - Remediation Update (PW19008(t)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Tim Crowley (905) 546-2424 Ext. 5063
SUBMITTED BY:	Cari Vanderperk Director, Watershed Management Public Works Department
SIGNATURE:	

COUNCIL DIRECTION

Council at its special council meeting of March 9, 2023, approved the following:

- (a) That the City Solicitor and external legal counsel be directed to file an appeal in respect of the March 3, 2023, amendment to Director's Order dated December 4, 2020 (1-PE3L3).
- (b) That Report LS21012(c) and Appendix "A" remain confidential and not be released as a public document, except for the Executive Summary which may be released to the public.
- (c) That the General Manager, Public Works be directed to provide a public report at the March 22, 2023, General Issues Committee Meeting regarding an update to the Chedoke Creek Order and Remediation.
- (d) That the City Solicitor and City Clerk review Appendix "B" to Report LS21012(c) to apply exemptions under *Municipal Freedom of Information and Protection of Privacy Act* and that a redacted version be released publicly for the March 22, 2023 General Issues Committee agenda through a Public Works report.

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SUBJECT: Chedoke Creek Order - Update (PW19008(t)) (City Wide)
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INFORMATION

The City of Hamilton (City) was served Director's Order No.1-PE3L3 (Order) by the Ministry of the Environment, Conservation and Parks (MECP) on December 4, 2020, as a result of the Main/King combined sewer overflow discharge which occurred between January 2014 and July 2018.

The Order consists of two parts. The first part requires the City to undertake the MECP approved Chedoke Creek Workplan, which includes the dredging of sediment in targeted parts of Chedoke Creek that scientific analysis concluded to be impacted by the combined sewer overflow. The original deadline imposed by the Order was for the City to complete dredging work no later than October 31, 2021. The City requested that the MECP review various permitting requirements for in-water dredging work, which resulted in the original deadline being amended to December 31, 2022.

The second part of the Order requires the City to undertake the MECP approved Cootes Paradise Workplan, which includes various studies and policy reviews to improve the water quality entering Cootes Paradise from City owned infrastructure. There is no deadline associated with the Cootes Paradise Workplan, however the City has committed to undertake several Municipal Class Environmental Assessment (EA) studies that are currently underway. These studies will contemplate various possible improvement options for the City to implement over the next several years.

For additional context, a status update on the recent amendments to the Order; a chronology of the correspondence with the MECP and the Haudenosaunee Development Institute (HDI), and the activities undertaken to date to address the requirements of the Order are provided below.

Chedoke Creek Workplan Overview and Chronology:

The Chedoke Creek Workplan, as required by the Order and approved by the MECP, identifies the remedial strategy for targeted dredging in Chedoke Creek. In late July 2022, the contractor for the City, Milestone Environmental Contracting Inc. (Milestone), began mobilizing equipment and preparing the Dredge Material Management Area at Kay Drage Park with the intention of starting the in-water targeted dredging work on August 22, 2022.

As previously reported at the September 7, 2022 (Report PW19008(r)), and November 30, 2022 (Report PW19008(s)), General Issues Committee, preparation activities at the work site were paused on August 18, 2022 after two individuals representing the HDI blocked access to the site and stated that they were exercising their treaty rights. The HDI representatives stated they would not permit the work to proceed until certain conditions were met and their consent for the project had been sought and received.

SUBJECT: Chedoke Creek Order - Update (PW19008(t)) (City Wide)
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Attempts were made to resume the project in order to meet the requirements outlined in the MECP Order to the City. Unfortunately, further disruptions occurred which created health and safety risks for Milestone, their subcontractors and the HDI representatives. On October 5, 2022, Milestone and the dredging sub-contractor issued a notice of refusal to work to the City until a safe and unimpeded work environment could be provided for their employees. On October 21, 2022, the City's consultant WSP Environment & Infrastructure Canada (WSP), also issued the opinion that it was "unwise to proceed" pursuant to section 54 (1) of the General Conditions of the Contract. This professional opinion was reached based on WSP's independent examination of the circumstances.

Since that time the project has remained on standby and equipment, such as the hydraulic suction dredger have been demobilized from the site in order to reduce standby costs. Currently, the contractor maintains a minimal presence on-site for site monitoring and security purposes.

Various correspondence thereafter between the City, MECP and HDI is summarized below and attached as Appendix "A" to Report PW19008(t). This was formerly Appendix "B" to Report LS21012(c) and is being released publicly at the direction of Council at its special council meeting of March 9, 2023. A redacted version is required as a result of the *Municipal Freedom of Information and Protection of Privacy Act* and includes the following correspondence in chronological order:

- City letter requesting two interventions from the MECP (October 6, 2022)
- MECP letter declining the City's request for an access order (November 15, 2022)
- MECP letter approving the City's request for an extension (December 20, 2022)
- MECP letter to the HDI (December 29, 2022)
- City letter to HDI (January 23, 2023)
- City follow-up letter to HDI (February 16, 2023)
- City follow-up letter to the MECP requesting an access order (February 23, 2023)
- HDI reply to the MECP letter issued December 29, 2022 (February 28, 2023)
- HDI reply to the City's issued letters (February 28, 2023)
- MECP letter declining the City's request for an access order (March 3, 2023)
- MECP amendment to the Order (March 3, 2023)
- City letter to HDI notifying them of the Order amendment (March 3, 2023)
- HDI reply to the City's March 3, 2023, correspondence (March 7, 2023)
- HDI correspondence to the MECP (March 7, 2023)

With the project remaining in standby and the Order deadline unable to be achieved, on October 6, 2022, the City requested two interventions from the MECP. The first intervention request was for the MECP to issue an access order to the HDI to provide the City and its contractors unimpeded access to the site to complete the work required

SUBJECT: Chedoke Creek Order - Update (PW19008(t)) (City Wide)
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under the Order. The second intervention request was for the MECP to provide the City with a 12-month extension under Item #6 of the Order which imposed a deadline for the targeted dredging of December 31, 2022. The formal request to extend the deadline was made after evaluating project completion scenarios including engagement with permitting agencies regarding extensions to the associated permits.

On November 15, 2022, the MECP declined the City's request for an access order to be issued to the HDI, stating that the City was "best positioned to discuss concerns regarding the remediation, its potential impacts on the natural environment and share project status documentation with Haudenosaunee Development Institute (HDI)". Subsequently, on December 20, 2022, the MECP Director approved the City's request for a deadline extension to December 31, 2023, with all other items in the Order remaining in effect and unaltered.

On December 29, 2022, a letter was issued by the MECP District Office to the HDI in response to prior HDI correspondence to the MECP. It specifies that the remediation work would have no appreciable impact on hunting, fishing or harvesting treaty rights under the Nanfan Deed, particularly considering this is a remediation project with the main objective to improve conditions of the creek. The letter also requests that the HDI provide the MECP with details regarding its concerns in this regard.

On January 23, 2023, the City submitted a letter to the HDI in an attempt to engage in dialogue, address concerns and explore options for the HDI to enter into an agreement for an Environmental Monitor on similar terms as the City has entered with three other First Nations Communities. The City did not receive a response by the requested due date of February 6, 2023, and a follow up letter was sent to the HDI, on February 16, 2023. This second letter provides notice that the City has now rescheduled commencement of the remedial work at Chedoke Creek for June 2023 as the City is required by law to complete the targeted dredging by the extended deadline of December 31, 2023.

On February 23, 2023, the City wrote to the MECP to restate its request that the MECP issue an order to the HDI to enable the City and its contractors unimpeded access to the site to complete the work, otherwise the City would have no other option than to seek relief from the Courts. Shortly after, on February 28, 2023, the HDI wrote to both the MECP and the City. The HDI indicated that the City had not engaged sufficiently, and the HDI requested further discussion and engagement from both the MECP and the City.

On March 3, 2023, the MECP replied to the City's letter of February 23, 2023 and declined to reconsider the City's request for an access order. Also, within the same letter the MECP indicated that it had reconsidered its earlier Order deadline extension and is now requesting that the dredging work be accelerated. Later that same day, the

SUBJECT: Chedoke Creek Order - Update (PW19008(t)) (City Wide)
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City received a formal amendment to the Order requiring the completion of dredging works on an accelerated schedule under which all in-water dredging work needs to be completed by August 31, 2023, four months earlier than previously ordered, with all ancillary works to be completed by December 31, 2023.

On March 3, 2023, the City replied to the HDI correspondence of February 28, 2023 reminding HDI of the City's attempts to engage the HDI in this matter, reiterating the City's offer of a monitoring agreement on the same terms offered to three other First Nations, and also forwarding a copy of the revised Order issued by the MECP earlier that day. The HDI responded to both the City and the MECP by email on March 7, 2023 expressing dissatisfaction with the MECP's reliance on Federal Department of Fisheries and Oceans (DFO) permit, and also indicating that the proposals made by the City, in its correspondence of March 3, 2023, would be reviewed by the HDI during their next meeting on November 8, 2023, well beyond the new MECP deadline. Finally, on March 7, 2023 the City reached out to the HDI via email to arrange a meeting to discuss their concerns. As of the time that this report was written, the City has not received a response from the HDI.

As stated in the Executive Summary of Report LS21012(c), "on March 3, 2023, the Director unexpectedly issued a revised Order to the City that accelerated the timeframe for the performance of dredging operations by four months, requiring in-water work that previously was required to be completed on or before December 31, 2023 to now be completed on or before August 31, 2023. Since it is not clear that the City will be able to comply with this unexpected new timeframe, staff are recommending that the City appeal the revised Order".

As such, at the special Council meeting on March 9, 2023, Council directed the City Solicitor and external legal counsel to file an appeal in respect of the March 3, 2023 amendment to the Order. The appeal will allow the project team to seek more time to accommodate unexpected events, which could include delays caused by staffing and supply chain challenges, possible work stoppages due to prolonged wet weather, and excess debris on the creek bed. During the meeting the Mayor, Council and Staff were also made aware of letters sent to the Mayor and the Minister of the Environment, Conservation and Parks by Chief Mark Hill of the Six Nations of the Grand River Elected Council. Attached as Appendix "B" to Report PW19008(t), the letters request that both parties take steps necessary to expedite the remediation of Chedoke Creek.

On March 10, 2023, City representatives engaged with representatives from the MECP, to discuss the City's concerns with the March 3, 2023 amendment to the Order. This was a positive and collaborative discussion with the goal of identifying a common path forward that does not require the City to file an appeal to the amended Order, supports the City's concerns regarding the August 31, 2023 deadline to complete the in-water targeted dredging work, and still expedites the remediation of Chedoke Creek. During

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that discussion it was agreed that a deadline to complete the in-water targeted dredging work of October 31, 2023 would be achievable.

As a result, the project team developed a revised remediation timeline, attached as Appendix "C" to Report PW19008(t). The revised timeline illustrates the optimal path forward and identifies the time between notifying the contractor to remobilize and the actual commencement of targeted dredging on July 17, 2023. This start date avoids the spring months when wet weather events can be unpredictable, respects the annual periods where in-water work is typically restricted due to fish spawning and identifies the completion of the in-water work on or before October 31, 2023.

Subsequently, on March 14, 2023, the MECP issued a fourth amendment to the Order, attached as Appendix "D" to Report PW19008(t). The amendment requires the completion of the targeted dredging works on an accelerated schedule under which all in-water dredging work needs to be completed by October 31, 2023, with the remaining activities in the approved Chedoke Creek Workplan completed by December 31, 2023. In addition, the City is also required to provide the MECP with weekly written reports outlining progress on key milestones before dredging begins and weekly written project updates once the dredging has commenced.

Staff continue to update the Mississaugas of the Credit First Nation, the Huron-Wendat Nation, the Six Nations of the Grand River Elected Council and the Haudenosaunee Confederacy Chiefs Council via the HDI on the project. The existing Environmental Monitoring Agreements with the Mississaugas of the Credit First Nation, the Huron-Wendat Nation, and the Six Nations of the Grand River Elected Council are being extended to accommodate each Nation to attend the work site throughout 2023. Unfortunately, the HDI has been unresponsive to the City's offers to enter into an agreement for an Environmental Monitor on similar terms.

Cootes Paradise Workplan Overview:

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

The Cootes Paradise Workplan includes the potential works listed in Table 1 which mainly fall into two (2) forms, those that reduce nutrients from the inflowing water, and those in-water works that treat or remove nutrients and other contaminants, either through a one-time reduction or continuously through uptake. In order to determine which works will be preferred, the City is also required under the *Environmental Assessment Act* to evaluate any large-scale initiatives through the Municipal Class EA process.

SUBJECT: Chedoke Creek Order - Update (PW19008(t)) (City Wide)
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Table 1

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

Consultant assignments for each of the three (3) Master Planning EAs identified in the table above are underway. The studies include a detailed environmental, social, and economic assessment of opportunities to improve water quality and address related water quantity matters. The timing and capital budgets for the identified preferred solutions from each Class EA study will be identified once each study is completed.

The exploratory study to dredge certain areas of Cootes Paradise, and sediment nutrient inactivation projects have been combined into one (1) assignment. Investigative field work started in 2022 with a review of existing literature, including an extensive data package from the Royal Botanical Gardens (RBG). In addition, the project consultant prepared detailed bathymetric and sediment thickness mapping of potential project areas, with a focus on those areas deemed of most concern based on feedback from RBG and a data assessment. The scope of work also includes a mesocosm study to evaluate the potential impacts from various sediment treatment alternatives. This will assist the City in evaluating the potential for the implementation of targeted water quality restoration projects within Cootes Paradise.

Lastly, the Road Retrofits Rehabilitation and Stormwater Management Policy reviews will continue throughout 2023 with the appropriate City departments. It is important to note that the Order does not specify completion deadlines for the proposed initiatives identified in the Cootes Paradise Workplan, however the City is expected to complete each of the three (3) Cootes Paradise Workplan Class EA studies by the end of 2023, as communicated to the MECP.

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Costs:

The current expected costs for the Chedoke Creek and Cootes Paradise Workplans are shown in Table 2, which is within the allocated budgets for the identified Project IDs. Approximately 26% of costs were incurred on the Chedoke Creek Workplan project prior to entering into standby. To-date, standby claims have resulted in \$1.2M in extra costs. Additional costs will continue to be incurred while the City's contractor remains on standby. Future cost implications may also include changes to the targeted dredging construction contract due to inflationary pressures and/or losing preferred pricing as a result of the delays.

Table 2

Previous Project IDs and/or Other City Departments	Cost
<ul style="list-style-type: none"> Investigative and Clean Up Costs (from 2018-2020) 	\$1,934,269
<ul style="list-style-type: none"> Legal and Risk Management Costs (to December 31, 2022) 	\$235,000
Total	\$2,169,269
Project ID 5162168777	Cost
<ul style="list-style-type: none"> Small Scale Offsetting 	\$36,565
<ul style="list-style-type: none"> WSP - Emergency Procurement (Workplans, Data Collection, Design and Permitting) 	\$791,144
<ul style="list-style-type: none"> WSP - Non-Competitive Procurement (Contract Administration, Investigative Field Work and Post Monitoring) 	\$778,396
<ul style="list-style-type: none"> WSP - Standby Costs (Aug 18 – March 31, 2023) 	\$165,000
<ul style="list-style-type: none"> Milestone Environmental Contracting Inc. - Tender (Targeted Dredging of Chedoke Creek) 	\$6,769,992
<ul style="list-style-type: none"> Milestone Environmental Contracting Inc. - Standby Costs (Aug 18 – March 31, 2023) 	\$1,051,175
<ul style="list-style-type: none"> First Nations Communities - Environmental Monitoring Agreements 	\$160,000
Total	\$9,752,272

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Project ID 5162268757 - Lower Chedoke Combined EA	\$173,833
Project ID 5162268767 - Chedoke Watershed Stormwater Management EA	\$194,336
Project ID 5162262305 - Ainslie Wood Creek Separation Municipal Class EA	\$236,892

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

Communications Strategy:

The City's Communications and Strategic Initiatives team is continuing to support this project with a robust communications strategy to ensure the community is kept informed. The strategy includes various tactics including media releases, webpage updates and the use of social media. This ensures the community and stakeholders are kept updated on the Chedoke Creek remediation progress.

A new webpage for the remediation efforts was launched on May 2, 2022 to support ongoing communications. Recent updates have been made to the timeline to reflect the ongoing water stewardship from the Indigenous communities and their efforts to bring attention to the degrading health of our watersheds to the forefront.

Approximately 4,000 project notices were sent to residents in the surrounding area on June 24, 2022 and the communications team is currently evaluating a plan to re-engage the community prior to the planned recommencement of work.

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PW19008(t) – Various City, MECP and HDI correspondence
 Appendix "B" to Report PW19008(t) – Six Nations letters to MECP and City
 Appendix "C" to Report PW19008(t) – Revised Remediation Timeline
 Appendix "D" to Report PW19008(t) – MECP Fourth Amendment to the Order

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Public Works Department | Hamilton Water Division
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Phone: 905.546.2424, ext. 1474
E-mail: Nick.Winters@hamilton.ca

TIME-SENSITIVE COMMUNICATION

October 6, 2022

Stephen Burt, Manager
Hamilton District Office
Ministry of the Environment, Conservation & Parks
119 King Street West, 9th Floor
Hamilton, ON L8P 4Y7

**Re: Director's Order #1-PE3L3 - Chedoke Creek Workplan
Request for MECP Intervention**

Dear Stephen,

This letter is a follow-up to the City's most recent Chedoke Progress Report submitted to your office on September 30, 2022, and the subsequent monthly meeting held on October 4, 2022.

The City has kept the MECP informed of the challenges that have been experienced since August 18, 2022, resulting directly from the daily attendance and interference by members of the Haudenosaunee Development Institute (HDI) at the work site.

Challenges with Undertaking Work

On August 18, 2022, preparatory work at the site was paused after two individuals representing the HDI blocked access to the site with a vehicle via the Kay Drage Park Bridge and claimed that they were exercising their treaty rights. The HDI representatives indicated that they, and an undisclosed number of others, would continue to come to the work site and would not permit the work to proceed until certain conditions had been met and until HDI's consent for the project had been applied for and received. Work on the project had to be paused while internal City discussions took place regarding the demands from the HDI and the City's ability to meet those demands.

Preparatory work at the site resumed on August 22, 2022, and on August 23, 2022, the City reached a verbal agreement with the HDI that would involve the City's contractor entering into an agreement with the HDI to engage the HDI for environmental monitoring. However, later that day, representatives from the HDI again attended at the site and stopped work from proceeding. The City was informed by a different HDI representative that attended at the site that the agreement for environmental monitoring could only be directly between the HDI and the City. As a result, on August 23, 2022, work on the site was again paused, while City staff worked to determine next steps.

The City continued discussions with the HDI regarding their concerns and determined that City staff needed authority from City Council to directly negotiate and enter into agreements with the HDI to retain individuals from the HDI to participate in the work. It was also determined that an Operational Safety Plan needed to be developed prior to resuming the project, given the safety concerns arising from the attendance on-site of parties other than the contractor.

Inability of City to Secure Cooperation from HDI

On September 7, 2022, City staff presented report PW19008(r) to the City's General Issues Committee (Committee) with recommendations related to the project. Representatives from the HDI elected to delegate to Committee during that same meeting. The Committee members voted to support the staff recommendations, which were ratified at the September 14, 2022 City Council meeting. The General Manager, Public Works was authorized to enter into agreements for Indigenous Environmental Monitors to support the Chedoke Creek Remediation Project in a form satisfactory to the City of Hamilton Solicitor, and without exceeding the existing approved project budget.

Work on the project resumed on September 21, 2022 with a revised site health and safety (H&S) plan implemented by the City's contractor. This H&S plan included recommendations from the City's Operational Safety Plan including scripting to be used if HDI representatives or other interested parties attempted to access the site. Provisions were included to allow these parties on-site as escorted visitors provided that they wear appropriate PPE (provided by the contractor), participated in a H&S orientation, and followed all required H&S related instructions. At the same time, City staff continued to work towards establishing agreements with the Indigenous Nations for Environmental Monitors to participate in the project.

In an effort to be inclusive with its indigenous community, the City's consultant was instructed to reach out to the Mississaugas of the Credit First Nation (MCFN), the Huron-Wendat Nation (HWN), and the Six Nations of the Grand River (SNGR) regarding their interest in agreements for Environmental Monitors to participate in the project. The MCFN were interested and forwarded the City a template agreement for consideration and the City has submitted a revised agreement to the MCFN for review. The HWN and SNGR have both indicated interest, but they do not have template agreements available and it is expected that the template agreement that is being worked on with the MCFN will be used to support discussions with the HWN and the SNGR.

Unfortunately, there has been no progress with the HDI regarding any agreement, and HDI representatives continue to interfere with the Chedoke Creek site works. The HDI representatives refuse to follow the process put in place by the City's contractor to have them safely attend the site, they continue to access areas that are under active construction while claiming to exercise their treaty rights, they piloted a watercraft within the creek disrupting work to prepare the dredgate pipeline, and most recently, they removed part of the security fencing that encloses the contractor's laydown area to build an encampment within the delineated construction area and blocked the contractor's access to the dredging machine (including erecting a tent, building a bonfire, and parking various vehicles within the delineated construction area).

Continued and Escalating Interference

The City's contractor has repeatedly asked the HDI representatives to follow the established processes to have them safely attend the site, but they continue to refuse. They have been advised repeatedly that they are putting themselves at risk, and that work cannot proceed due to concerns for their safety. They have been asked repeatedly to leave the active construction area to exercise their treaty rights from a safe location, and they continue to refuse. The Hamilton Police Service has been engaged and have had similar conversations with the HDI representatives, including advising them that their actions may cross the lines of criminal behaviour, but they continue to obstruct the work. More recently, there have been escalations of the behaviour by the HDI representatives, aimed at intimidating the City's contractor and their subcontractors and the City was advised by the contractor that, at some point between the evening of October 3, 2022, and the morning of October 4, 2022, someone broke into the dredging barge and stole various tools and equipment, but they were not able to identify those responsible.

The City has made every reasonable effort to respond to changing demands from the HDI. Initially, they wanted an agreement in place for Environmental Monitors, and the City quickly established a process

to make that happen. The HDI then required that consent be sought from the HDI for the project, that the agreement for environmental monitoring be directly with the City and that, further, consent be required from the HDI for every project that occurs within municipal boundaries (with various fees paid and capacity funding provided to the HDI). After these demands were rejected by the City, HDI demanded compensation in the amount of \$40,000 in unspecified legal fees, and also demanded unspecified capacity funding to support the review of various project documents and compensate HDI Environmental Monitors. When this was rejected, a new list of demands was submitted (which included many of the previous requests), but now amounting to \$350,000.

The City has also engaged in discussions with the Hamilton Police regarding this matter and received a communication from them this morning, indicating as follows:

"One of the most challenging aspects of this file is understanding who is complaining about the actions of the protestors on scene and who has rights to the property in question. What we know is that the Royal Botanical Gardens owns the property occupied by the protestors and to date we have no complaint from them seeking to have the protestors removed. We have attempted to reach the CEO and have yet to receive a response. It is my understanding that you have also tried to connect with their CEO with negative results.

We also know that the City of Hamilton has contracted work out to Milestone to complete the dredging. The dredging is work the City of Hamilton is being ordered to complete by the Ministry and this work is being negatively impacted by the actions of the protestors. The protestors action make it impossible and unsafe for the contractors to carry out their duties and adhere to workplace safety legislation. Lastly and effective today, that a subcontractor of Milestones is now refusing work at the location, "Until they can be granted safe and unimpeded access to the project zone".

As a result of all of the above, it is the position of Hamilton Police Service that the City of Hamilton seek a court imposed emergency injunction to remove the protestors and any future protestors from the property to allow the City to continue with this important work.

The City has given thought to the position of Hamilton Police and believe that an emergency injunction is a remedy of last resort that would create significant challenges from several perspectives including impacting our relationships with our local indigenous communities. We believe that there is a more appropriate and expeditious mechanism (outlined below) to provide an instrument with legal force and effect to the Hamilton Police and that they could rely on to facilitate our contractor's access to the work site to complete the work required under the Director's Order.

Contractor has Now Refused to Continue Work

The City, our contractor, and our consultant have been responding regularly, if not daily, to new complications, changing demands from the HDI, and the requirement to review and respond to various communications. All of this has resulted in significant delays to the Chedoke Creek Workplan and an estimated \$466,000 (as of October 3rd) in additional costs to the community, which costs continue to increase by \$10,000-\$15,000 on a daily basis, while the project is paused and the City's contractor remains on standby.

Yesterday, the City received a letter from the contractor, stating that:

"... the situation has now proven to be unmanageable and unsafe. The City cannot reasonably expect Milestone to police the jobsite in the manner necessary to prevent HDI members from accessing the site when they are intent on doing so. Milestone also cannot be responsible to forcibly remove individuals from the jobsite. Interacting with these individuals in that way has the potential to become unsafe. The drawn-out nature of the situation has created psychologically unsafe work conditions. This is a further concern for Milestone.

Also, members of HDI are being exposed to unsafe conditions as a result of their entry onto the Project site without permission and without proper safety precautions. One recent example is a member of HDI tying up a boat to the dredge pipeline. This is not only unsafe but is hindering the installation of the pipeline and could result in serious damage to the critically important equipment for the project, which is on the critical path of the Project's schedule. This is only one example of recent interactions with HDI members."

The contractor included a letter from a key subcontractor refusing to continue to work due to "dangerous and intimidating behaviour" from HDI representatives and concerns for safety and concluded by advising the City that it would be demobilizing from the work site until uninterrupted and unimpeded access to the work site is available, at which time the contractor would provide a revised schedule for completion of the work, along with an accounting of the additional costs and expenses incurred by Milestone and its subcontractors.

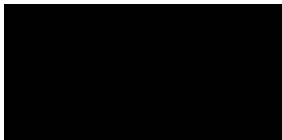
Request for Intervention by MECP

It is clear that, despite all of the efforts and costs expended by the City, the City cannot proceed with the work under the Director's Order, and will be unable to achieve the MECP deadline of December 31, 2022 for all in-water works.

The City is therefore formally requesting that the MECP exercise its authority under its legislation to assist and enable the City to complete the work required under the Director's Order as follows:

1. Immediately issue an order to the HDI under Subsection 196(2) of the *Environmental Protection Act* and Subsection 104(3) of the *Ontario Water Resources Act*, requiring that they permit the City to have access to the work area. While the HDI is asserting treaty rights over the area in question, there is no doubt that HDI has been occupying the area and taken charge and control over the area and is interfering with access, so much so that our contractors and subcontractors have now refused to continue with the work. These provisions of the legislation were intended to be used precisely in a situation such as this one, where the MECP has ordered one party to complete work but that party is unable to do so without the cooperation of another party that is refusing access. Unless and until the MECP issues such an order, there is no reasonable and timely means by which the City can continue with and complete the work; and
2. Immediately extend the deadlines in the Director's Order to, at a minimum, December 31, 2023. Given the delays in commencement of the work, uncertainty regarding when work can continue, restrictions on times during the year when work can be done (including complications with timelines for associated permits from various agencies, and potentially with fish spawning periods during which no in-water works are permitted) and other logistical considerations, it is clear that the deadlines prescribed in the Director's Order are unachievable.

Sincerely,



Nick Winters
Director - Hamilton Water
City of Hamilton

Copy to: Lubna Hussain – Director, West Central Region, MECP
Elizabeth Chee Sing – Water Compliance Supervisor, West Central Region, MECP
Sarah Day – Issues Project Coordinator, Hamilton District Office, MECP
Shelley Yeudall – Wastewater Inspector, Hamilton District Office, MECP
Cari Vanderperk – Director, Watershed Management, Hamilton Water

Mark Bainbridge – Director, Planning & Capital, Hamilton Water
John Helka – Director, Woodward Upgrades Program, Hamilton Water
Shane McCauley – Acting Director, Water & Wastewater Operations, Hamilton Water
Tim Crowley – Project Manager, Watershed Management, Hamilton Water
Ron Scheckenberger – Principal Water Resources, Wood Environment & Infrastructure Solutions
Susan Girt – Manager, Compliance & Regulations, Hamilton Water
Wendy Jackson – Senior Regulatory Coordinator, Hamilton Water
Lee Veritis – Project Manager, Compliance Support Group, Hamilton Water
BCOS

Ministry of the Environment,
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Drinking Water and Environmental
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Direction régionale du Centre-Ouest

119 rue King Ouest, 12^e étage
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Tél.: 905 521-7640
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November 15, 2022

Nick Winters
Director
Hamilton Water
100 King Street West, 9th Floor
Hamilton, Ontario, L8P 1A2
Nick.Winters@hamilton.ca

Dear Nick,

I have received your correspondence dated October 6, 2022 outlining the challenges and delays that the City of Hamilton and its contractors have experienced undertaking the in-water dredging work in Chedoke Creek required by Directors Order #1-PE3L3.

As outlined in our September 2, 2022 letter, the City of Hamilton is responsible for completing the remediation activities in Chedoke Creek and is the best positioned to discuss concerns regarding the remediation, its potential impacts on the natural environment and share project status documentation with Haudenosaunee Development Institute (HDI).

Given the complexity of the required work and restrictions as to when the work may take place in Chedoke Creek, I am prepared to consider an extension to the compliance dates in the Director's Order. Before making a decision, I require a meeting be held with the City to discuss the acceptable parameters of such an extension to ensure the required work is completed as expeditiously as possible to mitigate the water quality impacts as a result of the sewage spill.

In terms of the City's request to consider issuing an access order under s. 196(2) of the *Environmental Protection Act* and the corresponding provision in ss.104(3) of the *Ontario Water Resources Act*, the ministry's view is that such an order is not appropriate in the circumstances.

Please contact me at stephen.burt@ontario.ca or 905-541-4533 to co-ordinate further conversations pertaining to any extension of compliance dates specified in the Director's Order.

Sincerely,



Stephen Burt
District Manager

Cc:

Lubna Hussain – Director, West Central Region, MECP
Elizabeth Chee Sing – Water Compliance Supervisor, West Central Region, MECP
Sarah Day – Issues Project Coordinator, Hamilton District Office, MECP
Shelley Yeudall – Wastewater Inspector, Hamilton District Office, MECP
Cari Vanderperk – Director, Watershed Management, Hamilton Water
Mark Bainbridge – Director, Planning & Capital, Hamilton Water
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Ministry of the Environment, Conservation
and Parks
Drinking Water and Environmental
Compliance Division
West Central Region
Hamilton District Office

Ministère de l'Environnement de la Protection
de la nature et des Parcs
Division de la conformité en matière
d'eau potable et d'environnement
Direction régionale du Centre-Ouest
Bureau de district de Hamilton



119 King Street West, 9th Floor
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119 rue King Ouest, 9^e étage
Hamilton (Ontario) L8P 4Y7

December 20, 2022

Cari Vanderperk
Director, Watershed Management
Hamilton Water
Public Works, City of Hamilton
E-Mail: Cari.Vanderperk@hamilton.ca

Dear Cari Vanderperk:

Re: Extension Request of Item No.6 of Director's Order No.1-PE3L3

I am in receipt of your letter dated October 6, 2022, and subsequent correspondence dated December 9, 2022, in which the city is requesting an extension of the compliance date specified in Item No. 6 of the Director's Order from December 31, 2022 to December 31, 2023.

I have reviewed your request and supplementary correspondence from your consultant WSP, '*Chedoke Creek - Targeted Dredge, Completion Scenarios, December 9, 2022*'. Based on my review of the file history and documents provided to support the city's request, I understand there are many complexities, challenges, and delays that the City of Hamilton and its contractors have experienced undertaking the in-water dredging work in Chedoke Creek pursuant to the Chedoke Creek Workplan.

Given the complexities of the required work, required work permit extensions and to ensure there is appropriate time provided to facilitate ongoing discussions with Indigenous communities that have interest in the Chedoke Creek Workplan, I agree that an extension is required.

Having considered your submissions and further to our discussions held on November 23rd and December 6th, 2022, I am of the view that the compliance date can be extended.

As such, pursuant to my authority under sections 157.3 of the *Environmental Protection Act*, s.16.4 of the *Ontario Water Resources Act*, and sections 49 and 54 of the *Legislation Act, 2006*, I hereby alter the compliance date in Item No. 6 as requested so that Item No. 6 now reads as follows:

6. By December 31, 2023, complete the approved Chedoke Creek Workplan.

All other Items in the order remain in effect, and unaltered. This order alters and constitutes part of Director's Order No. 1-PE3L3, issued on December 4, 2020. You may require a hearing before the Ontario Land Tribunal in respect of this amendment to the compliance date in accordance with the *Environmental Protection Act* and the *Ontario Water Resources Act*. If you require a hearing, you have 15 days after the service of this letter to serve notice upon the OLT and the Director.

Ministry of the Environment,
Conservation and Parks
Drinking Water and Environmental
Compliance Division
West Central Region

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Protection de la nature et des Parcs
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Direction régionale du Centre-Ouest

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Télééc.: 905 521-7806



December 29, 2022

Haudenosaunee Confederacy Chiefs Council
c/o Haudenosaunee Development Institute

[REDACTED]
[REDACTED]
[REDACTED]

Re: Chedoke Creek and Cootes Paradise Remediation Project

Dear Aaron Detlor,

I reviewed correspondence dated November 1, 2022, from Mr. Tim Gilbert of Gilbert's LLP who I understand is acting as counsel to the Haudenosaunee Development Institute (HDI). I am also in receipt of your email correspondence dated November 1, 2022, asking that I respond to you directly.

I would like to thank you for sharing your concerns and outlining HDI's position on the City of Hamilton's October 6, 2022 correspondence and request for an access order under the *Environmental Protection Act* (EPA), and the *Ontario Water Resources Act* (OWRA), and to extend timelines set out in Director's Order #1-PE3L3.

Ontario's Approach to Consultation in Nanfan Deed Area

The Crown has acknowledged, based on court decisions about the Nanfan Deed, that consultation is required with respect to appreciable adverse impacts on hunting, fishing or harvesting. As the Crown has expressed to the Haudenosaunee Confederacy Chiefs Council (HCCC)/HDI in the past, the Crown does not consider there to be a credible claim to title or exclusive use and occupation under the Nanfan Deed. Consent of the HCCC/HDI is not required in advance of a Director, appointed under the EPA and OWRA, issuing an order under their legislative authority.

Appreciable Adverse Impact on Hunting, Fishing or Harvesting

The November 1, 2022 correspondence from yourself and Mr. Gilbert on behalf of HDI states that the Haudenosaunee Confederacy Chiefs Council (HCCC) and HDI have

repeatedly informed both the City of Hamilton and the ministry that Haudenosaunee rights and interests have been, and continue to be, negatively impacted by the spill and proposed remediation works.

Chedoke Creek in its current state is significantly degraded. It is our understanding that for several years Hamilton Public Health Services has recommended against using the urban watercourses linked to Chedoke Creek for fishing. As well, we are not aware of Haudenosaunee who are hunting or fishing in or near Chedoke Creek.

The remediation work is meant to improve the watercourse and ultimately the Cootes Paradise watershed. I am satisfied that, under the conditions set out in the order and other applicable permits or authorizations (e.g., Species at Risk authorization), that the workplan prepared by the City of Hamilton will protect fish and aquatic habitat while the remediation work is completed. Any effects from the remedial work would be temporary in nature and occur during the actual dredging and would be minimal taking into consideration the protective measures that will be in place.

Based on the current state of the environment of Chedoke Creek and Cootes Paradise/Western Hamilton Harbour area and surrounding environment, and the nature of the remediation work together with the protective measures governing the work, the ministry does not expect any appreciable impacts on hunting, fishing or harvesting as a result of the remediation work. Therefore, our preliminary assessment is that the duty to consult is not triggered by the proposed remediation work.

Ongoing Impacts to Chedoke Creek and Cootes Paradise Watershed

Given the nature of the sewage spill, and the proposed remediation activities required by the Order, it is critical that the remediation work gets underway as quickly as possible. It is the ministry's view that if the sewage in Chedoke Creek and the Cootes Paradise/Western Hamilton Harbour area is not addressed, the effects will persist and contribute to:

- potential increased algae growth and its detrimental impact on fish and other wildlife habitat; and
- additional nutrient loading which risks setting back of years of work to improve the natural conditions in Cootes Paradise to meet Hamilton Harbour Remediation Action Plan (RAP) goals; and
- prolonged impairment to aquatic life from sediment impacted by nutrients, polycyclic aromatic hydrocarbons and metals, counter acting other water quality improvements made to the ongoing sources to Chedoke Creek, and
- reduced opportunity for enjoyment and recreation in Cootes Paradise due to potential increase in algal blooms and toxins.

Consultation Efforts

In your correspondence it states that the City of Hamilton and the ministry have failed to discharge their duties to the Haudenosaunee in respect of both the spill and the proposed remediation works.

Although the ministry's preliminary assessment is that the duty to consult was not triggered by the proposed remediation work, nevertheless the HCCC/HDI was notified and consulted by the City of Hamilton about the proposed work.

It is my understanding that the City of Hamilton contacted the HCCC/HDI on February 12, 2021, to identify the City's interest in engaging with the HCCC/HDI about the remediation. Further a virtual meeting to discuss the project details was held on February 25, 2021, and all consultant and technical reports for the targeted dredge work were provided to the HDI on March 12, 2021.

Further I understand that there have been meetings and discussions between the City of Hamilton and HDI since August 2022 where ongoing discussions regarding the development of environmental monitoring agreements have been unsuccessful.


Next Steps

If the HDI believes that the remediation work would have an appreciable impact on hunting, fishing or harvesting, we would ask that the HDI provide the ministry with details regarding its concerns in this regard for its consideration.

The ministry has now extended the deadline for the cleanup order issued to the City of Hamilton to remediate Chedoke Creek by one year. The new deadline is now December 31, 2023. I would encourage HCCC/HDI to participate in consultation with the City of Hamilton. In keeping with the spirit of reconciliation and the principles of mutual respect, my team and I would be happy to organize a meeting with HCCC/HDI to discuss concerns you want to raise regarding impacts of the remediation work on hunting, fishing, or harvesting.

Please contact me at stephen.burt@ontario.ca or 905-541-4533 to co-ordinate further conversations as needed.

Sincerely,



Stephen Burt
Hamilton District Manager
Ministry of the Environment, Conservation and Parks

Cc(via email):

Tim Gilbert, Gilbert's LLP
Larry Tansely, Counsel, City of Hamilton
Lubna Hussain, Director, West Central Region
David Milakovic, Counsel, West Central Region
Elizabeth Chee Sing, Supervisor, Water Compliance



City of Hamilton
City Hall, 71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Public Works Department
Physical Address: 100 King Street West
Phone: 905 546 2424
Email: Carlyle.Khan@hamilton.ca

Hamilton

January 23, 2023

Sent by email to:



To: Aaron Detlor
Haudenosaunee Confederacy Chiefs Council
c/o Haudenosaunee Development Institute



Subject: Chedoke Creek Remediation

We write to you further to the correspondence dated December 29, 2022, sent to you by the Ministry of the Environment, Conservation and Parks ("MECP").

In its letter, the MECP makes it clear that consultation is required by the Crown in respect of matters having appreciable adverse impacts on hunting, fishing or harvesting and that the Crown has previously expressed to Haudenosaunee Development Institute ("HDI") that the Crown "does not consider there to be a credible claim to title or exclusive use and occupation", and that there was no requirement for consent from the HDI prior to issuing the Director's Order to the City of Hamilton ("City") requiring remediation of Chedoke Creek. Notwithstanding the MECP's position, HDI representatives have physically occupied and exercised control over the work site for the remedial work.

On April 26, 2021, the HDI advised the City that it must cease and desist all work related to the targeted dredging of Chedoke Creek until HDI consent was received for the remedial work. There were subsequent conversations between senior City staff and HDI over many months, but without success or conclusion. In August 2022, when the construction work began, HDI representatives attended at the location of the work and impeded access and created unsafe working conditions resulting in the contractor stopping work and contacting the Police and the City. Unfortunately, the City has incurred significant costs as a result of this interruption by the HDI, all at the cost of the public, as well as depriving the community of the benefits from the proposed improvements to the Chedoke Creek watershed.

During the initial work stoppage, HDI advised the City that they required a representative to be present for the remedial work and for monitoring purposes, and work was paused while discussions ensued for this purpose. Unfortunately, those discussions have not been productive because the HDI has insisted on (i) an application by the City for consent of the HDI to proceed with the remedial work in Chedoke Creek

Subject: Chedoke Creek Remediation

Page 2 of 2

and (ii) a commitment to seek consent for all projects/work undertaken by the City. Indeed, the letter from Mr. Gilbert dated September 22, 2022 confirms the position of the HDI that "more than mere consultation is required. What is required is free and informed consent".

Prior to undertaking the remedial work and irrespective of any formal requirement to consult, the City had engaged with the Mississaugas of the Credit First Nation, the Huron-Wendat Nation, the Six Nations of the Grand River and HDI. The City, as directed by City Council, also offered to enter into agreements with any of the above noted First Nations Communities, if desired, for Environmental Monitors to attend the work site during the course of the remedial work. Only the HDI has insisted that the City satisfy additional conditions, including conditions that go beyond the scope of this project, in order for the remedial work to proceed.

The MECP has, in its recent correspondence, extended the deadlines for the City to complete the remedial work in Chedoke Creek due to the interruption and delay in the City's work by the HDI. However, the City, as a matter of law, must proceed with the remedial work required by the Director's Order.

The City remains interested and willing to engage in further consultation with the HCCC/HDI and to enter into an agreement for an Environmental Monitor with the HCCC/HDI on similar terms as with other First Nations Communities. Please advise the City if the HCCC/HDI is interested in doing so by no later than two (2) weeks from the date of this letter. If the City does not receive a response or receives one that continues to insist on acknowledgements, confirmations, and consent from the HDI, we will have no option but to presume that the HDI is not interested in consultation regarding the proposed work or in providing an Environmental Monitor.

Yours truly,



Carlyle Khan
General Manager, Public Works
Public Works Department
City of Hamilton

CK/re



City of Hamilton
City Hall, 71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Public Works Department
Physical Address 100 King Street West
Phone 905.546 2424
Email: Carlyte.Khan@hamilton.ca

Hamilton

February 16, 2023

Email: [REDACTED]

Aaron Detlor
Haudenosaunee Confederacy Chiefs Council
c/o Haudenosaunee Development Institute

[REDACTED]
[REDACTED]

Subject: Chedoke Creek Remediation

Dear Mr. Detlor,

Further to our correspondence dated January 23, 2023, in which the City of Hamilton again extended the offer for further consultation with the HCCC/HDI and expressed its willingness to enter into an agreement for an Environmental Monitor on similar terms as those with other First Nations Communities. We asked for a response within two weeks but have not heard from the HDI.

The purpose of this letter is to provide notice that the City has now rescheduled commencement of the remedial work at Chedoke Creek for June 2023. As you know, this work is required by law pursuant to a Director's Order issued by the Ministry of the Environment, Conservation and Parks ("MECP"). The work initially had a deadline of December 31, 2022, but was extended by the MECP when the City's contractor was unable to complete the work last summer due to access being impeded and the creation of unsafe work conditions by HDI representatives, which resulted in the contractor stopping work and contacting the Police and the City for assistance and eventually demobilizing from site.

As you know from our previous correspondence, the City incurred significant costs as a result of the interruption of its remedial work by the HDI last summer. There is a limited and optimal window of opportunity to conduct this work and the City will be taking whatever measures are required to ensure that this work can proceed, as planned, and safely without risk to any contractors or other third parties.

Staff will be providing an update on this issue to General Issues Committee on March 22, 2023. A copy of the report will be posted on the City's website approximately one week prior to the committee meeting.

Yours truly,

[REDACTED]

Carlyle Khan
General Manager, Public Works
Public Works Department
City of Hamilton



Hamilton

City of Hamilton
Public Works Department | Hamilton Water Division
Hamilton Water Director's Office
100 King Street West, 9th Floor
Hamilton, ON L8P 1A2
Phone: 905.546.2424, ext. 1474
E mail: Nick.Winters@hamilton.ca

TIME-SENSITIVE COMMUNICATION

February 23, 2023

Ministry of the Environment, Conservation and Parks
Drinking Water and Environmental Compliance Division
West Central Region
119 King Street West, 9th Floor
Hamilton, Ontario L8P 4Y7

Attention - Stephen Burt, Hamilton District Manager

Dear Stephen,

Re: Director's Order #1-PE3L3 - Chedoke Creek Workplan

I write to you further to your correspondence dated December 29, 2022, sent by you to the Haudenosaunee Confederacy Chiefs Council in care of the Haudenosaunee Development Institute ("HDI"), and our subsequent letters to the HDI, seeking further consultation and to enter into an Environmental Monitoring Agreement with the HDI, to which we have received no response.

Background

On February 25, 2021, the HDI advised the City that it must cease and desist all work related to the targeted dredging of Chedoke Creek until HDI consent was received for the remedial work. There were subsequent conversations between senior City staff and HDI over many months, but without success or conclusion.

On August 18, 2022, preparatory work at the site was paused after two individuals representing the HDI blocked access to the site with a vehicle via the Kay Drage Park Bridge and claimed that they were exercising their treaty rights to attend the site. The HDI representatives indicated that they and an undisclosed number of others would continue to come to the work site and would not permit the work to proceed until certain conditions had been met and until their consent for the project had been applied for and received. Work on the project had to be paused while internal City discussions took place regarding the demands from the HDI and the City's ability to meet those demands.

Preparatory work on the site resumed on August 22, 2022. On August 23, 2022, the City reached a verbal agreement with the HDI that would involve the City's contractor entering into an agreement with the HDI to engage the HDI for environmental monitoring during the work. However, later that same day, representatives from the HDI again attended the site and stopped work from proceeding. The City was informed by a different HDI representative that attended the site that the agreement for environmental monitoring could only be between the HDI and the City. As a result, on August 23, 2022, work on the site was again paused, while City staff worked to determine next steps.

Ministry of the Environment, Conservation and Parks
Page Two

Work on the project resumed on September 21, 2022, with a revised site health and safety plan implemented by the City's contractor. This plan included recommendations from the City's Operational Safety Plan including scripting to be used if HDI representatives or other interested parties attempted to access the site. Provisions were included to allow these parties on-site as escorted visitors provided that they wear appropriate PPE (provided by the contractor), participated in a safety orientation, and followed all required safety related instructions. At the same time, City staff continued to work towards establishing agreements with the HDI for Environmental Monitors to participate in the project.

Unfortunately, there was no progress with the HDI regarding any agreement, and HDI representatives continued to interfere with the Chedoke Creek site works. The HDI representatives refused to follow the process put in place by the City's contractor to have them safely attend the site, they continued to access areas that were under active construction while claiming to exercise their treaty rights, they piloted a watercraft within the creek disrupting work to prepare the dredgate pipeline and they blocked the contractor's access to the dredging machine (including erecting a tent, building a bonfire, and parking various vehicles within the delineated construction area).

The Hamilton Police Service was engaged and had conversations with the HDI representatives, including advising them that their actions may cross the lines of criminal behaviour, but they continued to obstruct the work. There was escalation of the behaviour by the HDI representatives aimed at intimidating the City's contractor and their subcontractors and the City was advised by the contractor that, at some point between the evening of October 3, 2022, and the morning of October 4, 2022, someone broke into the dredging barge and stole various tools and equipment, but they were not able to identify those responsible.

Inability to Complete Remedial Work

As a result of the exercise of physical control and occupation over the area, including impeded access, threats to physical safety and the creation of unsafe working conditions (including psychologically unsafe work conditions) by HDI, the contractor was unable to proceed with its work. Eventually the contractor refused to carry out the work and demobilized from the site, stating that they would not return until free and unimpeded access to the work site is available, at which time the contractor would provide a revised schedule for completion of the work, along with an accounting of the additional costs and expenses incurred by it and its subcontractors. To date, the City has incurred significant financial losses under its contract amounting to well over \$1 Million.

As a result of the interruption and delay caused by the HDI, and the City being unable to complete the remedial work, on October 6, 2022, the City requested that the Ministry extend the timelines for the remedial work to be completed. The City gratefully received correspondence from the Ministry dated December 20, 2022, agreeing to extend the timelines to December 31, 2023, as requested.

The City has now rescheduled commencement of the remedial work at Chedoke Creek to commence in June 2023. However, it is clear that despite all of the efforts and costs expended by the City, we cannot proceed with the work required by the MECP under the Director's Order until the City's contractor can be assured of free and unimpeded access. Given the previous interference by the HDI, their lack of response to the Ministry and the City's letters, and the recent publicly released details regarding their interference with a Metrolinx project at Moss Park in Toronto, the City has every expectation that this interference will continue.

Ministry of the Environment, Conservation and Parks
Page Three

The City is reiterating its request that the Ministry exercise its authority under subsection 196(2) of the *Environmental Protection Act* and/or subsection 104(3) of the *Ontario Water Resources Act* to issue an order to enable the City to complete the work by compelling the HDI to permit and give access to the work area. Timing is critical, and City requires the order to be issued to ensure that the remedial work at Chedoke Creek can proceed in June 2023 as planned. As a result, we are requesting that the Ministry provide written assurance to the City on or before March 10th, 2023, that the order will be issued. Failing that, the City will have no other option but to bring an application to the Court, naming the Ministry as a respondent, and seeking relief from the Court.

The City remains open to further discussion and collective efforts in meeting the requirements of the Director's Order and completing the Chedoke Creek Workplan.

Sincerely,



Nick Winters
Director - Hamilton Water
City of Hamilton

Copy to: Lubna Hussain – Director, West Central Region, MECP
Elizabeth Chee Sing – Water Compliance Supervisor, West Central Region, MECP
Scotty McCaw – Issues Project Coordinator, Hamilton District Office, MECP
Carlyle Khan – General Manager, Public Works, City of Hamilton
Cari Vanderperk – Director, Watershed Management, Hamilton Water
Susan Girt – Manager, Compliance & Regulations, Hamilton Water
Wendy Jackson – Senior Regulatory Coordinator, Hamilton Water
Lee Veritis – Project Manager, Compliance Support Group, Hamilton Water
BCOS

Tansley, Larry

From: Aaron Detlor [REDACTED]
Sent: February 28, 2023 2:33 PM
To: Burt, Stephen (MECP)
Cc: Aaron Detlor; Tim Gilbert; Tansley, Larry; Milakovic, David (MECP); Hussain, Lubna I. (MECP); Chee Sing, Elizabeth (MECP); [REDACTED]
Subject: Re: Chedoke Creek Remediation

Good Afternoon Mr. Burt:

I am writing with respect to yours of December 29, 2023.

We believe that the spill caused by the City of Hamilton has had and is having a significant impact on established rights and interests where 'harvesting rights' have been significantly impacted.

Unfortunately the City of Hamilton has not undertaken any engagement to address the rights that have been impacted despite repeated requests. We have been advised that the City of Hamilton is proposing to recommence the Chedoke Creek and Cootes Paradise Remediation Project on or or about June of 2023. Unfortunately the remediation plans have not been undertaken with any view to ensuring that harvesting and other rights are contemplated or restored to a treaty based position.

Further to your invitation we would like to meet with you at your earliest opportunity to discuss concerns in relation to impacts of the remediation work on hunting, harvesting and fishing which would then be incorporated into the remediation plan.

Regards,

Aaron Detlor

cOn Dec 29, 2022, at 3:53 PM, Burt, Stephen (MECP) <Stephen.Burt@ontario.ca> wrote:

Mr. Detlor,

Attached is our response to the November 1, 2022 letter from Gilbert's Law. As requested, I am responding to you directly.

Please note that I will be away from the office until January 10, 2023 and can follow-up with you upon my return to address any comments or concerns.

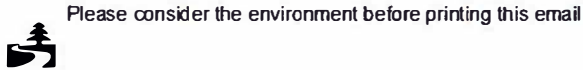
Regards,

<image001.png>

Stephen Burt
District Manager
Hamilton District

Ministry of the Environment, Conservation and Parks
stephen.burt@ontario.ca | Tel: (905) 541-4533

We want to hear from you. How was my service? You can provide feedback at 1-888-745-8888



From: Aaron Detlor [redacted]
Sent: November 1, 2022 10:33 PM
To: Burt, Stephen <stephen.burt@ontario.ca>
Cc: Aaron Detlor [redacted]; Melissa Amerc [redacted]; Brian Doolittle [redacted]; [redacted] Milakovic, David (MECP) [redacted]; [redacted]
Subject: Re: Chedoke Creek Remediation

CAUTION – EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good Evening Mr. Burt

You can reply to me directly. I just wanted Gilbert's to get the letter out as I was busy on a few other matters.

Regards,

Aaron Detlor

On Nov 1, 2022, at 8:47 PM, Burt, Stephen (MECP) <Stephen.Burt@ontario.ca> wrote:

Hi Melissa,

Thank you for your email. I have received the letter and will follow-up once I have had a chance to review the details.

Thanks,

<image001.png>

Stephen Burt
District Manager
Hamilton District
Ministry of the Environment, Conservation and Parks
stephen.burt@ontario.ca | Tel: (905) 541-4533

We want to hear from you. How was my service? You can provide feedback at 1-888-745-8888



Please consider the environment before printing this email

From: Melissa Amero [REDACTED]
Sent: November 1, 2022 12:45 PM
To: Burt, Stephen (MECP) <Stephen.Burt@ontario.ca>
Cc: [REDACTED]
[REDACTED]
[REDACTED]
Subject: Chedoke Creek Remediation

CAUTION – EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good afternoon,

Please see the attached correspondence from Tim Gilbert in regards to the above noted matter.

Should you have any questions or concerns, please do not hesitate to contact us.

Thank you,

Melissa Amero

Melissa Amero - She/Her
Executive Assistant
Gilbert's LLP
Lawyers | Patent and Trademark Agents

Tel: 416.703.1100
Fax: 416.703.7422
www.gilbertslaw.ca

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Toronto, Ontario M5A 0Z6
Canada

This e-mail is confidential and may contain privileged information. If you are not an intended recipient, please delete this e-mail and notify us immediately. Any unauthorized use or disclosure is prohibited.

<Response to HDI - December 2022_ final.pdf>

From: Aaron Detlor [REDACTED]
Date: February 28, 2023 at 2:21:35 PM EST
To: "Khan, Carlyle" <Carlyle.Khan@hamilton.ca>
Cc: Aaron Detlor [REDACTED], "Winters, Nick" <Nick.Winters@hamilton.ca>, Office of the Mayor <Officeofthe.Mayor@hamilton.ca>, "Smith, Janette" <Janette.Smith@hamilton.ca>
Subject: Re: Chedoke Creek Remediation Correspondence - February 16, 2023

Good Afternoon Mr. Khan:

As you are aware we have been asking for engagement on Chedoke Creek Remediation Project which to date has not taken place.

Can you please advise how and when engagement will proceed.

We have also asked to sit down with City of Hamilton to discuss engagement more broadly however we have not heard back as to how and when engagement will be undertaken on Public Works activity as well as other City of Hamilton projects.

Regards,

Aaron Detlor

On Feb 16, 2023, at 5:21 PM, Khan, Carlyle <Carlyle.Khan@hamilton.ca> wrote:

Good afternoon,

Please find attached a letter in relation to the Chedoke Creek Remediation Project.

Regards,

Carlyle Khan
General Manager, Public Works
City of Hamilton
100 King St W, Hamilton, ON L8P 1A2
Phone: (905) 546-2424 Ext. 2313
E-mail: carlyle.khan@hamilton.ca
<image001.png>

Ministry of the Environment,
Conservation and Parks
Drinking Water and Environmental
Compliance Division
West Central Region

119 King Street West, 9th Floor
Hamilton, Ontario L8P 4Y7
Tel.: 905 521-7640
Fax: 905 521-7820

Ministère de l'Environnement de la
Protection de la nature et des Parcs
Division de la conformité en matière
d'eau potable et d'environnement
Direction régionale du Centre-Ouest

119 rue King Ouest, 12^e étage
Hamilton (Ontario) L8P 4Y7
Tél.: 905 521-7640
Télééc.: 905 521-7820



March 3, 2023

Nick Winters
Director
Hamilton Water
100 King Street West, 9th Floor
Hamilton, Ontario, L8P 1A2
Nick.Winters@hamilton.ca

Dear Nick,

I have received your correspondence dated February 23, 2023 providing an update on plans to resume dredging work in Chedoke Creek as required by Directors Order #1-PE3L3.

As outlined in our letters on September 2 and November 15, 2022, the City of Hamilton is responsible for completing the remediation activities in Chedoke Creek and is best positioned to discuss concerns about the remediation and its potential impacts on the natural environment with the Indigenous communities and various stakeholders who are interested in the work.

I have recently completed my review of correspondence dated February 6, 2023, from Tim Crowley, Project Manager Watershed Management, City of Hamilton, the City of Hamilton. The correspondence confirms that the City of Hamilton has now obtained all of the required work permit extensions and renewals from the various permitting agencies.

The correspondence confirms that The City of Hamilton has had discussions with the Ministry of Natural Resources and Forestry, the Hamilton Conservation Authority and the Canadian Department of Fisheries and Oceans regarding the work permits and seeking in-water work restriction exception. The City of Hamilton has confirmed that the work permits, and approvals related to in water portion of this project did not recommend a fisheries timing window be adhered to as the only restriction was related to the water temperature threshold for the mussel relocation which was completed in 2022 and is not required for work completed within 2023.

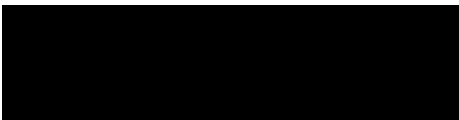
Based on this information, I am of the opinion that there is no need to further delay the implementation of the Chedoke Creek Workplan, such that the dredging activities may be completed by August 31st, 2023, with such ancillary activities set out in the Chedoke Creek Workplan to be completed by December 31, 2023. I will be using the Ministry's Compliance Policy Applying Abatement and Enforcement Tools for appropriate next steps.

I am urging that the City take whatever steps are necessary to complete the clean up in a timely manner to ensure that further impacts caused by the significant discharge of sewage in the Chedoke Creek are prevented, and remedial activities are completed in a manner that is protective of the natural environment and prevents further impairment of the water quality. The City's immediate attention to this will facilitate moving forward on other important measures required by the Order in relation to the implementation of the Cootes Paradise Workplan that will further mitigate the harms caused by the presence of contaminants and raw sewage in Chedoke Creek and Cootes Paradise. If dredging activities do not commence as soon as possible, the effects resulting from the spill will persist and contribute to the continued degradation and adverse effects being experienced in the watershed.

In terms of the City's request to re-consider issuing an access order under s. 196(2) of the Environmental Protection Act and the corresponding provision in ss.104(3) of the Ontario Water Resources Act, the ministry is again confirming that such an order is not appropriate in the circumstances. An application to the Court, naming the Ministry as a respondent, will not resolve the issues raised in your correspondence and will further delay the important remediation work required by the Order. Any application will be responded to by the Ministry.

Please contact me at stephen.burt@ontario.ca or 905-541-4533, should you have any questions.

Sincerely,



Stephen Burt
District Manager

Cc:

Susan Girt, Manager, Compliance and Regulations, Hamilton Water
Cari Vanderperk, Director Watershed Management
Lubna Hussain, Director, West Central Region, MECP
Scotty McCaw, Issues Project Co-ordinator, MECP
Elizabeth Chee Sing, Supervisor, Water Compliance, MECP

Ministry of the Environment, Conservation
and Parks
Drinking Water and Environmental
Compliance Division
West Central Region
Hamilton District Office

Ministère de l'Environnement de la Protection
de la nature et des Parcs
Division de la conformité en matière
d'eau potable et d'environnement
Direction régionale du Centre-Ouest
Bureau de district de Hamilton



119 King Street West, 9th Floor
Hamilton, Ontario L8P 4Y7

119 rue King Ouest, 9^e étage
Hamilton (Ontario) L8P 4Y7

March 3, 2023

The City of Hamilton
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

Attention City Clerk:

Re: Amendment of Item No.6 of Director's Order No.1-PE3L3

I have recently completed my review of correspondence dated February 6, 2023, from Tim Crowley, Project Manager Watershed Management, for the City of Hamilton. The correspondence confirms that the City of Hamilton has now obtained all the required work permit extensions and renewals from the various permitting agencies. I have also considered the discussions with City of Hamilton held on February 2 and 7, 2023 where updates on the Chedoke Creek Workplan and timelines were discussed.

The correspondence confirms that the City of Hamilton has had discussions with the Ministry of Natural Resources and Forestry, the Hamilton Conservation Authority and the Canadian Department of Fisheries and Oceans regarding the work permits and seeking in-water work restriction exception. The City of Hamilton has confirmed that the work permits, and approvals related to in water portion of this project did not recommend a fisheries timing window be adhered to as the only restriction was related to the water temperature threshold for the mussel relocation which was completed in 2022 and is not required for work completed within 2023. I am satisfied that, under the conditions set out in the Order and through the required permits and authorizations, that the Workplan prepared by the City of Hamilton will protect fish and aquatic habitat while the remediation work is completed. Any effects from the remediation work would be temporary in nature and occur during the actual dredging and would be minimal taking into consideration the protective measures that will be in place. Based on this information I am of the view that the City can commence the dredging activities as set out in the approved Chedoke Creek Workplan as soon as the weather permits.

Having considered these submissions, the previous delays to the project and further to our ongoing discussions related to compliance with Director's Order No.1-PE3L3, I am of the opinion that the project timelines require stricter management to ensure the remediation work is completed this year. I am of the view that it is necessary and advisable that the Director's Order be amended to ensure this work commences as soon as possible to prevent further negative environmental impacts to Chedoke Creek and the Cootes Paradise watershed from the presence of contaminants and raw sewage that remain in Chedoke Creek from the spill that occurred during the period between January 28, 2014, and July 18, 2018. If dredging activities do not commence as soon as possible, the effects resulting from the spill will persist and contribute to the degradation and adverse effects being experienced in the watershed.

As such, pursuant to my authority under sections 157.3 of the *Environmental Protection Act*, s.16.4 of the *Ontario Water Resources Act*, and sections 49 and 54 of the *Legislation Act, 2006*, I hereby revoke Item No. 6 of Director's Order No.1-PE3L3 (as amended) and replace it with the following:

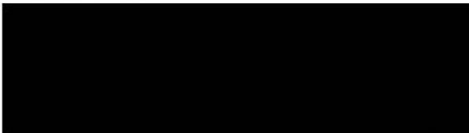
6. Commence activities in the approved Chedoke Creek Workplan as soon as possible such that all dredging activities are completed by August 31, 2023, with the remaining activities in the approved Chedoke Creek Workplan completed by December 31, 2023.

All other Items in the Order remain in effect, and unaltered. This Order alters and constitutes part of Director's Order No. 1-PE3L3, issued on December 4, 2020 (as amended). You may require a hearing before the Ontario Land Tribunal (OLT) in respect of this amendment to Item No. 6 in accordance with the *Environmental Protection Act* and the *Ontario Water Resources Act*. If you require a hearing, you have 15 days after the service of this Order to serve notice upon the OLT and the Director.

I encourage you to inform the indigenous communities and various stakeholders who are interested in the work that is required pursuant to the Director's Order, of this amendment.

If you have any questions concerning this amendment to Director's Order No. 1-PE3L3, please do not hesitate to contact me.

Regards,



Stephen Burt
District Manager & Director appointed for the purposes of s.157.3 EPA, s.16.4 OWRA.

Cc. Lubna Hussain, Director, West Central Region, MECP
Elizabeth Chee Sing, Supervisor, MECP
Nick Winters, Director, Hamilton Water
Cari Vanderperk, Director of Watershed Management, Hamilton Water
Susan Girt, Compliance & Regulations Manager, Hamilton Water



City of Hamilton
Public Works Department | Hamilton Water Division
Hamilton Water Director's Office
100 King Street West, 9th Floor
Hamilton, ON L8P 1A2
Phone: 905.546.2424, ext. 1474
E-mail: Nick.Winters@hamilton.ca

March 3, 2023

Sent by email to:
[REDACTED]

Aaron Detlor
Haudenosaunee Confederacy Chiefs Council
c/o Haudenosaunee Development Institute

[REDACTED]
[REDACTED]
[REDACTED]

Dear Mr. Detlor,

Re: Chedoke Creek Remediation

We write to you further to our letters dated January 23, 2023 and February 16, 2023. In our first letter, we offered to engage with the Haudenosaunee Development Institute ("HDI"), on behalf of the Haudenosaunee Confederacy Chiefs Council ("HCCC"), and, specifically, to enter into an Environmental Monitoring Agreement with the HCCC/HDI on similar terms as with other First Nations Communities. We received no response.

We followed up with a second letter on February 16, 2023 to inform the HDI/HCCC that the City of Hamilton intends to proceed with the Chedoke Creek Remediation Project ("Remediation Project") in June of 2023 and received an email response on February 28, 2023 from you, wherein you expressed a desire to engage with the City of Hamilton regarding the Remediation Project. In that email, you indicate that you have been asking for engagement and that such engagement has not taken place. This is simply incorrect.

The City contacted the HDI by email on February 17, 2021 to request a meeting to discuss this work. A virtual meeting occurred on February 25, 2021, which included the City's consultant who was available to address any technical questions. The HDI raised concerns regarding lack of consultation at that meeting; that the MECP does not have jurisdiction to issue the Director's Order that requires the remedial work; and indicated that the City needed "consent" from the HDI prior to complying with the Director's Order. The HDI asked for copies of all technical reports relating to the Remediation Project by no later than March 12, 2021 and all such reports were mailed to the HDI on March 11, 2021. To date, there has been no substantive comments provided to the City by the HDI with respect to any of those reports.

The City has engaged with all of the First Nation Communities and with the HDI. The City, as directed by City Council, also offered to enter into agreements with all of the First Nations Communities, if they desired, for Environmental Monitors to attend the work site during the course of the Remediation Project. Only the HDI has insisted that the City satisfy numerous additional conditions, including conditions that go beyond the scope of this Remediation Project, in order for the Remediation Project to proceed.

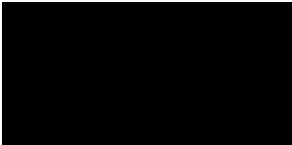
Haudenosaunee Development Institute
Page Two

We are attaching to this letter a copy of an Environmental Monitoring Agreement, which includes capacity funding for an Environmental Monitor from HDI to attend and observe the Remediation Project. This form of agreement has been entered into with the other interested First Nation Communities, and the City is also prepared to enter into this agreement with the HDI/HCCC.

On March 3, 2023, we received an amendment to the Director's Order (also attached) that moved up our compliance deadline such that the Remediation Project now must be completed by August 31, 2023. We now need to move up contractor mobilization dates in order to meet this new deadline.

We are therefore asking that the HDI/HCCC execute the agreement and return it to our attention no later than March 10, 2023. If the City does not receive a response or receives one that continues to insist on acknowledgements, confirmations, and consent from the HDI including with respect to other future projects, we will have no option but to presume that the HDI is not interested in providing an Environmental Monitor for the Remediation Project and proceed accordingly.

Yours Truly,



Nick Winters
Director - Hamilton Water
City of Hamilton

Attachments (2)

March 7, 2023

**City of Hamilton
Chedoke Creek Targeted Dredging Project
Environmental Monitoring**

Subject: HDI Environmental Monitoring at Chedoke Creek Targeted Dredging Project.

The purpose of this agreement (this "Agreement") is to provide Haudenosaunee Development Institute ("HDI") with capacity assistance for an Environmental Monitor (the "Monitor") in connection with environmental observation required for the Targeted Dredging of Chedoke Creek ("Project") being coordinated by City of Hamilton ("CITY"), in accordance with the Rates set out at Schedule A attached hereto.

Subject to the below terms and conditions, the CITY and HDI (collectively, the "Parties") hereby agree that the CITY will provide capacity funding to HDI to reimburse reasonable expenses incurred in connection with the monitoring.

1. The Monitors selected by HDI shall have appropriate qualifications for the work required including training in monitoring, as set forth in **Schedule A**. Upon request by CITY, HDI or the applicable Monitor shall provide written evidence of such Monitor's qualifications to CITY which evidence shall include a current copy of such Monitor's resume.
2. The amount billed by HDI in respect of the Monitoring work shall not exceed the amounts indicated in **Schedule A** attached hereto. Invoiced amounts by HDI, in accordance with **Schedule A**, shall be payable to **the Haudenosaunee Development Institute** at the following:

Bank # 001 Transit # [REDACTED]
Bank Account Number # [REDACTED]
Email address for remittance - [REDACTED]
3. The CITY will pay the Monitor a minimum of three (3) hours, plus travel time and mileage, when fieldwork has been cancelled by the CITY while Monitors are travelling to site or upon arrival.
4. The Parties agree that the CITY will pay capacity funding, described within this Agreement, to an upset limit of \$40,000.00 CAD. Where HDI proposes additional capacity funding, written evidence establishing the need is required, as additional capacity funding sought shall only occur where absolutely required and in agreement by all Parties.
5. Any issues arising from this Agreement that requires the approval of both Parties, shall be brought to an Issues Management Committee (the "Committee"). The Committee shall be struck within 5 business days or less, and consensus will be sought. The members of the

Committee are as follows and can be delegated to other members of their respective organization:

Jake Linklater, HDI
Director, Engagement & Approvals

[Redacted]

Nick Winters
Director, Hamilton Water
Nick.Winters@hamilton.ca

- 6. The Parties agree that the Monitors are not employees, contractors, or sub-contractors of the CITY , their consultant or contractor(s) and that the Monitors will be responsible for their own personal protective equipment, such as hard hats, safety boots, and safety vests, unless specific or otherwise unique personal protective equipment is required, in which case will be provided or reimbursed by the CITY. All Monitors shall comply with the personal protective equipment requirements on the Project site, including adhering to the contractor(s) Personal Protective Equipment Standards.
- 7. Monitors shall follow the reasonable instructions of the CITY, their consultant and contractor(s) conducting the construction work concerning safety practices, and the Monitors will attend "tailgate" safety meetings if requested.
- 8. It is recognized that the contractor (Milestone Environmental Contracting Inc.) occupies the position of "Constructor" on the Project Site, and as such shall be in charge of compliance with the requirements of the Occupational Health and Safety Act.
- 9. The CITY or their consultant will coordinate site meeting locations and times directly with HDI's field supervisor. The contact information for the HDI field supervisor is:

Archaeology

Sharann Martin

[Redacted]

[Redacted]

Environmental

Raechelle Williams

[Redacted]

[Redacted]

- 10. The CITY will provide payment by cheque or bank transfer within thirty (30) days upon receipt of an invoices. Invoices shall explain in reasonable detail each Monitors time, fees, reasonable mileage and meal expenses, and the nature and date of work performed. All invoices should be addressed directly to the CITY, and the relevant project name should be noted in the text of each invoice.

Invoices to be submitted to the following:

Tim Crowley

Public Works Department
Hamilton Water, City of Hamilton
Work: (905) 546-2424 Ext.5063

11. This agreement is effective as of the date of execution by the Parties. In the event Project related activities continue beyond, December 31, 2023, the Parties agree to issue a new agreement to address HDI involvement in the Project after December 31, 2023.
12. This agreement may be terminated by either party upon thirty (30) days written notice to the other party. Electronic communications constitute written notice.

Jake Linklater, HDI
Director, Engagement & Approvals
[REDACTED]

Nick Winters
Director, Hamilton Water
Nick.Winters@hamilton.ca

13. HDI agrees that it shall comply with all requirements of the Workplace Safety and Insurance Act and will provide proof of same prior to commencement of work. HDI acknowledges that Milestone Environmental Contracting Inc. shall not be required to delay work on the Project in the event that HDI has not complied with the foregoing.
14. HDI pays Workplace Safety and Insurance Board ("WSIB") contributions in respect of the Monitors and will, at its own expense, maintain for the term of this agreement a comprehensive general liability ("CGL") policy or policies with a limit of at least \$2 million.
15. HDI shall provide the CITY with evidence of such insurance above in the form of a memorandum of insurance issued by the insurer, upon request. HDI acknowledges that Milestone Environmental Contracting Inc. shall not be required to delay work on the Project in the event that HDI has not complied with the foregoing.
16. HDI agrees that the Monitor will perform their activities safely, in a good and competent manner, in compliance with all applicable laws, regulations, and guidelines.
17. The Monitor shall comply with the personal protective equipment requirements on the Project site, including adhering to Milestone Environmental Contracting Inc. Health and Safety protocols while on site. If specialized personal protective equipment is required, this will be provided by the CITY or Milestone Environmental Contracting Inc.
18. The Monitor shall follow the reasonable instructions of Milestone Environmental Contracting Inc. conducting the construction work concerning safety practices.

19. The Parties agree that this Agreement and any amendments thereto, if any, constitute the entire agreement between the Parties as to the matters governed hereby and supersede and replaces all prior arrangements, agreements, or understandings with respect to such matters.
20. Each Party represents and warrants to the other that its undersigned signatories are authorized to execute this agreement on behalf of the respective Party.
21. Both parties will comply with the *Occupational Health and Safety Act*, R.S.O. 1990, C. O.1, the *Ontario Human Rights Code*, R. S. O. 1990, c. H.19, and maintain a safe, harassment free work environment.
22. If archaeological resources are encountered at any time during construction or other Project related activity, all excavation or other activity that could disturb the site shall immediately cease, and the CITY shall immediately notify HDI's Archaeological Supervisor or designate. The Parties shall work collaboratively to minimize impacts and ensure respectful treatment of any archaeological resources in accordance with the practices and values of HDI as identified by HDI
23. If human remains are encountered at any time during construction or other Project related activity, the following steps shall be taken:
 - a. All excavation or other activity that could disturb the site shall immediately cease, and the area shall be secured in a manner which protects the site location and prevents public access and trespass; and
 - b. In addition to any notifications required under the *Funeral, Burial and Cremation Services Act, 2002*, SO 2002, C 33, the Proponent shall immediately contact HWN's duly appointed Archaeological Supervisor or designate; and
 - c. HWN shall be permitted to conduct any ceremonies on site in relation to the human remains that may be of Aboriginal ancestry ("Ancestral Remains"); and
 - d. HWN shall be consulted about all steps in the investigation and any decisions or agreements to be made regarding Ancestral Remains.
24. HDI acknowledges that the CITY is an institution to which the Municipal Freedom of Information and Protection of Privacy Act (Ontario) (hereinafter, "MFIPPA") applies and may have to disclose information relating to the Project and this Agreement in the event of an access request made under MFIPPA.
25. This Agreement may be executed in counterparts (in either original or electronic form), each of which will be deemed to be an original and all of which when taken together will constitute the same agreement.

Signed on behalf of:

Haudenosaunee Development Institute

The foregoing accurately reflects the terms of the arrangement which we hereby agree to enter into, and the undersigned agrees to be legally bound hereby.

Accepted at _____ this _____ day of _____, 2023.

By: _____

City of Hamilton

Name

Title

Accepted at _____ this _____ day of _____, 2023.

SCHEDULE A –HDI MONITOR RATES

Title		Qualifications	Type	Rate	Travel Allowance
HDI Archaeology Consultant & Monitor Program Supervisor		Archaeology School Certificate & HCCC Archaeology Monitor Training Certificate	Archaeology Supervisor	\$165.00/hr	
Construction Monitors		HCCC Construction Monitor Training Certificate	Construction Monitor	\$140.00/hr	
Archaeology Monitors		HCCC Archaeology Monitor Training Certificate	Archaeology Monitor	\$140.00/hr	
Environmental Supervisor		University/College Diploma/Certificate, CAN-CISEC Certified	Environmental Supervisor	\$180.00/hr	
Environmental Monitor		University/College Diploma/Certificate, Environmental or related fields	Environmental Monitors	\$140.00/hr	
Technical Level I				\$200/hr	
Technical Level II				\$350/hr	
Meal and Travel Allowance: As set by the <hr/>					

From: Aaron Detlor [REDACTED]
Sent: Tuesday, March 7, 2023 11:27 AM
To: Winters, Nick
Cc: Khan, Carlyle; Aaron Detlor; Tim Gilbert; Tansley, Larry; Milakovic, David (MECP); Hussain, Lubna I. (MECP); Chee Sing, Elizabeth (MECP); [REDACTED]; Aaron Detlor; Jock Hill [REDACTED]; Holtby Levine, Keri (she,her | elle,la) (TC/TC); [REDACTED]; Stephen.Burt@ontario.ca; McLean, Donna (she,her | elle,la) (TC/TC); [REDACTED]
Subject: Re: Chedoke Creek Remediation Correspondence - February 16, 2023
Attachments: image001.png

Good Morning Mr Winters:

We are reviewing your proposal at our meeting of November 8, 2023.

I can confirm that how long is neither the Province of Ontario nor Canada have undertaken any engagement despite our request to meet to determine how the Crown wishes to undertake engagement in relation to the established rights of the Haudenosaunee which have been impaired by the spill and which have not been addressed by way of the current remediation plan(s).

I can also confirm my repeated requests to the City of Hamilton to sit down and begin a good faith process to address the damages to Haudenosaunee rights and interests caused by the City of Hamilton's release of 24 billion litres of sewage into the traditional and treaty territory of the Haudenosaunee and how those damages can be addressed in terms of the proposed remediation.

We have also made the request that the City of Hamilton honour its commitments by way of the Provincial Policy Statement and in particular section 1.2.2 which to date has been ignored.

We have accepted the invitation from both MECP and Transport Canada to begin engagement that to date has not occurred and we are concerned that Mr. Burt has revoked revoke Item No. 6 of Director's Order No.1-PE3L3 (as amended) without notification and obviously without engagement.

Mr. Burt's letter indicates he is in receipt of February 6, 2023 correspondence from Tim Crowley of the City of Hamilton which indicates that all required work permit extensions and renewals have been obtained from the various permitting agencies.

This correspondence was not shared with us and we were not permitted to discuss any of our issues with the various permitting agencies. We currently understand that the Canadian Department of Fisheries and Oceans does not delegate any engagement and we have no record of any engagement with DFO despite knowledge on DFO's part of our concerns and issues in relation to how the proposed remediation is impairing infringing and interfering with established treaty rights.

Could you please provide a copy of the February 6, 2023 correspondence. I would ask that Mr. Burt, who is copied, please provide a list of all of the various permitting agencies as well as the permits so that we can follow up with them to determine how to move forward. I would also note for the record that Mr. Burt never contacted us in relation to the 157.3 EPA review request.

We look forward to sitting down with you to better understand how and when your department specifically and Hamilton generally wishes to engage in terms of its commitments including 1.2.2 of the PPS.

Regards,

Aaron Detlor

On Fri, Mar 3, 2023, 5:45 PM Winters, Nick <Nick.Winters@hamilton.ca> wrote:

Good Afternoon Mr. Detlor:

As Carlyle is away on vacation, please find attached a letter in response to your questions regarding the Chedoke Creek Remediation Project.

Also attached is the Environmental Monitoring Agreement, and the amendments to MECP Director's Order 1-PE3L3, both of which are referenced in the letter.

Looking forward to your response,

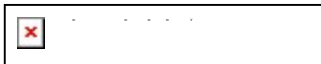
Nick Winters (He/Him)

Director, Hamilton Water Division

Public Works Department, City of Hamilton

Office: (905) 546-2424 Ext.1474

Cellular: (905) 973-4970



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From: Aaron Detlor [REDACTED]
Sent: February 28, 2023 2:21 PM
To: Khan, Carlyle <Carlyle.Khan@hamilton.ca>
Cc: Aaron Detlor [REDACTED]; Winters, Nick <Nick.Winters@hamilton.ca>; Office of the Mayor <Officeofthe.Mayor@hamilton.ca>; Smith, Janette <Janette.Smith@hamilton.ca>
Subject: Re: Chedoke Creek Remediation Correspondence - February 16, 2023

Good Afternoon Mr. Khan:

As you are aware we have been asking for engagement on Chedoke Creek Remediation Project which to date has not taken place.

Can you please advise how and when engagement will proceed.

We have also asked to sit down with City of Hamilton to discuss engagement more broadly however we have not heard back as to how and when engagement will be undertaken on Public Works activity as well as other City of Hamilton projects.

Regards,

Aaron Detlor

On Feb 16, 2023, at 5:21 PM, Khan, Carlyle <Carlyle.Khan@hamilton.ca> wrote:

Good afternoon,

Please find attached a letter in relation to the Chedoke Creek Remediation Project.

Regards,

Carlyle Khan

General Manager, Public Works

City of Hamilton

100 King St W, Hamilton, ON L8P 1A2

Phone: (905) 546-2424 Ext. 2313

E-mail: carlyle.khan@hamilton.ca

<image001.png>

<HDI Letter - Chedoke Creek Remediation - February 16, 2023.pdf>



From: Aaron Detlor [REDACTED]
Sent: Tuesday, March 7, 2023 11:43 AM
To: Burt, Stephen (MECP)
Cc: Aaron Detlor; Tim Gilbert; Tansley, Larry; Milakovic, David (MECP); Hussain, Lubna I. (MECP); Chee Sing, Elizabeth (MECP)
Subject: Re: Chedoke Creek Remediation

Good Morning Mr. Burt:

I am just confirming my phone message. As indicated the City of Hamilton did not speak with us prior to submitting their February 6, 2023 correspondence mentioned in your letter of March 6, 2023.

Unfortunately you did not provide notice or reach out with respect to the 157.3 EPA process which we can address further at some point however my request on voice mail was for contact information for the Canadian Department of Fisheries and Oceans.

We have not heard from them at all in relation to this matter despite reaching out several times over the past year and it would be of assistance if you could provide the contact information for those issuing permits/approvals etc on behalf of DFO for this Project. I just spent the last hour trying to find on their website and by calling [REDACTED] but was not able to get in touch with a live person let alone anyone who knows about this Project.

Regards,

Aaron Detlor

On Dec 29, 2022, at 3:53 PM, Burt, Stephen (MECP) <Stephen.Burt@ontario.ca> wrote:

Mr. Detlor,

Attached is our response to the November 1, 2022 letter from Gilbert's Law. As requested, I am responding to you directly.

Please note that I will be away from the office until January 10, 2023 and can follow-up with you upon my return to address any comments or concerns.

Regards,

<image001.png>

Stephen Burt
District Manager
Hamilton District
Ministry of the Environment, Conservation and Parks
stephen.burt@ontario.ca | Tel: (905) 541-4533



From: Aaron Detlor [Redacted]
 Sent: November 1, 2022 10:33 PM
 To: Burt, Stephen (MECP) <Stephen.Burt@ontario.ca>
 Cc: Aaron Detlor [Redacted]; Melissa Amero [Redacted];
 [Redacted] Brian Doolittle [Redacted];
 Tim Gilbert [Redacted]; Milakovic, David (MECP) [Redacted]
 Subject: Re: Chedoke Creek Remediation

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good Evening Mr. Burt

You can reply to me directly. I just wanted Gilbert's to get the letter out as I was busy on a few other matters.

Regards,

Aaron Detlor

On Nov 1, 2022, at 8:47 PM, Burt, Stephen (MECP) <Stephen.Burt@ontario.ca> wrote:

Hi Melissa,

Thank you for your email. I have received the letter and will follow-up once I have had a chance to review the details.

Thanks,

<image001.png>

Stephen Burt
 District Manager
 Hamilton District
 Ministry of the Environment, Conservation and Parks
stephen.burt@ontario.ca | Tel: (905) 541-4533

We want to hear from you. How was my service? You can provide feedback at 1-888-745-8888



From: Melissa Amero [REDACTED]
Sent: November 1, 2022 12:45 PM
To: Burt, Stephen (MECP) <Stephen.Burt@ontario.ca>
Cc: [REDACTED]
Tim Gilbert [REDACTED]
Subject: Chedoke Creek Remediation

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good afternoon,

Please see the attached correspondence from Tim Gilbert in regards to the above noted matter.

Should you have any questions or concerns, please do not hesitate to contact us.

Thank you,

Melissa Amero

Melissa Amero - She/Her
Executive Assistant
Gilbert's LLP
Lawyers | Patent and Trademark Agents

Tel: 416.703.1100
Fax: 416.703.7422
www.gilbertslaw.ca

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125 Queens Quay East, 8th Floor
P.O. Box 19
Toronto, Ontario M5A 0Z6
Canada

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<Response to HDI - December 2022_final.pdf>



March 6, 2023

The Hon. David Piccini, MPP
Minister of the Environment, Conservation and Parks
minister.mecp@ontario.ca

She:kon Minister,

A deep and abiding respect for the environment has always been a core value of the Haudenosaunee culture of Six Nations of the Grand River. We strive to uphold the principle of good stewardship in all of our undertakings related to the natural environment.

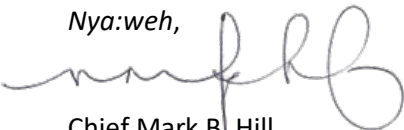
I'm sure you can understand then why the ongoing sewage spill in Hamilton's Chedoke Creek is of so much concern to our people, and why we are so keen to see the environmental cleanup operation finally get underway without any further delays.

This crucial cleanup project cannot be put off any more. The longer it is delayed, the more polluted the creek and the local environment becomes.

While some obstructions have been created by individuals that may not have the Six Nations community's interest in mind, we are glad that the Government of Ontario has acknowledged the need to respect the official, accountable, and transparent consultation processes of Six Nations and intends to reflect those processes in government policy more fully in the future. As I have relayed to you in recent discussions, our Lands and Resources Department personnel report that the City of Hamilton conducted all requisite consultations and Six Nations of the Grand River's full approval for the environmental cleanup was given months ago.

We are therefore asking you, as Minister of the Environment for the Province of Ontario, to take steps necessary to expedite the cleaning up of Chedoke Creek, including but not limited to revising your ministry's previous instructions to the City of Hamilton extending their timelines for the project. Obstruction delays cannot be tolerated at the expense of both the environment and due process.

Six Nations asks that you take these steps so that the Creek and its surrounding environment may be cleaned up as soon as possible; this action will benefit all involved, but most importantly the environment.

Nya:weh,

Chief Mark B. Hill
Six Nations of the Grand River



March 9, 2023

Andrea Horwath
Mayor of Hamilton
mayor@hamilton.ca

She:kon Your Worship,

I have been encouraged by your positive relationship with Six Nations of the Grand River and your engagement with our community's official consultations protocol. Such collaboration makes important environmental projects like the long-overdue cleanup of Chedoke Creek much easier to undertake.

As you know, Six Nations is the largest Haudenosaunee jurisdiction and the only territory home to all six Haudenosaunee nations. As the elected Chief and Council, we govern for all of our people without discrimination. In that spirit of equity, we have a lawfully established Consultations and Accommodations Process (CAP) office that works with partners to protect our people's environmental, archeological, cultural and land-use interests.

Engagement with unofficial and unaccountable groups or individuals is not acceptable and undermines the processes that are designed to benefit our people collectively. We know that Hamilton is well acquainted with our community's official policies, having collaborated with Six Nations previously.

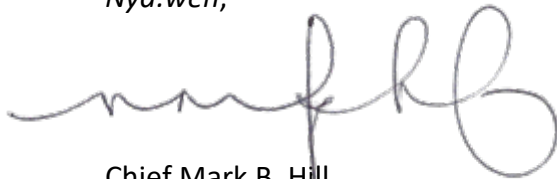
You and your officials are likewise familiar with our deep and abiding respect for the environment, which has always been a core value of our Haudenosaunee culture. Good stewardship of our natural environment underpins all we do. This is why the ongoing sewage spill in Chedoke Creek is of so much concern to our people, and why we are so keen to see the environmental cleanup operation finally get underway.

The cleanup is crucial and cannot be put off any more. The longer it is delayed, the more polluted

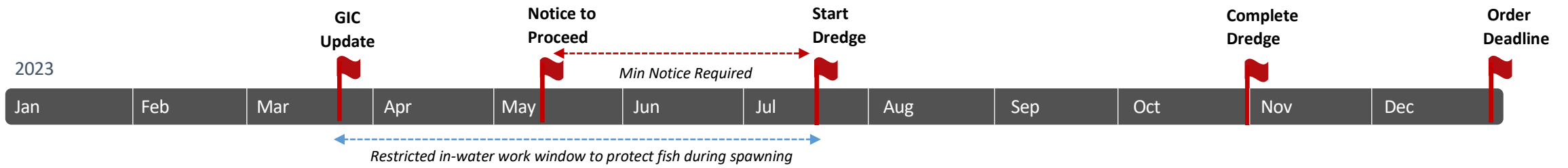
the creek and the local environment becomes. While some obstructions have been created by unaccountable individuals looking after their own self-interest, we know you share our concern to fulfill our duties to the environment as our common priority. Our Lands and Resources Department personnel report that the City of Hamilton conducted all requisite consultations in the early stages of this project many months ago and Six Nations of the Grand River's full approval for the environmental cleanup was granted.

We are therefore asking that the cleaning up of Chedoke Creek be put back on track and expedited without any further delay. We have written to the Minister of the Environment to request that Ontario support swift action, and you can find that letter attached. As I have told him, acts of obstruction cannot be tolerated at the expense of both the environment and due process. We look forward to continuing our collaborative relationship with you, Mayor Horwath, with your municipal councillors, and with the City of Hamilton. Together we can build up our communities and protect the natural environment we all cherish.

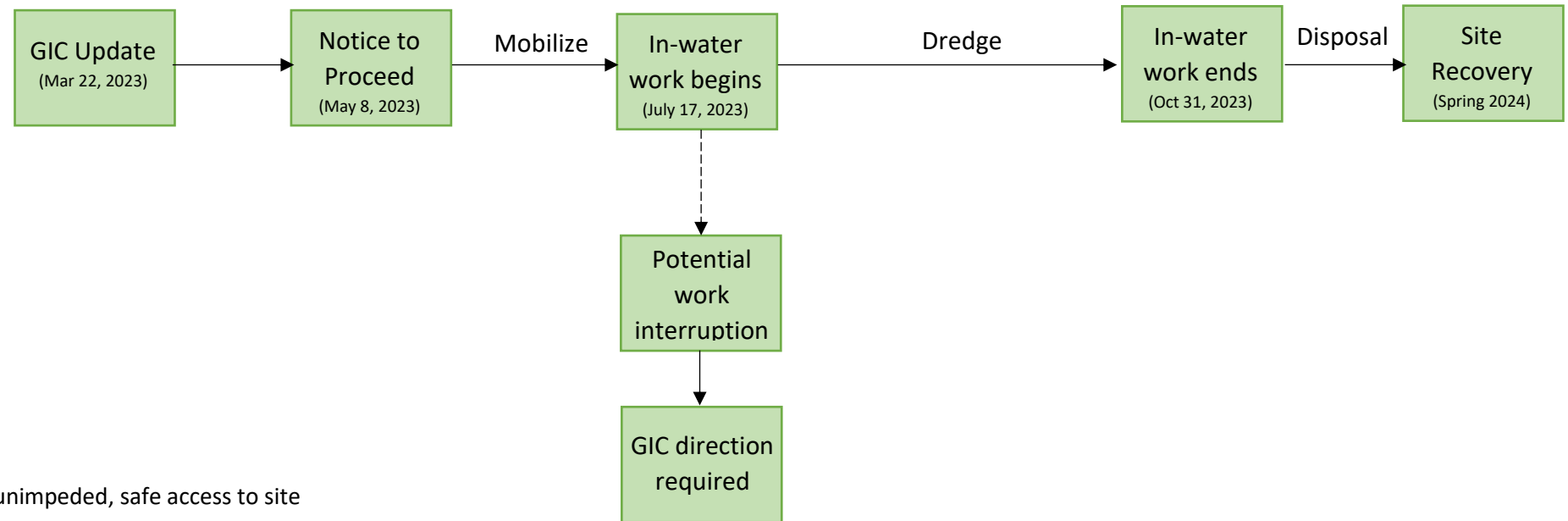
Nya:weh,

A handwritten signature in black ink, appearing to read 'Mark B. Hill', written in a cursive style.

Chief Mark B. Hill
Six Nations of the Grand River



REMEDIATION TIMELINE



NOTE:

- Contractor requires unimpeded, safe access to site
- Regular notifications will be sent to MECP and Stakeholders
- Communication plan will continue to be executed to update public

Ministry of the Environment, Conservation
and Parks
Drinking Water and Environmental
Compliance Division
West Central Region
Hamilton District Office

Ministère de l'Environnement de la Protection
de la nature et des Parcs
Division de la conformité en matière
d'eau potable et d'environnement
Direction régionale du Centre-Ouest
Bureau de district de Hamilton



119 King Street West, 9th Floor
Hamilton, Ontario L8P 4Y7

119 rue King Ouest, 9^e étage
Hamilton (Ontario) L8P 4Y7

March 14, 2023

The City of Hamilton
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

Attention Nick Winters, Director, Hamilton Water:

Re: Amendment of Item No.6 of Director's Order No.1-PE3L3

I am in receipt of your letter and appended correspondence dated March 13, 2023, in which the City of Hamilton outlines the reasons they are unable to complete the dredging activities by the August 31, 2023 deadline as set out in the amended Director's Order No.1-PE3L3 as of March 3, 2023. I have considered the City's request to extend the compliance date for the dredging activities specified in Item No. 6 of the Order from August 31, 2023 to October 31, 2023.

In considering this request, I have reviewed the City's letter and supplementary correspondence from its contractors. Based on my review of the materials provided to support the City's request, I understand there are many complexities that can occur on the project which could result in delays. Unexpected events such as staffing and supply chain challenges, work stoppages due to prolonged wet weather creating high flows as well as mechanical and equipment issues create project timeline uncertainties and could impact the City's ability to comply with the August 31, 2023 deadline. The City of Hamilton remains responsible to address their contractors concerns and their request for a confirmation letter regarding a safe and secure work environment.

Having considered your submissions, I am of the view that the compliance date may be amended. To ensure the ministry is made aware of any impacts to the revised timelines as soon as possible, I will also require that the City of Hamilton provide the ministry with weekly written reports outlining progress on key milestones before dredging begins and weekly written project updates once the dredging begins. Further discussions on format of these project updates can be held at our next monthly Chedoke Creek update meetings required by the Order, the next of which is scheduled on April 4, 2023.

As such, pursuant to my authority under sections 157.3 of the *Environmental Protection Act*, s.16.4 of the *Ontario Water Resources Act*, and sections 49 and 54 of the *Legislation Act, 2006*, I hereby alter the compliance date in Item No. 6 as requested so that Item No. 6 now reads as follows:

6. Commence activities in the approved Chedoke Creek Workplan as soon as possible such that all dredging activities are completed by October 31, 2023, with the remaining activities in the approved Chedoke Creek Workplan completed by December 31, 2023.

All other Items in the Order remain in effect, and unaltered. This Order alters and constitutes part of Director's Order No. 1-PE3L3, issued on December 4, 2020 (as amended). You may require a hearing before the Ontario Land Tribunal (OLT) in respect of this amendment to Item No. 6 in accordance with the *Environmental Protection Act* and the *Ontario Water Resources Act*. If you require a hearing, you have 15 days after the service of this Order to serve notice upon the OLT and the Director.

I encourage you to inform the indigenous communities and various stakeholders who are interested in the work that is required pursuant to the Director's Order, of this amendment.

If you have any questions concerning this amendment to Director's Order No. 1-PE3L3, please do not hesitate to contact me.

Regards,



Stephen Burt



District Manager & Director appointed for the purposes of s.157.3 EPA, s.16.4 OWRA.

Cc. Lubna Hussain, Director, West Central Region, MECP
Elizabeth Chee Sing, Supervisor, MECP
Carlyle Khan, General Manager Public Works, City of Hamilton
Cari Vanderperk, Director, Watershed Management Hamilton Water
Susan Girt, Compliance & Regulations Manager, Hamilton Water



Hamilton

INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
DATE:	March 22, 2023
SUBJECT/REPORT NO:	Attracting Diversity During the Recruitment Process (HUR18017(a)/FCS23046) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jodi Koch 905-546-2424 Ex. 3003 Andrea Holland 905-546-2424 Ext. 5409
SUBMITTED BY:	Lora Fontana Executive Director Human Resources  Andrea Holland City Clerk Corporate Services 

COUNCIL DIRECTION

At the September 19, 2018 General Issues (GIC) Committee meeting, a report on Attracting Diversity During the Recruitment Process (HUR18017) resulted in Council directing staff on the following:

- (a) As part of the Equity, Diversity and Inclusion (EDI) framework, staff include recommendations for integrating an EDI framework to the City of Hamilton Policy respecting the Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, including:
 - (i) Training and orientation of Selection Committee members and supporting staff to implement the revised recruitment, application, selection and interview processes; and,

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: Attracting Diversity During the Recruitment Process
(HUR18017(a)/FCS23046) (City Wide) - Page 2 of 8**

- (b) That the final Equity, Diversity and Inclusion policy and procedures for Selection Committee be implemented starting with the 2022-2026 term of Council

INFORMATION

To fulfil the direction of Council, the Equity, Diversity, and Inclusion (EDI) Framework (Appendix “A” to Report HUR18017(a)/FCS23046) was applied to the existing Policy Respecting the Appointment of Citizens to the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees. The resulting recommendations have been provided to the City Clerk’s Office for their consideration and implementation to enhance candidate diversity for the 2022-2026 term of Council recruitment process.

The EDI Framework is an ongoing and iterative process that is designed to embed EDI into all that we do. The following summarizes the EDI Framework as it pertains to the recruitment and selection of Agency, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees.

Business Case

City of Hamilton leadership and City Council understand the importance of embedding EDI into all that we do, including the critical role it plays in the Recruitment and Selection Process for Agencies, Boards, Commissions and Advisory (Volunteer) Committees. Enhancing EDI in this process will not only improve diversity and increase the varied perspectives of those on Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees (ABCs), but it will result in increased effectiveness of the ABCs and provide more meaningful recommendations to Council.

Communications Plan

A clear communication strategy and messaging is required to ensure consistent understanding of the intent to increase the diversity of the Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees. Specific strategies to increase outreach to diverse communities have been provided to the City Clerk’s Office, including a listing of suggested community organizations to assist in community outreach.

Data Collection

The importance of continuing voluntary demographic data collection to assist with measuring the effectiveness of recruitment efforts and analysing the data trends is embedded for the 2022-2026 recruitment process. This data will also allow for identification of potential systemic barriers throughout the process.

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(HUR18017(a)/FCS23046) (City Wide) - Page 3 of 8**

Information collected will be used to evaluate if the advertising strategies utilized are attracting applicants that are reflective of the community we serve. The voluntary data collection will occur at the application stage. This data would be used to measure the inclusiveness of the process only and will only be shared in an aggregate form, ensuring compliance with Human Resources best practices and Federal Employment Equity Legislation.

Demonstrated Ownership

Demonstrated ownership is a key EDI Framework principle to drive leadership accountability and to exemplify the leadership required for the organization to become more inclusive and foster an overall sense of belonging. Visible comment from the Mayor and Council Members will emphasize the importance of the role Agencies, Boards, and Committees play in local government.

Applied Action Plans

Organizations also require accountability. The proposed recommendations allow for clear actions to increase diversity in the applicant pool and allow for the measurement to progress this for future Council terms.

Metrics and Measurement

The recommendation to measure actual representation on Committees and Boards will allow for the evaluation of the tactics adopted. These measurements will either confirm we are achieving the intended effect or identify opportunities so that we may adjust to the recommendations to achieve the desired state.

The 2014 - 2018 Advisory (Volunteer) Committee members expressed concern that the applicant pool for that term was not representative of the diverse communities of the City of Hamilton. Based on data collection and implemented recommendations from HUR18017 for the 2018-2022 term, there was a significant improvement in the diversity of applications received. For the first time, voluntary demographic data was collected, establishing a baseline of measurement on which to proceed for future Council terms.

Notably, there was a significant increase in applications overall, with 598 applications received during the 2018-2022 term, compared to 161 applications received for the 2014-2018 term. This improvement suggests the implementation of the Communications Plan and recommendations outlined in the September 19, 2018 report were successful in achieving the intended outcomes.

Based on the data collected, the demographics of the applicants received for the 2018 - 2022 term were reviewed and summarized. As illustrated below, applications received were in alignment for Indigenous Peoples and those that identify as Visible Minorities as

**SUBJECT: Attracting Diversity During the Recruitment Process
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compared against the Hamilton population. There was still room to improve the applicant pool of Women and Persons with Disabilities. It should be noted that the applications for the Indigenous Advisory Committee were addressed through a separate process and are not included in the information below.

Designated Group	Applicant Representation	Statistics Canada - Hamilton Population (2016)
Women	36.9%	51.1%
Visible Minorities	16.2%	19%
Persons with Disabilities	15.2%	29.1%
Indigenous/Aboriginal Peoples	2.0%	2.3%

In preparation for the 2022-2026 term, the following are the recommendations which have been adopted by the City Clerk's Office to increase the diversity of applicants during the recruitment process as well as the retention of those citizens selected:

Improve Data Collection

While establishing baseline applicant data is integral to measuring progress, the data collection around the placement of those on the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees was not measured for the 2018 – 2022 Council term (i.e./ actual demographics on Committees is not available). In alignment with the EDI Framework, it is recommended for the 2022-2026 recruitment term to implement a method of data collection for successful candidates to understand the actual demographics on the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees.

Recruitment Process Enhancements

The full cycle recruitment, selection and training process of the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees was reviewed utilizing the EDI Framework. Various enhancements are recommended to improve the attraction and retention of diverse candidates, with added focus on improving the applicant pool for Women and Persons with Disabilities:

Recruitment Tools: The interview and selection processes were reviewed from an EDI best practice perspective. To ensure consistency in the process and evaluation and to mitigate unconscious bias, a screening tool, interview guide, and evaluation template have been created and are recommended for implementation during the 2022-2026 selection process. Candidates will be encouraged to share, as they deem appropriate, their lived experiences in their respective cover letters and during the interview process.

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Recruitment Materials: Inclusive language enhancements and accessibility considerations were made to the recruitment application and marketing materials to be used.

Training: Online EDI training components will be available to the Selection Committees. The online training will consist of two offerings. The first program is the Harvard ManageMentor Diversity, Inclusion and Belonging training. This is the same foundational training provided to all City of Hamilton supervisors and above in 2022. Course content includes five modules and fourteen videos along with accompanying discussion guides and articles which are downloadable for continued self-directed learning. The modules are:

1. What Diversity Is and Why It Matters
2. Understand and Counter Bias
3. Lead Inclusively
4. Become a Diversity Advocate
5. Advance your Organization's Diversity Efforts

The second online training is the Kojo Institute Foundations of Equity training. This training has a focus on how leaders can achieve equitable outcomes by utilizing related frameworks and consists of the following modules:

1. Frameworks
2. Data – The Three D's
3. Powerful Unexamined Ideas
4. The Legacies
5. The Role of Institutions
6. Self, Institution, Community

An additional training option for Council's consideration is the Association of Municipalities Ontario hosted session on Human Rights and Equity for Municipal Leaders. This training consists of a legal overview of relevant Human Rights legislation and a module on how to achieve equitable outcomes for constituents. This training is offered next on May 16, 2023.

Additionally, guidance on how to use on the recruitment interview guide and evaluation tools will be provided by the HR Talent and Diversity team to Selection Committee members.

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(HUR18017(a)/FCS23046) (City Wide) - Page 6 of 8**

Expansion of Self Identify Selection: In addition to the standard four designated groups identified in Federal Employment Equity legislation, a voluntary gender identity question will also be included.

Based on the data, it is recommended to focus on improving the applicant pool for Women and Persons with Disabilities by leveraging the community organizations outlined in Appendix “B” to Report HUR18017(a)/FCS23046 – Community Listings Contact Sheet and targeted recruitment advertising, which include:

- Women: Somali Women of Hamilton, Afro-Canadian Action Congress, Women for Women of India, Women Abuse Working Group, Native Women’s Circle, and Muslim Association of Hamilton Women’s Group.
- Persons with Disabilities: CNIB Foundation (Canadian National Institute for the Blind – Hamilton), Development Services Ontario - Hamilton-Niagara Region, Goodwill Amity Employment Services, Canadian Hearing Services, March of Dimes Canada (Hamilton), Goodwill Amity Employment Services, and Path Employment Services.

Encourage Participation

As defined in the EDI Framework, demonstrated ownership of EDI is key to driving the cultural change needed to progress EDI initiatives. The recommendation for the 2022-2026 recruitment process is to have a senior leader, such as the Mayor, create a video message articulating the importance of the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, as well as to amplify messaging of diversity and inclusion to attract a diverse applicant pool. This will be shared on the City’s social media channels and will be supplemented by accessibility options, which will include ASL interpretation and translations based on the language demographics of Hamilton.

Increase Online Presence

The City has leveraged Escribe’s application to implement an online recruitment module for agencies, boards and committees. This module will be implemented once the online application is launched. Paired with the direct communication with the agencies contained in Appendix “B” to Report HUR181017(a)/FCS23046, a social media plan will be executed to correspond with other advertising. Building on last term’s print campaigns and online marketing efforts, it is recommended to enhance our online presence during recruitment efforts, as well as to make improvements to the City of Hamilton’s website to reach diverse candidate pools through the following:

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1. Posting the recruitment for various positions while leveraging the City of Hamilton's social media channels, including the video message from senior leadership directing applicants on how to apply
2. Dedicated drop-down option/selection for these volunteer opportunities on the City of Hamilton homepage
3. Dedicated tile on the City of Hamilton website homepage, during the recruitment period for "Apply! Agency, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees Opportunities"

Increased Community Engagement

It is recommended to continue to directly target diversity within Hamilton by directly sending the job poster and recruitment promotional material to various community groups. Appendix "B" to Report HUR18017(a)/FCS23046 – Community Listings Contact Sheet, outlines diverse community organizations that can be leveraged to maximize recruitment efforts.

It is also suggested to continue with previous efforts by providing the public open house and to continue with the print advertisement strategy as identified in Appendix "C" to Report HUR18017(a)/FCS23046 - Communication Plan Resource Guide 2023.

Exit Interviews

To further address retention of citizens on Volunteer Committees and Boards and to better understand the reasons behind resignation and attrition of committee members, it is recommended to conduct exit interviews upon receipt of resignation. This will provide qualitative information to address and rectify any challenges occurring within these committees throughout the Council term.

To further address retention of citizens on Volunteer Committees and Boards, and to meet the need identified by current members, the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards was recently circulated to Local Boards, including Advisory Committees for feedback and will be updated to meet the need to clarify the "Responsibilities and Expectations of New Members". This document provides potential applicants with the necessary details regarding the full scope of the individual commitment required to be an Advisory (Volunteer) Committee member. The expectation is to have well-informed applicants to the Advisory (Volunteer) Committees which will improve retention. This document will be finalized in advance of the 2022-2026 recruitment term.

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Policy Review

The Policy for Appointment of Citizens to the City's Local Boards (Appendix "D" to Report HUR18017(a)/FCS23046) was reviewed by the Human Resources Policy and Planning Specialist, as well as by the EDI Senior Project Manager and Talent Services Supervisor. This policy review has resulted in the following suggested revisions which are highlighted in yellow in the attached document:

- i) Adding a Purpose statement to the introduction of the policy
- ii) Adding a Policy ID identifier to the document to enhance version control
- iii) Adding accommodation language to the recruitment section
- iv) Adding lived experience to the interview section

The Human Resources Talent and Diversity team remains available to assist the Clerk's Office with respect to any support they require with this implementation. These suggested enhancements to the Recruitment and Selection Process will support the intended outcome of improving diversity for the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees. These committees provide an essential voice for members of our community that may not otherwise have an opportunity to engage in local government in a meaningful and impactful manner. These diverse teams will bring significant value to 2022 – 2026 term of Council and will enhance decision making and outcomes for our citizens.

APPENDICES AND SCHEDULES ATTACHED

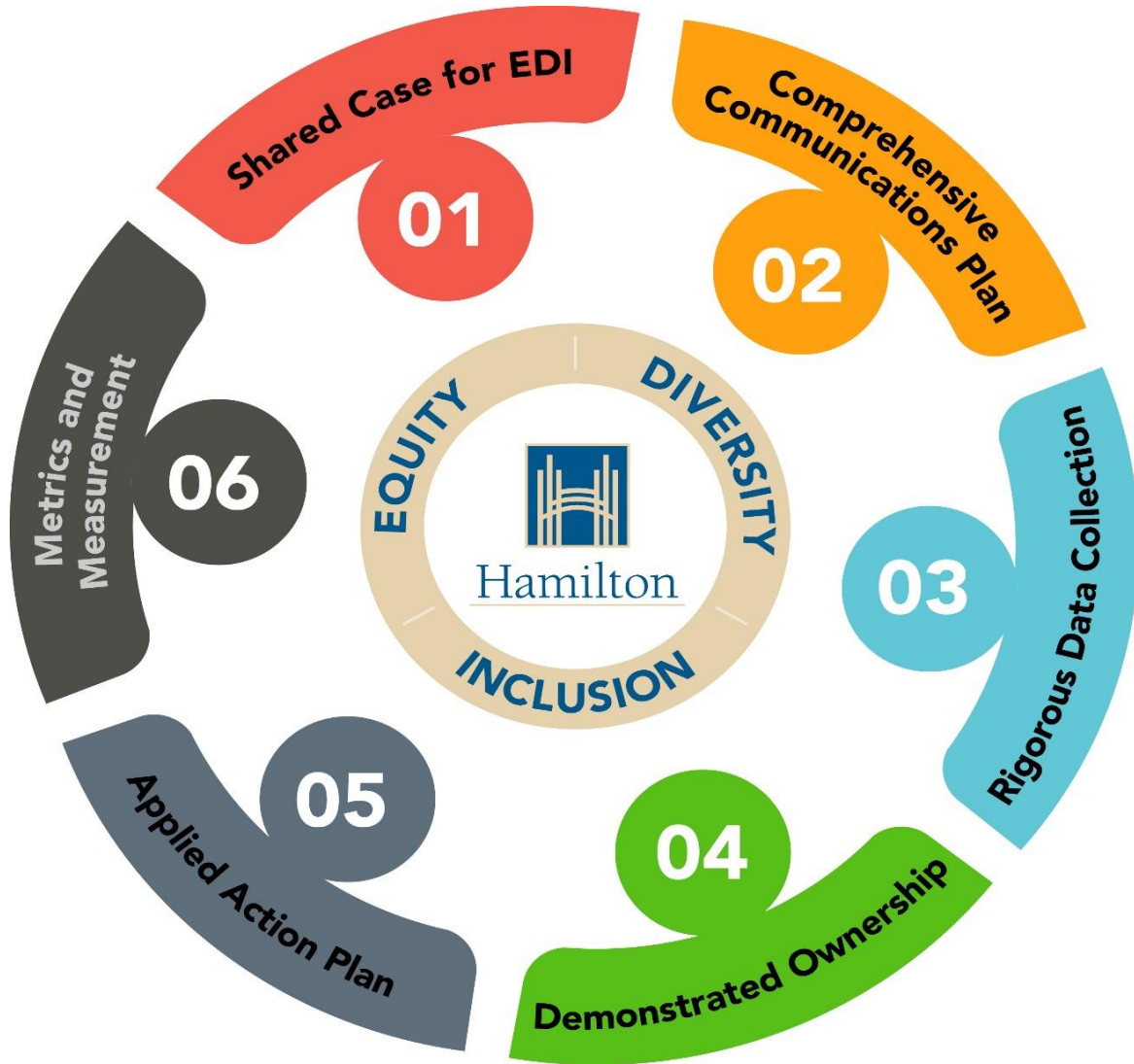
Appendix "A" to Report HUR18017(a)/FCS23046 – EDI Framework

Appendix "B" to Report HUR18017(a)/FCS23046 - Community Listings Contact Sheet

Appendix "C" to Report HUR18017(a)/FCS23046 - Communication Plan Resource Guide

Appendix "D" to Report HUR18017(a)/FCS23046 – Appointment of Citizens to the City's Local Boards Draft Policy November 2022

Equity, Diversity and Inclusion Framework



Community Listings Hamilton 2023

Organization Name	Website	Contact Name	Phone Number	Email address
Ghana Association of Hamilton	https://hamiltonghana.com/	Comfort Afari	289-408-8337	hamiltonghanaassociation@gmail.com
Somali Women of Hamilton	Somali Community In Hamilton Website (somalihamilton.ca)	Mohamed Alizerig	905-522-0222	info@somalihamilton.ca
Afro-Canadian Action Congress	https://leo-johnson-426r.squarespace.com/	Comfort Afari	905-385-0925	africancanadiancongress@gmail.com
Afro-Canadian Caribbean Association of Hamilton	https://accahamilton.com/	Evelyn Myrie	905-385-0925	acca1979info@gmail.com OR acca1@cogeco.net
Barbadian Canadian & Friends Hamilton Assoc.n	http://www.bcfhassociation.ca/	David Vaughan	905-318-0298	barbadoshamiltonassociation@hotmail.com
Commonwealth of Dominica Association	CODAH Contacts (codahamilton.com)	Denia Henry	905-575-4042	codahamilton@gmail.com
Jamaica Foundation Hamilton	The Jamaica Foundation (thejamaicafoundationhamilton.org)	Chris Garwood	905-519-6261	JAMAICAFUNDATIONHAMILTON@YAHOO.COM
Trinidad & Tobago Assn of Hamilton	http://ttahonca.blogspot.com/	Angela Daudan	905-385-5943	ttahw@hotmail.com
Canadian Japanese Cultural Centre of Hamilton	https://www.hamiltoncjc.ca/mission-2	Mitchell Kawasaki	905-383-5755	hamcjc@gmail.com
Hamilton Filipino Community Centre	http://www.hfcc8.ca/contact/	Bonner T Vilabroza	905-544-3350	hfcc@bellnet.ca
Ahmadiyya Muslim Community of Hamilton	Hamilton South Ahmadiyya.ca Ahmadiyya Muslim Community Canada	Imrana Alamgir	905-544-3110	i.alamgir@hotmail.com
Bangladesh Association of Hamilton	directory/1424/bangladesh-association-hamilton/	Mohammed Tofazzul Ali	905-515-8857	alibhai1@hotmail.com
Gursikh Sangat Hamilton	https://www.hamiltongurdwara.com/blog	Harpreet Gill	905-525-5725	gillharpreet@msn.com ; hamiltongurdwara@gmail.com
India Canada Society Hamilton & Region	https://www.facebook.com/IndiaCanadaSociety/CSHamilton/	Arvind Sahay	905-575-7795	indiacanadasociety@gmail.com
Ramgarhia Association of Hamilton	https://www.facebook.com/RamgarhiaAssociationHamilton/	Gurudwara Sahib	905-578-9938	ramgarhiaassociation.ham@gmail.com
Sagar Pare Bengali Community	https://www.sagarpare.ca/	Dipendu Raha	905-528-8121	adaha@quickclik.net
Sanghum (Pakistani Cdns)		Tayyob Rana	905-318-3515	no email address
Sikh Society of Hamilton	Sikh Society Hamilton - World Gurudwaras	Budh Singh Dhillon	905-561-2806	no email address
South Asian Heritage Assn of Hamilton & Region	South Asian Heritage Association of Hamilton and Region - Home	Indu Singh	905-979-9696	office@southasianheritage.org
Women for Women of India		Carolann Fernandes	905-389-0017	no email address
Afghan Association of Hamilton	Afghan Association of Hamilton - Home Facebook	Akbar Haidary	905-513-3050	akbarhaidary@yahoo.ca
Arab Cultural & Heritage Centre		Maewan Masri	905-923-7099	president.ahc@gmail.com
Armenian Community Centre of Hamilton	http://www.armeniancentrehamilton.ca/		905-662-3370	armeniancentrehamilton@gmail.com
Assyrian Universal Alliance Foundation		Reine Hanna	905-574-4991	info@icahamilton.com
Iraqi-Canadian Assn of Hamilton	https://www.ichamilton.com/	Wasan Mohamed	905-525-9676 x311	info@icahamilton.ca
Jewish Federation of Hamilton	https://www.jewishhamilton.org/	Gustavo Rymberg	905-648-0605 x305	grymberg@jewishhamilton.org
Jewish Social Services of Hamilton	https://www.hamiltonjfs.ca/	Carol Krames	905-627-9922 x21	info@hamiltonjfs.ca
Muslim Council of Greater Hamilton	https://www.mcgh.ca/	Ali Taher Ghouse	905-528-8411 x336	secretary@mcgh.ca
Muslim Women Council of Hamilton		Basharat Tayyab	905-318-3515	basharat_tayyab@hotmail.com
Bet Nahrain Assyrian Heritage Centre	https://www.betnahrainahc.com/		No Phone #	info@betnahrainahc.com
Colombian Refugees Association	https://www.facebook.com/colombianrefugees/	Carolina Ortiz	289-700-6341	contacto@colombianrefugees.com ; cvasquez@colombianrefugees.com
Fraternity Hispanic Association	afhhamilton.ca	Nancy Ramirez	289-689-5563	info@afhhamilton.ca
De dwa da dehs nye>s Aboriginal Health Centre	https://www.aboriginalhealthcentre.com/	Constance McKnight	905-544-4320	info@aboriginalhealthcentre.com ; info@dahac.ca
Hamilton Regional Indian Centre	https://www.hric.ca/	Audrey Davis	905-548-9593	adavis@hric.ca
Native Women's Centre	http://www.nativewomenscentre.com/	Linda Sandy	905-664-1114 x225	ed@nativewomenscentre.com
Métis Women's Circle	https://www.metiswomenscircle.ca/metiswomenscircle_contact.html	Elize Hartley	905-628-5813	info@metiswomenscircle.ca
Centre de sante communautaire Hamilton/Niagara	https://www.cschn.ca/?lang=en	Gerald Lachapelle	905-528-0163	cschn@cschn.ca
Centre francais Hamilton	https://www.centrefrancais.ca/home/index.php/centre/	Lisa Breton	905-547-5702	lisa@centrefrancais.ca
Hamilton	https://www.circleoffriends.ca/	Anisa Malik	905-529-1840	circleof_friends@bellnet.ca
Hamilton Community Legal Clinic	https://www.hamiltonjustice.ca/en/	Hugh Tye	905-527-4572	tveh@lao.on.ca
Hamilton & District Labour Council	https://www.hamiltonlabour.ca/	Anthony Marco	905-547-2944	hdlc@cogeco.net
Hamilton Immigration Partnership Council	https://www.hamiltonimmigration.ca/	Sadhna Jayatunge	905-546-2424 x4244	sadhna.jayatunge@hamilton.ca
Hamilton Wentworth Catholic District School Board	https://www.hwdsb.ca/	David Hansen	905-525-2930 x2181	hansend@hwdsb.ca
Hamilton Wentworth District School Board	https://www.hwdsb.on.ca/	Manny Figueiredo	905-527-5092 x2297	director@hwdsb.ca; info@hwdsb.on.ca

Organization Name	Website	Contact Name	Phone Number	Email address
The AIDS Network	https://aidsnetwork.ca/	Tim McClemon	905-528-0854	ed@aidsnetwork.ca
Hamilton Urban Core Community Health Centre	http://hucchc.com/	Denise Brooks	905-522-3233 x246	dbrooks@hucchc.com
Compass Community Health	https://www.compassch.org/	Kathy Allan-Fleet	905-523-6611	kallanfleet@compassch.org
Spectrum	https://www.spectrum.ca/	Jyssika Russell	N/A	info@spectrum.ca
Housing Help Centre for Hamilton	https://www.housinghelpcentre.ca/	Larry Huibers	905-526-8100	larry@housinghelpcentre.ca
Immigrants Working Centre	https://iwchamilton.ca/	Ines Rios	905-529-5209 x229	irios@iwchamilton.ca
Good Shepherd Centres	https://www.goodshepherdcentres.ca/	Pauline Kajiura	905-528-5877 x3228	pkajiura@gsch.ca
REFUGE: Hamilton Centre for Newcomer Health	https://newcomerhealth.ca/	Terri Bedminster	905-526-0000	info@newcomerhealth.ca
Area (SACHA)	https://sacha.ca/	Jessica Bonilla-Dampite	905-525-4573	jessica@sacha.ca
Woman Abuse Working Group (WAWG)	https://wawg.ca/	Medora Uppal	905-522-9922	muppal@ywcahamilton.org
YMCA of Hamilton Burlington Brantford	https://www.ymcahbb.ca/	Jim Commerford	905-317-4919	Jim.commerford@ymcahbb.ca
Youth Wellness Centre (St. Joseph's Healthcare)	https://www.stjoes.ca/hospital-services/mental-health-addiction-services/mental-health-services/youth-wellness-centre	Lisa Jeffs	905-522-1155 x35015	ljeffs@stjoes.ca
YWCA	https://www.ywcahamilton.org/	Medora Uppal	(905) 522-9922 ext.128	muppal@ywcahamilton.org ; sernest@ywcahamilton.org
YWCA Hamilton	https://www.ywcahamilton.org/skills-development-and-training/top/	Amanda Allen	365-324-2361	aallen@ywcahamilton.org
Empowerment Squared	https://empowermentsquared.org/	Claudette Uyigue	(905) 393-5370	info@empowermentsquared.org
Hamilton Anti-Racism Resource Centre (HARRC)	https://www.hamilton.ca/city-initiatives/priority-projects/anti-racism-resource-centre	Lyndon George	*phone number to be confirmed	empowerstrategygroup2@gmail.com
Hamilton Centre for Civic Inclusion	https://hcci.ca/	Koro Dampitey	(905) 297-4694	info@hcci.ca
Environment Hamilton	https://www.environmenthamilton.org/	Lynda Lukasic	(905) 549-0900	llukasik@environmenthamilton.org
Black Hamilton	https://www.blackhamilton.ca/communityorganizations/wharf-a286a	TBC	TBC	blackhamilton.ca@gmail.com
Nigerian Association of Hamilton	http://ncahamilton.ca/home.aspx	Josh Abeyemi	(905) 902-5963 or (905) 581-0235	ncahamilton1@gmail.com
Congolese Community of Hamilton	https://amitiecanado-congolaise.cfsites.org/	Eddy Momat	905-512-7389	momat4@yahoo.fr
Hamilton Food Share	https://www.hamiltonfoodshare.org/	Deborah Walsh	(905) 664-9065	info@hamiltonfoodshare.org
Food for life	https://foodforlife.ca/who-we-are/#what	Donna Slater	905-635-1106	donna@foodforlife.ca
Muslim Association of Hamilton (MAH)	https://hamiltonmosque.com/	Sheikh Bemat		hafizasied@hotmail.com
MAH Sisters' Committee	https://hamiltonmosque.com/programs-services/sisters-committee/	Bakhta Guendoz		sisters@hamiltonmosque.com; admin@hamiltonmosque.com
MAH Seniors Committee (Seniors Circle)	https://hamiltonmosque.com/programs-services/seniors-committee/	Bakhta Guendoz		seniors@hamiltonmosque.com
Canadian Hearing Services	https://www.chs.ca/contact/locations/hamilton		1-866-518-0000	info@chs.ca
Community Living Hamilton	https://communitylivinghamilton.com/employment-services/	Lorne Johnson	905-975-1198	ljohnson@clham.com
March of Dimes Canada (Hamilton)	https://www.modcemploymentservices.ca/		1-833-612-6632	es@marchofdimes.ca
Path Employment Services	https://www.pathemployment.com/		905-528-6611	reception@pathemployment.com
Goodwill Amity Employment Services	https://goodwillonline.ca/		905-526-8488 ext 1307 Hamilton Downtown: 905-526-8482 ext 2307	info@goodwillonline.ca
CNIB Foundation	https://www.cnib.ca/en?region=on		905-528-8555	online contact form
Niagara Region	https://www.dsontario.ca/agencies/dso-hamilton-niagara		1-877-376-4674	online contact form

Appendix "C" to Report HUR18017(a)/FCS23046

Communication Plan Resource Guide

Print Recommendations		
Recommendation	Description	Cost information
Media Release	<ul style="list-style-type: none"> Announcement made by Communication staff to the media. Min. 100,000 readers if media release is picked up by Hamilton Spectator 	<ul style="list-style-type: none"> \$16 + tax per 8 lines, per column + incremental cost per line.
Hamilton Community Newspaper	<ul style="list-style-type: none"> Half page advertisement 50,000 readers across the 4 editions (Ancaster News, Dundas Star News, Hamilton Mountain News and Stoney Creek News) 	<ul style="list-style-type: none"> \$1,845 + Taxes (Nov 2022)
Turtle Island Newspaper	<ul style="list-style-type: none"> Half page advertisement 10,000 readers 	<ul style="list-style-type: none"> \$716.35/weekly edition
Neighbourhood Community Newspapers (As identified by the Neighbourhood Association Directory)	<ul style="list-style-type: none"> Depending on circulation schedule (monthly or quarterly), advertisement in each edition during any recruitment campaign. Neighbourhood Newsletter readers 	<ul style="list-style-type: none"> No cost associated pending further review
@ CityofHamilton Newsletter	<ul style="list-style-type: none"> Quarter of a page advertisement in quarterly edition within the recruitment campaign. 8,000 City of Hamilton Staff. 	<ul style="list-style-type: none"> No cost associated; maintained by City of Hamilton staff
Posters (400) created by City of Hamilton Staff	<ul style="list-style-type: none"> Placement at City of Hamilton Recreation Centres and Libraries as well as key community agencies that target diverse populations. In excess of 5 million participant visits across COH recreation facilities (with 30,000 unique users who participated in registered programs) 	<ul style="list-style-type: none"> \$400.00 for 400 posters(approx.) \$200.00 for poster mail out (approx.)
Electronic Medium Resources		
Recommendation	Description	Cost information
Banner on eNet	<ul style="list-style-type: none"> Daily exposure on eNet during recruitment campaign. Approx. 7,000 users 	<ul style="list-style-type: none"> No cost associated; maintained by City of Hamilton staff
Banner on Hamilton.ca	<ul style="list-style-type: none"> Daily exposure on Webpages during recruitment campaign. Approx. 15,000 users/day 	<ul style="list-style-type: none"> No cost associated; maintained by City of Hamilton staff
City of Hamilton Social Media feeds (Facebook, Instagram, Twitter)	<ul style="list-style-type: none"> Unlimited opportunity for feeds to be reposted or retweeted during recruitment campaign 63,300 City of Hamilton Twitter followers 	<ul style="list-style-type: none"> No cost associated; maintained by City of Hamilton staff

Appendix "C" to Report HUR18017(a)/FCS23046

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	<ul style="list-style-type: none"> • A general tweet will receive 5-8,000 impressions 	
City of Hamilton LinkedIn page (professional networking)	<ul style="list-style-type: none"> • Daily exposure to LinkedIn subscribers during the recruitment campaign. • 4,500-20,000 LinkedIn users per post 	<ul style="list-style-type: none"> • Cost covered by yearly City of Hamilton subscription to LinkedIn
TV Monitors at Hamilton Farmer's Market	<ul style="list-style-type: none"> • Continuous feed on Market days during recruitment campaign. • 10,000 Market users /week 	<ul style="list-style-type: none"> • No cost associated; maintained by City of Hamilton staff
Neighbourhood Community Social Media feeds (as identified in the Community Neighbourhood Directory)	<ul style="list-style-type: none"> • Unlimited opportunity for feeds to be reposted or retweeted during recruitment campaign. • 50 Community Neighbourhoods and 32 Related Community Groups • Over 200 contacts on master mailing list 	<ul style="list-style-type: none"> • No cost associated
Our Future Hamilton special email notification	<ul style="list-style-type: none"> • Email notifications during recruitment campaign. • 2,500 community partners (organizations and citizens) 	<ul style="list-style-type: none"> • No cost associated; maintained by City of Hamilton staff
Email blasts to City of Hamilton created special community lists (as identified by Hamilton Anti-Racism Resource Centre)	<ul style="list-style-type: none"> • Unlimited opportunity for recipients to forward email through their personal social media networks. • 80 + Ethno racial community organizations 	<ul style="list-style-type: none"> • No cost associated
DiverseCity onBoard (professional networking)	<ul style="list-style-type: none"> • One time subscription by City of Hamilton Staff. Advertisement can be emailed during recruitment campaign. • 200 qualified Hamilton community members with training in board governance 	<ul style="list-style-type: none"> • \$500.00 annual fee
Public Information Session		
Recommendation	Description	Cost information
Community Meeting Attendance	<ul style="list-style-type: none"> • Internally communicate Advisory (Volunteer) Committee opportunities to City of Hamilton Staff who regularly interact with community agencies and groups. • Dependant on the number of available community meetings that occur in the recruitment period 	<ul style="list-style-type: none"> • Estimated \$1200

Corporate Policy		Policy Alignment: <i>Municipal Act 2001, as amended</i>
Hamilton City Council – Appointment of Citizens to the City’s Local Boards		Council Approved: March 2017
Policy ID:		Revisions: September 18, 2018, December 15, 2021 and September 28, 2022

Purpose

The City of Hamilton recognizes the importance and value of involving residents to help shape City projects, policies and initiatives. Engaging residents on issues that affect their lives and their City is a vital component of a well-functioning democratic society and is a key priority of the City’s 25-year Community Vision. Hamilton is committed to creating and nurturing a City that is welcoming and inclusive where citizens of all ages, backgrounds, and abilities have the chance to participate in meaningful engagement opportunities.

The purpose of this policy is to outline the process to appoint citizens to the City’s Agencies, Boards, Commissions, Advisory Committees and Sub-Committees, including:

- The eligibility criteria
- Public Notice
- Recruitment
- Public information sessions
- Description of the selection process for:
 - Local Boards (excluding Advisory Committees)
 - Advisory Committees (excluding the Hamilton Indigenous Advisory Committee)
 - the one Citizen Appointment to the Hamilton Police Services Board
 - the Hamilton Indigenous Advisory Committee
 - Local Boards Established during the Term of Council
- Selection Committee & Interview Sub-Committee Guiding Principles
- Description of the Interview Process
- The Roles and Responsibilities Appointed Citizens
- Appointment at Pleasure of Council
- The Filling of Vacancies during the Term of Council

Eligibility

1. The Selection Process is open to all residents and business owners of the City of Hamilton who are at least 18 years of age, unless otherwise stated (Note: Additional requirements may be requested by the individual Local Board, if they are governed by separate legislation, policies or mandates);

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2. City Council wishes to ensure that its Local Boards reflect the diverse nature of the City of Hamilton’s population and encourages all residents to apply for appointment opportunities.
3. The Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees should reflect the diversity of the City of Hamilton’s population, and are committed to being inclusive and equitable for all involved. All residents are encouraged to apply for appointment opportunities.

Public Notice

3. The City Clerk’s Office advertises for citizen member vacancies on the City’s Local Boards in the Hamilton Spectator and/or relevant Community Newspapers, on the City’s website and through other appropriate methods.

Recruitment

4. Citizen membership on all of the City’s Local Boards, with the exception of those terms of office defined by Provincial or Federal legislation, will be to serve for a period of up to four years, which coincides with the Term of Council.
5. Citizens are permitted to apply for membership on no more than two (2) of the City’s Local Boards.
6. Applications and information regarding the City’s Local Boards (i.e. Roles, Responsibilities and Expectations of New Members, Terms of Reference, Mandate, approximate number of meetings per year, etc.) are made available at the City Clerk’s Office, at all Municipal Service Centre locations and on the City’s website (www.hamilton.ca). The City will provide accommodation for applicants in all aspects of the selection process, up to the point of undue hardship. If you have an accommodation need, please contact clerk@hamilton.ca as soon as possible to make appropriate arrangements;
7. Completed application forms are to be returned to the City Clerk’s Office or any of the Municipal Service Centres by the application deadline as set out in the advertised Public Notice. Applications received after the deadline will not be considered for appointment.
8. Completed applications may be submitted to the City Clerk’s Office by one of the following methods:
 - (a) Online Application Process on the City’s website;

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- (b) Hand delivered or mailed to the Office of the City Clerk, 1st Floor, 71 Main Street West, Hamilton, Ontario, L8P 4Y5;
 - (c) Delivered to any Municipal Service Centre;
 - (d) Scanned and forwarded via e-mail to the contact person listed in the Advertisement; or,
 - (e) By Facsimile Transmission at (905) 546-2095
9. Applications shall be kept on file by the City Clerk’s Office for the Term of Council. In the event of a vacancy, the Selection Committee or Interview Sub-Committee may consider interviewing applicants whose applications are on file for the current term, and the appointment would be for the balance of the current Council term.
10. Incumbents who are eligible and willing to seek reappointment to a Local Board must reapply in the same manner as other applicants.

Public Information Session(s)

11. A **Public** Information Session(s) is scheduled during the beginning of the initial recruitment process (end of the previous Term of Council) and although attendance is not mandatory, attendance is strongly encouraged for new applicants.

At the Information Session(s), citizens are provided with information regarding the City’s Local Boards and are afforded the opportunity to ask questions of the Staff Liaisons.

Interested citizens may also fill out and submit an application during the Information Session(s).

Selection Process for Local Boards (excluding Advisory Committees)

12. A minimum of five (5) members of Council are appointed to the Selection Committee whose mandate will be to:
- (i) Review citizen member applications for the City’s local boards (excluding Advisory Committees);
 - (ii) Applicants are shortlisted with assistance of staff, where appropriate, **based on information provided in the application;**

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- (iii) Interview candidates **as deemed appropriate by the Selection Committee;**
- (iv) Make recommendations to City Council for the appointment of citizens to the various local boards (excluding Advisory Committees).

Selection Process for Advisory Committees (excluding the Hamilton Indigenous Advisory Committee)

13. A minimum of three (3) members of each Standing Committee (plus two alternates) are appointed to the respective Standing Committee Interview Sub-Committee whose mandate will be to:
- (i) Review citizen member applications for the City’s Advisory Committees (excluding the Hamilton Indigenous Advisory Committee);
 - (ii) Applicants are shortlisted with assistance of staff, where appropriate, **based on information provided in the application;**
 - (iii) Interview candidates **as deemed appropriate by the Selection Committee;**
 - (iv) Make recommendations to the respective Standing Committee for the appointment of citizen members to the various Advisory Committees (excluding the Hamilton Indigenous Advisory Committee). These recommendations are ratified by Council.

Selection Process for the one Citizen Appointment to the Hamilton Police Services Board

14. Six (6) members of Council and six (6) community representatives are appointed to the Hamilton Police Services Board Selection Committee whose mandate will be to:
- (i) Review applications for the one citizen appointment to the Hamilton Police Services Board;
 - (ii) Shortlist the applicants with assistance of staff, where appropriate, based on the applicant information provided;

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(iii) Request that the Hamilton Police Service as well as the following Advisory Committees submit confidential interview questions:

- (a) Hamilton Women and Gender Equity Advisory Committee
- (b) Indigenous Advisory Committee
- (c) LGBTQ Advisory Committee
- (d) Committee Against Racism Advisory Committee
- (e) Advisory Committee for Persons with Disabilities

(iv) Interview applicants who have met the criteria (below), ensuring that they are not ineligible (below);

Preference will be given to applicants who meet the following criteria:

- a resident of, or owner of a business in, the City;
- an owner or tenant of land in the City, or the spouse of such a person;
- a Canadian citizen, at least 18 years of age;
- not a member of the Legislative Assembly, the Senate, House of Commons, or an elected official of the City;
- not a Crown employee, nor an employee of a municipality;
- not otherwise disqualified from holding office or voting;
- of good character (applicants will be required to provide authorization to the Police Service to conduct a comprehensive background check);
- a demonstrated history of community service ~~i.e., previous experience on Boards or Committees;~~
- able to devote up to 20 to 25 hours per month to Police Board matters, including availability during normal business hours;
- skills or leadership in a business or a profession, which demonstrates ability to work effectively as a member of the Board; and,
- specific knowledge, training, education or experience, which may be an asset to the Board.

The following persons are ineligible to be a citizen appointee to the Board:

- a member of City Council;
- an employee of the City of Hamilton;
- a Judge or a Justice of the Peace;
- a police officer; or,

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- a person who practices criminal law as a defense counsel.
- (v) Submit two (2) preferred candidate(s) to Council for consideration for the appointment of one person to the Hamilton Police Services Board.

Selection Process for the Hamilton Indigenous Advisory Committee

15. The local Hamilton Indigenous Community leadership will recommend to Council the appointment of residents from the Hamilton Indigenous community, to sit on the Hamilton Indigenous Advisory Committee.

Selection Process for Local Boards Established during the Term of Council

16. When a local board is established during the Term of Council, the respective process outlined in Section 12 and 13 will be followed.

Selection Committee & Interview Sub-Committee Guiding Principles

17. The Selection Committee and Interview Sub-Committees are committed to fulfilling the recruitment and selection of its citizens to the City’s Local Boards in an open, transparent, and equitable manner.
18. The Selection Committee and Interview Sub-Committees are committed to a public recruitment process which is communicated well in advance and which encourages a broad range and diverse participation of citizens, free of barriers.
19. The Selection Committee and Interview Sub-Committees are committed to a competitive recruitment process which seeks suitable candidates evaluated on interest, merit and related competencies.
20. The Selection Committee and Interview Sub-Committees are committed to unbiased decision making essential to a fair and impartial selection process.

Interview Process

21. The Selection Committee or Interview Sub-Committee may, at its discretion, with the assistance of staff, shortlist candidates using the following criteria:
 - (i) Related **skills, abilities and knowledge competencies;**

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(ii) **Lived experience as described by the applicant** ~~Previous committee experience;~~
 and,

(iii) Number of citizens who applied for vacancy(ies).

22. Interviews will be conducted, where required, with those applicants who are most suited to serve on a City’s Local Board, being notified verbally or by e-mail by the City Clerk’s office of the interview date and time, which will be approximately ten (10) minutes in length.
23. Interview questions will be developed by staff in relation to the mandated role of the Local Board in consultation with the City Clerk’s Office.
24. Successful applicants will be notified in writing by the City Clerk’s Office once their appointment has been approved by Council.
25. In some circumstances, applicants may be required to have background checks.
26. One Legislative Coordinator and the Staff Liaison to the Local Board, shall attend the interviews and serve as a resource person.

Roles and Responsibilities of Appointed Citizen Members of the City’s Local Boards

27. Citizen members of the City’s Local Boards are encouraged to make themselves familiar with the Terms of Reference, the Roles, Responsibilities and Expectations of New Members and mandated activities of the Local Board to which they are making application to.
28. Citizen members of the City’s Local Boards:
 - (i) are required to attend and participate fully in the meetings;
 - (i) who miss more than three consecutive (3) meetings during their term, the Chair, after hearing and considering any explanation provided by the member, may ask the member to resign, or request that Council remove the member;
 - (ii) upon appointment and prior to attending the first meeting, are required to sign an Acknowledgement Form (page 30 of the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards). Such declaration will remain on file in the Office of the City Clerk for the duration of the citizen’s appointment;

Corporate Policy	 	Policy Alignment: <i>Municipal Act 2001, as amended</i>
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- (iv) are bound by the *Municipal Conflict of Interest Act* found at the following link: <https://www.ontario.ca/laws/statute/90m50> and explained further under section ‘Conflicts of Interest’ in the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards; and
- (v) are to comply with the Code of Conduct for Local Boards (attached as Appendix “B” to the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards).

Appointment at Pleasure of Council

29. Despite the set term of appointment of up to 4 years or until a successor is appointed, all citizen members are appointed at the pleasure of City Council and City Council retains the right to remove any citizen appointed member at any time and for any reason, unless legislation provides otherwise.

Filling of Vacancies

30. Vacancies on the City’s Local Boards can occur throughout the Term of Council, due to a member’s resignation, should a vacancy occur during the Term of Council, the following process will be followed:


- (i) The Committee member who is resigning shall do so formally in writing by providing a completed and signed copy of the Local Board Member Resignation Form (attached as Appendix “C” to the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards) or an email to the committee’s Staff Liaison, who will forward the form or the email to the appropriate Legislative Coordinator, in the City Clerk’s office, stating which Local Board the Committee member is resigning from and general reasons why (the inclusion of private/personal information is not required).
- (ii) The Local Board Member’s Resignation Form or email will be:
 - (a) placed on the respective Standing Committee’s agenda to be formally received by the Committee; or
 - (b) placed on the Council Agenda, (due to time sensitivity) to be formally received by Council; and forwarded to the Selection Committee or Interview Sub-Committee for review.

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Policy ID:		

- (ii) Requests for the removal of a member by the Chair due to the member’s absences from more than three consecutive (3) meetings during their term, will be approved by the local board and presented to Council and forwarded to the Selection Committee or Interview Sub-Committee for review.
- (iii) The Selection Committee or respective Interview Sub-Committee will consider whether to fill the vacancy from those applicants who applied in the initial call for applications, or to re-advertise.
- (iv) If the vacancy occurs within 12 months of the end of the Term of Council, and there are insufficient applicants on file to fill the vacancy, the vacancy will not be filled, and the quorum of the Local Board will be adjusted accordingly.



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 22, 2023
SUBJECT/REPORT NO:	Proposed Transfer of Prosecution Duties for Part III and Part IX Provincial Offences from the Province to the City (LS23003) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Ron Sabo (905) 546-2424 ext. 4520
SUBMITTED BY:	Lisa Shields, City Solicitor Legal and Risk Management Services
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable.

INFORMATION

Executive Summary:

In 2017 the Province of Ontario amended the *Provincial Offences Act* (the POA) to allow a further transfer of prosecution duties under the POA to municipalities. The Province has reached out to a number of other municipalities to request that they enter into Transfer Agreements for the transfer of prosecution duties currently performed by Crown Attorney Offices under the POA which involve Part III and IX Provincial Offence matters. Hamilton is included in the request as it was one of approximately fifty municipalities that had previously accepted the transfer of other POA prosecution work. As a result, the City is currently in discussions with the Ministry of the Attorney General (MAG) and other municipalities around what the transfer will look like. Staff will report back at a future date with further information and recommendations.

Provincial Offences Act Charges:

Offences under a variety of Ontario laws are prosecuted under two main streams for issuing charges: (a) Part I charges issued by Certificates of Offence, and (b) Part III

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**SUBJECT: Proposed Transfer of Prosecution Duties for Part III and Part IX
Provincial Offences from the Province to the City (LS23003) (City Wide)**
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charges laid through an Information sworn by an enforcement officer before a Justice of the Peace and which results in a summons to the accused to attend court.

Charges under Part I are limited to penalties in the form of a fine. Part I fines are limited to a maximum of \$1,000 but typically result in fines upon conviction below \$500 for most offences. The City of Hamilton already prosecutes Part I offences for the Province, under a Transfer Agreement reached with the Province in 2000. Locally the Hamilton court administration and prosecution collectively deal with an average of 79,000 Part I charges annually.

The Province withheld prosecution of Part III offences and related activities under Part IX at the time of transfer to the City in 2000, which meant staff at Crown Attorneys' Offices with MAG are conducting these prosecutions. Part III offences are for more serious charges and where penalties can include jail or other court-imposed sanctions. Part III charges typically require multiple court appearances.

Locally, the annual volume of Part III charges dealt with an annual average of 4,600 Part III charges (this includes some charges already prosecuted by the municipality such as charges under the *Building Code Act*). Part IX of the POA is also sometimes used to obtain court orders under statutes which are related to prosecution work such as in animal control. The fines recovered for both Part I and Part III offences come to the City as revenue in the existing Transfer Agreement.

Current Transfer Activity in Other Municipalities:

The City is involved in discussions and analysis with other transfer municipalities and MAG staff. The City is also collecting data and information through staff of the local Crown Attorney's Office relevant to its own transfer proposal. Meetings with the Province commenced in 2018 but have been significantly delayed while provincial and municipal staff turned to pandemic-related work.

During that delay a small number of municipalities accepted the transfers, and more recently some transfers have involved larger cities who entered interim transfer agreements with the Province. Information related to these transfers in other municipalities will be discussed in future recommendation reports to Committee. The City remains in discussions with other municipalities including the majority of transfer sites around this new transfer proposal from the Province.

Historical Background:

In the year 2000, MAG and the City of Hamilton agreed to the Province transferring duties to the City for court administration functions for Parts I, II and III of the POA, and

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prosecution functions for charges only under Parts I and II of the POA through an agreement. The administration and prosecution of these activities are currently carried on in City facilities at 50 Main Street East.

The transfer of duties in 2000 excluded prosecution of provincial offences under Part III of the POA and related activities under Part IX of the POA. These matters remained with Crown Attorney Offices. The Province became interested in transferring prosecution of Part III and related work to municipalities and amended the POA in 2017 as well as initiated discussions with municipalities who had accepted transfers in the past.

Conclusion:


A transfer of Part III prosecution duties to the City would involve the City entering into a further Transfer Agreement with the Province, and which will provide for a transition plan for transfer of records and responsibilities for prosecution work currently carried on through Crown Attorney Offices. The process of transfer would be similar to the process carried out by the City in 2000. Future reporting will provide recommendations for consideration by Committee.

APPENDICES AND SCHEDULES ATTACHED

None



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 22, 2023
SUBJECT/REPORT NO:	Comprehensive Legal Services Report 2020 - 2022 (LS23002) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Lisa Shields (905) 546-2424 Ext. 4636
SUBMITTED BY:	Lisa Shields, City Solicitor Legal and Risk Management Services Corporate Services
SIGNATURE:	

COUNCIL DIRECTION

Not applicable.

INFORMATION

The City's Legal and Risk Management Services Division (LRMS) provides a full range of legal, risk management and prosecution services to the City. Our legal subject matter expertise includes municipal law, planning and development law, litigation, real estate law, public health law, administrative law, privacy law, procurement law, construction law, and corporate and commercial law. The Legal and Risk Management Services Division advises and represents the City and Council, as well as City departments and agencies. LRMS consists of two sections: the Dispute Resolution section and the Commercial Development and Policy section.

LRMS Works to Control the City's Legal Costs

Although there will occasionally be a need to retain outside legal counsel to provide specific expertise or handle sudden surges in demand experienced by the client departments due to large projects, Legal and Risk Management Services has developed capacity to handle the majority of the City's legal work in-house. The goal is

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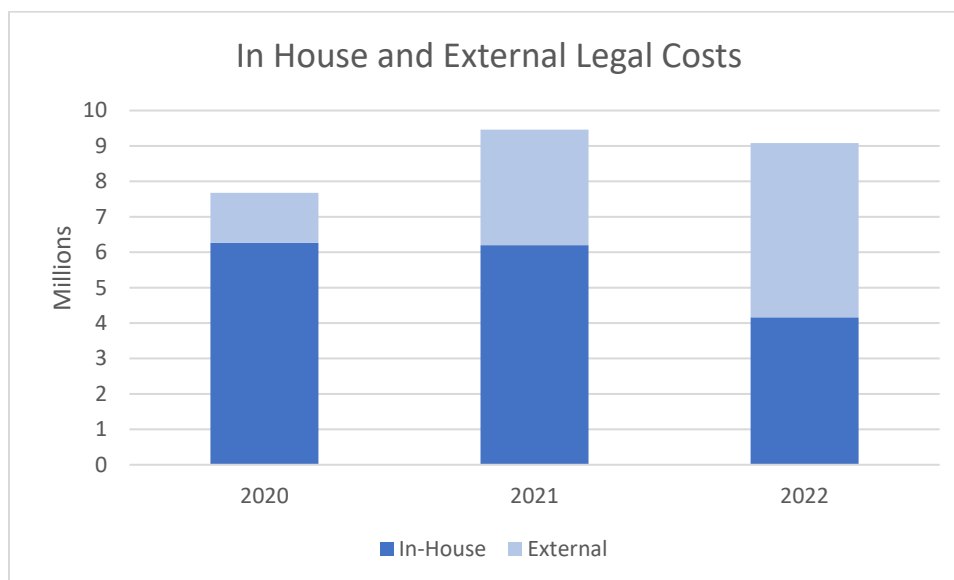
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SUBJECT: Comprehensive Legal Services Report 2020 - 2022 (LS23002) (City Wide)
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to continue to develop this capacity and range of expertise over time which helps control overall legal costs to the City.

External legal costs include matters associated with Waterfront development, the Red Hill Valley Parkway Inquiry and Environmental Regulatory litigation matters.

The following chart shows the internal and outside legal costs for 2020-2022:



Dispute Resolution Section

The Dispute Resolution Section provides a range of legal services, primarily in civil and administrative litigation and related negotiations, mediations and court proceedings to advance and defend the City's interests. Staff provide advice to limit the City's claims exposure and take actions to defend against claims or bring claims in diverse areas, including but not limited to:

- civil and administrative litigation;
- personal injury and property damage defence;
- contract, debt and damage recovery;
- tribunal matters related to workplace safety insurance claims; and
- human rights.

It is also common for Dispute Resolution staff to work with counterparts in Legal Services' Commercial, Development and Policy Section and assist the Division's client groups on overlapping issues. Dispute Resolution staff frequently provide advice and guidance in both litigation and a variety of non-litigation matters to the full range of City departments based on staff's legal and municipal expertise. Included is legal support for

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prosecutions under the *Provincial Offences Act*, various airport matters, and the application of by-laws and statutes involved in City operations.

Dispute Resolution staff are the primary legal support for Risk Management Services in its management of claims and exposures, including claims which have not reached the point of legal action. The focus of Dispute Resolution in all areas is to provide quality advice for City decision makers and assist in limiting the expense, time and other City resources involved in litigation where Dispute Resolution staff provide representation for the City in courts and tribunals.

Disputes and litigation can originate through many circumstances, linked to legislative requirements, operations and varied situations involving the City. The main sources of litigation in all Municipalities, which are referred to Dispute Resolution from Risk Management Services are:

- Municipal liability for roads, sidewalks and their winter maintenance, municipal water/wastewater, water infrastructure,
- Transit and City vehicle use,
- police liability, and
- occupiers' liability for publicly owned properties and facilities.

Litigation also arises in the context of City contracts, construction projects, construction liens, human rights, workplace safety, and debt collections. The City engages in other administrative litigation to carry out its statutory duties and to protect municipal rights in administrative proceedings, and in responding to challenges to the use of City authority or its consequences.

Exceptions to Dispute Resolution involvement are:

- Litigation assumed by the City's various insurers under terms of insurance policies;
- Tribunal matters, including those before the Ontario Land Tribunal and Assessment Review Board, which are handled by Staff in the Commercial, Development and Policy section; and
- Labour and employment disputes which are handled by the Human Resources Department.

Litigation Activity in the Dispute Resolution Section 2020 through 2022

Through the years 2020 to 2022 Dispute Resolution staff resolved 334 litigation matters, which represents an average of 111 matters annually. There have been notable drops in claims received during parts of the pandemic. The year 2022 was more typical of activity where staff were involved in forty-six days of trials and hearings, twenty-one settlement conferences and pre-trials, eleven mediations and one-hundred and three days of examinations for discovery. The resolutions of claims were primarily in civil

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litigation before the courts where legal proceedings are started by claims and applications.

Litigation is most often resolved through agreement arrived at in negotiations or mediations, but also may be completed through trials, hearings, appeals and summary judgment motions. Upcoming trial dates often encourage settlement discussions, however the pandemic significantly affected court operations from mid-March 2020 onward.

The City is a defendant in approximately 96% of its civil litigation matters where it is facing claims from others for various matters, mainly personal injury and property damage. The City paid approximately \$10.4M in awards and settlements. This amount represents approximately 2.4% of the monetary value of the \$442M in claims involved in the matters resolved. See table below for annual details.

The City was the plaintiff in 4% of its civil matters where it is the City making claims for recovery of debts or on property losses. Claims initiated by the City included recovery of debts under bankruptcy/insolvency proceedings or other debt collection, and damage claims to City property. On claims made by and debts owed to the City, Dispute Resolution staff assisted in collection or awards of \$8.4M to the City including legal costs over 2020-2022. Some of those awards of damages and costs involve the City receiving payments over time and a few requiring the City to pursue debt enforcement. Funds recovered are returned to departments whose operations are involved in the proceedings, which can be re-applied to specific operations or projects.

Please note that the metrics provided in this report for the Dispute Resolution section differ from the metrics for Risk Management Services. The claims handled by Dispute Resolution also include contractual disputes, debt recovery and administrative litigation, which are outside insurable interests handled by Risk Management Services.

	2020	2021	2022	3-Year Total	Yearly Average
Claims faced	\$ 89,666,913	\$ 115,082,392	\$ 237,307,156	\$ 442,056,461	\$ 147,352,154
Settlements paid	\$ 3,009,051	\$ 4,064,438	\$ 3,391,380	\$ 10,464,869	\$ 3,488,290
% paid	3.4%	3.5%	1.4%		2.4%
Claimed by City	\$ 2,963,045	\$ 5,438,815	\$ 1,543,000	\$ 9,944,860	\$ 3,314,953
Recovered	\$ 2,741,399	\$ 4,902,689	\$ 828,005	\$ 8,472,092	\$ 2,824,031
% recovered	92.5%	90.1%	53.7%		78.8%
Costs awarded	\$ 106,000	\$ 50	\$ 42,600	\$ 148,650	\$ 49,550

The outcome of any litigation matter is fact dependant, so results will vary from claim to claim. Negotiated settlement achieves certainty of results without the risks and costs involved in taking a matter to trial or hearing, thereby avoiding the potential risk that a

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court or tribunal may make findings different from facts relied upon by the City. Many claims do not proceed to a trial as the City is able to resolve litigation with little or no financial contribution based on the lack of liability or the indemnities that are included in many City contracts.

Between 2020-2022, approximately 44% of all claims against the City were resolved without any City payment. Dispute Resolution staff also seek to shorten litigation and limit resources involved, more frequently through motions for summary judgement as the usefulness of these motions have expanded over time.

With limited court activity in the pandemic, Legal staff were able to complete examinations for discovery on parties involved in claims to develop facts necessary, to discuss settlement or prepare for trials, participate in mediations and pre-trials or settlement conferences. Many of these activities occurred virtually which also had positive impacts on the City's costs.

Legal staff as part of its efforts at continuous improvement, provide advice and feedback on the outcomes and issues involved in the litigation to avoid future claims arising from the same issues.

Provincial Offences Act (POA) Prosecution Activity

The City's prosecution team is involved primarily in meeting obligations under a Memorandum of Understanding ('MOU') with the Province which covers the prosecution of Part I matters under the Provincial Offences Act. Prosecutors conduct meetings with the public as part of the Early Resolution process and prepare for and conduct trials of charges in a variety of provincial offences and municipal by-law matters.

The bulk of *Provincial Offences Act* ('POA') charges, more than 90% of the total charges, are ticketable offences under the *Highway Traffic Act* or other provincial statutes where fines do not exceed \$1,000. While numerous by-law charges are possible under the City's by-laws, much of the enforcement activity is initiated in the Administrative Penalty processes which does not bring charges before the court. The MOU results in fine-payment revenues coming to the City, and the work of prosecutors supports the conclusion of charges which are disputed.

In addition to the *Highway Traffic Act* and related provincial statutes, charges also arise under other status, including but not limited to:

- The *Building Code Act*,
- The *Fire Protection and Prevention Act*,
- The *Health Promotion and Protection Act*,
- The *Smoke Free Ontario Act*,
- The *Emergency Management and Civil Protection Act*, the *Re-Opening Ontario Act*, and

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- Various municipal by-laws.

Enforcement staff will use charges where necessary to seek higher fines for specific and general deterrence or health, safety or other serious offences.

The work of prosecutors supports continuous improvement, consistency and time efficiencies within the POA court system, and for enforcement agencies and officers including City enforcement units and Police Services. The prosecution team provides feedback to enforcement agencies on charges to help them understand court needs and decisions, also with the aim of improving enforcement outcomes. Prosecutors provide periodic training and information supports to other City staff or non-staff agencies to apply consistency in enforcement and up to date information.

In addition to court attendances, the prosecution team is involved in extensive public contact and services with witnesses, victims, outside enforcement agencies (mainly police services) and persons accused of provincial offences at public counters and through organized meetings such as the Early Resolution process.

The pandemic resulted in multiple and lengthy court closures starting in March 2020 and with significant impacts in 2021 on trial courts. The court system was adapted to allow virtual processes, which helped add to the volume of cases dealt with. In 2020 there were approximately 7,700 such Early Resolution or court events, in 2021 there were approximately 9,800, and in 2022 the total was 12,900. Each meeting or appearance requires advance preparation and extensive knowledge of court procedures, law and statutes, which is aided by support from the Deputy City Solicitor in Dispute Resolution and through annual training with prosecutors across Ontario.

Staff assist in the continuous operation of three full-time trial courts and one part-time court booked for longer trials, plus Early Resolution meetings, appeals, and related office duties that include review of municipal charges. Effective management of limited court resources helps the City meet its obligations and maintain POA revenues provided under the Memorandum of Understanding with the Province.

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The following table shows the volume and disposition of POA charges and related Municipal Prosecution activity in 2020 through 2022.

	2020	2021	2022
Charges			
Charges from All Enforcement Agencies	86,736	86,780	86,357
Police Charges	49,131	51,895	46,836
Red Light Camera	19,222	17,653	19,131
Automated Speed Enforcement	16,058	7,160	16,292
Dispositions			
Trial Requests	1,051	1,448	2,874
Early Resolution	9,764	7,915	13,201
Disclosure Requests	1,450	1,166	1,904
Summons to Witness	227	28	250
Application for Adjournment	108	5	59
Corporate / Business Name Searches	73	116	5
Charter Motions (Including 11(b))	8	1	30
Training Events	1	1	0
Court Events	18,947	60,906	60,525
Average Court Appearances to Disposition	3.2	2.5	3.3

Fine Revenue (Gross)	\$10.6M	\$12.5M	\$13.3M
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The trends in prosecutions 2020-2022 were driven by the Provincial Offence Courts' response to the pandemic. No in-person trials were scheduled after March 17, 2020 due to public safety measures enacted due to COVID-19 court closures. Similarly, Early Resolution meetings were suspended from March 17, 2020 to September 7, 2020. As a result, courts dealing with Provincial Offence matters generally did not operate from mid-March 2020 to mid-September 2020, and afterwards on a very limited basis for several months. The pandemic also saw trial requests decrease substantially in 2020 and 2021. Legislation provided numerous time extensions that made it unnecessary to immediately request trials. The volume of POA charges issued has remained relatively constant through the pandemic, leaving the POA court system with potential capacity issues.

Legislation eventually allowed virtual and electronic processes that have seen trial and Early Resolution numbers increase in 2022. In 2021, the POA court implemented a virtual court platform using Zoom to support remote proceedings and trials. Virtual Early Resolution meetings commenced on September 1, 2021 and virtual trials commenced on September 15, 2021. The Court resumed scheduling in-person trials starting

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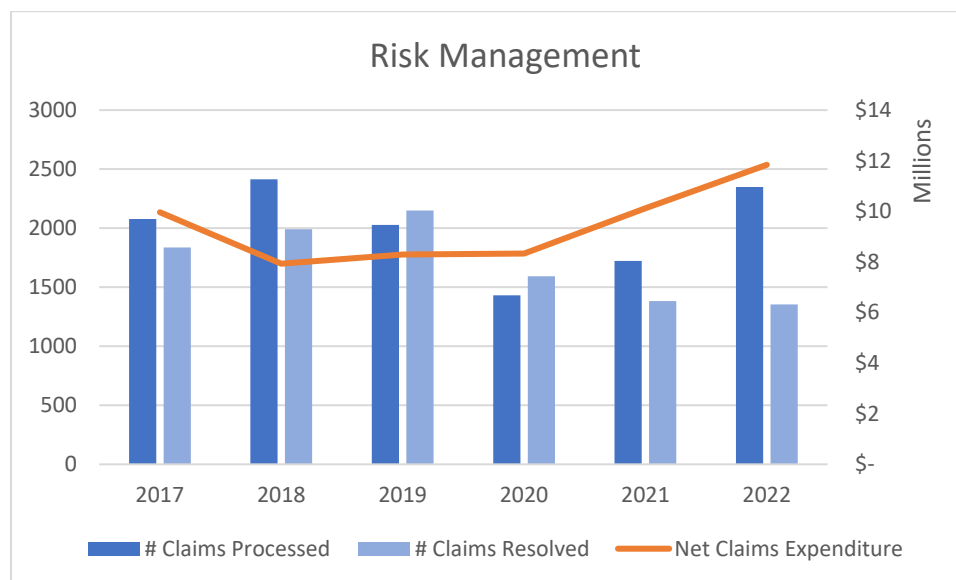
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September 2022 and resumed scheduling in-person Early Resolution meetings starting October 2022. While in-person court activity has resumed the prior legislative changes still allow virtual options for accused and some witnesses.

Risk Management Services

Risk Management Services staff procure and manage direct insurance coverages for City operations and assets and assist in claims and recoveries under those policies of insurance. In addition, staff assist in determining appropriate insurance and indemnity from third parties for City procurements and contracts, and arrange for application of indemnities and insurance to claims arising out of these third party contracts.

In 2020 incoming claims were somewhat reduced due to limited operations in some City services and properties, and this allowed staff to work on prior years' claims. In 2021, claims counts began to increase again in response to City facilities opening and services resuming. In 2022, claims incurred by the City rose significantly, making the second highest claims count within the past 5 years. In part this can be attributed to a significant spike in claims related to vehicle damage as a result of potholes on City roadways. Risk Management received in excess of 500 of such pothole-related claims.



With the volume of public claims, it is necessary to apply consistent and defensible standards for decisions involved in payment and denials. Consistency is found in common law and statutory analysis of municipal liability for loss and damages. Using a standard negligence approach ensures that the City does not make payments without a legal obligation to do so. This approach assists in withstanding scrutiny where staff decisions face independent review or court challenge. The approach to compensate claimants based on legal obligation is the fairest claims handling method to the tax base

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as a whole. It serves to limit public frustration and confusion by providing a clear basis and framework for claims handling.

The function of procuring and managing the insurance program is performed annually by Risk Management Services. As reported to Council in Reports LS22036 & LS22036(a), the Municipal Liability and Property Insurance coverages were renewed for the 2023 policy term. As an update for Committee, subsequent to Report LS22036(a), staff were able to renew the one remaining policy, being the City's cyber insurance. The Cyber policy was renewed with a 3.2% premium increase and necessary changes imposed by the insurer for cyber coverage.

Commercial / Development / Policy Section ("CDP")

Legal Services' other major practice group, the Commercial / Development / Policy (CDP) Section, provides broad and diverse core legal services to support day-to-day operations as well as City priorities in such areas as planning and development, real estate transactions, economic development initiatives, water and wastewater, waste management, roads, public works and infrastructure, facilities, energy, affordable housing, fire, long term care, emergency response services, transit and transportation, clerks, finance and taxation. Staff in this section also provide legal support and advice to the Healthy and Safe Communities Department and Public Health Services with regard to the implementation of various programs and projects including independent initiatives and those in collaboration with agencies such as local school boards, universities, colleges and not-for-profit organizations.

This section advises, negotiates and drafts a wide variety of agreements related to public-private partnerships, third party agreements, commercial and industrial re-development ventures, purchasing and procurement, environmental issues, construction contracts, and hiring agreements, among other matters. In 2022, CDP added tax assessment work to the section with attendances before the Assessment Review Board to mitigate against tax losses due to reassessments.

CDP staff have been engaged in a variety of significant City initiatives including the Pier 8 Waterfront Development, the L3 Wescam HQ development and the 2019 DC Bylaw as well as issues related to Niagara Peninsula Conservation Authority board membership, City Hall Forecourt demonstrations, developments at the Hamilton International Airport and new provincial legislation affecting the *Construction Act*, the *Planning Act* and the *Development Charges Act*.

Procurement represents a significant body of work which the CDP Section supports through drafting, interpretations, advice and legal opinions. Such services occur at various stages of the procurement process as well as when disputes arise after the contract is in place.

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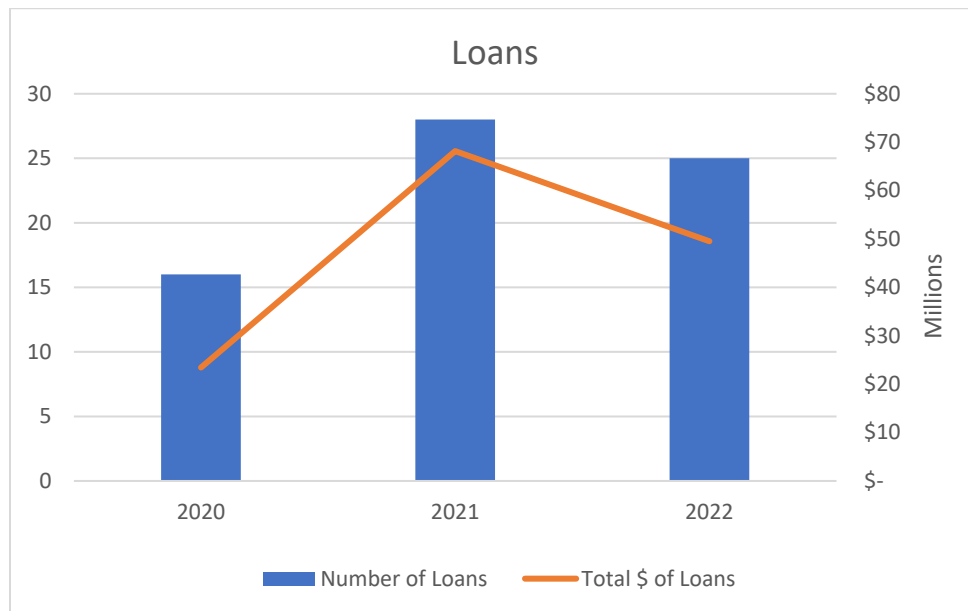
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CDP lawyers handle and respond to construction liens that are generally registered by dissatisfied sub-contractors against City lands as security for payments on construction-related contracts. Most construction liens are resolved without the City having to become actively involved in court proceedings, at which point such matters are transferred to Dispute Resolution staff.

In addition, CDP staff provide services for most other contractual matters involving the City, including the negotiation and drafting of IT software/hardware agreements, data sharing agreements and revenue generating agreements. The CDP section provides similar services for loan agreements arising out of various City loan and grant programs relating to urban renewal, affordable housing (Investment in Affordable Housing “IAH”) and development charges. While the value of such agreements is set out in the following chart, it does not take into consideration other factors surrounding these matters including due diligence requests, postponement or amendment agreements:



CDP staff draft, interpret and advise on City by-laws including their administration and enforcement. These by-laws are related to a wide array of City operations and include such diverse issues as fees and charges, lobbyist registry, property standards, licensing, development charges, sale of land and sewer use.

The diverse needs of the Planning and Economic Development Department Section are supported by CDP on a variety of real estate transactions including acquisitions of property for such projects as community centres, road construction and repair, municipal redevelopment of surplus properties and public-private partnerships. They

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are also involved in the sale or disposal of surplus City properties. In addition, this section negotiates and drafts easements, encroachments, covenants, leases, offers to lease and similar agreements and facilitates the expropriation of properties as directed by Council.

Real Estate			
	2020	2021	2022
Acquisitions	28	19	9
Total Purchase Price	\$12,166,271	\$15,321,736	\$8,738,681
Disposition	20	18	17
Total Sale Price	\$12,068,721	\$5,976,411	\$23,913,334
Tax Sales	0	0	2
Active Expropriations	5	3	2
Encroachment / Patio Agreements	45	39	56
Subdivision Matters	12	10	20
Condominium Matters	31	14	40

Additional support for the Planning and Economic Development Department is through the interpretation of the legislation, by-laws, and a wide variety of planning-related matters including official plan and zoning documents, draft plans of subdivision and condominium, site plan applications, disputes involving cash-in-lieu of parkland, development charges and other fees and tariffs.

CDP Lawyers represent the City before the Ontario Land Tribunals (the OLT) or other tribunals and courts including contested development applications, zoning by-law and official plan appeals, committee of adjustment application appeals, expropriations, and any other land-use related disputes. Appeals may be made by landowners seeking development approvals which have been refused by Council or where Council has not made any decision within the prescribed time provided under the *Planning Act*. Appeals may also be filed by individuals and public bodies and heritage districts.

These matters frequently extend over a period of many months involving the extensive preparation of witnesses, mediations and pre-hearings and negotiations, in advance of presentation of evidence and arguments at the OLT or other tribunals.

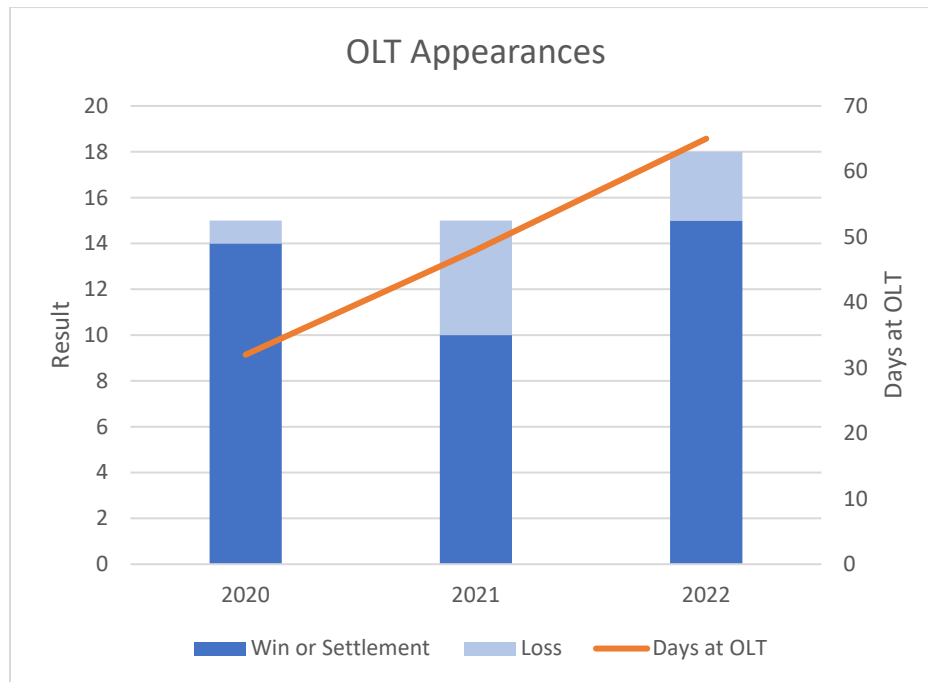
CDP lawyers continued to be involved in a number of important planning and development-related matters in 2022 with an increased number of hearing days at the OLT, which is forecasted to increase significantly in 2023.

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Tax assessment work was added to CDP in 2022. Thirty-three tax assessment appeals were filed with a total estimated potential municipal property tax loss of \$9.8 M. The results from the appeals are as follows:


- 6 appeals resulted in a municipal tax loss being settled totalling \$808,000;
- 1 appeal resulted in a municipal tax increase being settled in the amount of \$5,000;
- 26 appeals resulted in no municipal tax loss
- Total external costs incurred totaled \$109k
- Net of the external costs, \$8.9M (or 91%) of the total estimated potential municipal tax loss was mitigated

APPENDICES AND SCHEDULES ATTACHED

None.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Hamilton LRT Project Office

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 22, 2023
SUBJECT/REPORT NO:	Preparatory Activities Agreement - Hamilton Light Rail Transit (LRT) (PED23050) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Chris McCafferty (905) 546-2424 Ext. 2320
SUBMITTED BY:	Abdul Shaikh Director, Hamilton LRT Project Office Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Mayor and City Manager be authorized and directed to execute, on behalf of the City, together with all necessary ancillary documents (including, without limitation, the Work Authorization agreements contemplated in the Preparatory Activities Agreement), a Preparatory Activities Agreement attached as Appendix "A" to Report PED23050 between the City and Metrolinx with content acceptable to the General Manager, Planning and Economic Development and the General Manager, Public Works and in a form acceptable to the City Solicitor.

EXECUTIVE SUMMARY

In accordance with the Memorandum of Understanding (MOU) which was ratified by City Council on September 15, 2021, the Province is responsible for capital costs associated with the construction of the Light Rail Transit (LRT) project, as well as life-cycle costs.

At the November 25, 2022, meeting of General Issues Committee (Budget), an Information Report was received respecting the LRT Project Capital Budget Overview (PED22202) which was inclusive of an overview of the early works.

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(PED23050) (City Wide) - Page 2 of 4**

The Metrolinx funding commitment for each work was submitted as part of the 2023 Tax and Rate Supported Capital Budgets. In addition, the Budgets provided City costs for the coordinated capital works which will form part of a joint tender with the early works.

To date, the City and Metrolinx have jointly identified three watermain projects where a City led delivery prior to major LRT construction would be beneficial to both parties. These works will facilitate the handover of the corridor to the Contractor and maintain the current level of service in the City's watermain network during and after the construction of the LRT Project.

The Preparatory Activities Agreement (PAA) obliges the City to deliver the identified municipal infrastructure works and obliges Metrolinx to fund City staffing costs and the actual construction costs for these works.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The PAA commits Metrolinx, not the City, to fund costs for projects identified for a City led delivery on behalf of Metrolinx, as identified in the 2023 Capital Budget.

Staffing: Project delivery and construction management will be provided by City staff dedicated to the Hamilton LRT Project. Inspection services will be provided by Public Works, Engineering Services.

Legal: The City commits to delivering jointly defined municipal infrastructure works, where an early completion provides value to the City and the LRT Project. It further obliges Metrolinx to fund City staffing costs and the actual construction costs of such works.

HISTORICAL BACKGROUND

Prior to the contract award for the Hamilton LRT Project, certain discrete early works projects, both on and off corridor have been identified. These works will help facilitate the handover of the corridor to the Contractor. Off-corridor watermain works are essential before the construction of major works along certain sections of the LRT corridors to ensure minimal disruption to the water network. Currently, the following early works are being considered for advancement:

1. Wentworth Street North (Wilson Street to King Street East)
Replacement of 200mm watermain, construction of new 500mm watermain;
2. Sherman Avenue North (Cumberland Avenue to King Street East)

**SUBJECT: Preparatory Activities Agreement - Hamilton Light Rail Transit (LRT)
(PED23050) (City Wide) - Page 3 of 4**

- Replacement of 150mm watermain with 300mm watermain; and,
3. Rosewood Road and Main Street East (Queenston Road to Delena Avenue Relocation of 1200mm watermain to outside of the corridor.

If the PAA is signed, the above works will be 100% funded by Metrolinx as part of the Hamilton LRT Project. The design and construction of these watermains and associated works will be undertaken by the City on behalf of Metrolinx. The City has identified adjacent coordinated City infrastructure works in the 2023 Capital Budget which will be tendered with these early works to take advantage of synergies and cost efficiencies.

The PAA will also apply to additional early works projects that are identified for a City led delivery on behalf of Metrolinx.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

To develop the PAA, the City and Metrolinx established a Working Group. The City of Hamilton has divisional representation from Legal Services, Finance and Administration, Engineering Services, Hamilton Water and Communications & Engagement.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The proposed PAA is attached as Appendix “A” to Report PED23050.

The PAA is the legal document that outlines the respective obligations of Metrolinx and the City related to a City led delivery of early works that will be advanced to facilitate the handover of the corridor to the Contractor and to maintain the current level of service in the City’s watermain network during and after the construction of the Hamilton LRT Project. The PAA obliges Metrolinx to fund all staffing costs associated with these early works and the actual construction costs.

If the PAA is signed, the City will tender and construct the early works detailed in the Work Authorizations, inclusive of the adjacent coordinated City infrastructure works identified in the 2023 Capital Budget.

ALTERNATIVES FOR CONSIDERATION

N/A

**SUBJECT: Preparatory Activities Agreement - Hamilton Light Rail Transit (LRT)
(PED23050) (City Wide) - Page 4 of 4**

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23050 – Preparatory Activities Agreement

AS:pg

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PREPARATORY ACTIVITIES AGREEMENT

Hamilton LRT

MADE as of the ___ day of _____, 2023 (the “Effective Date”) between **METROLINX** (“**Metrolinx**”) and the **City of Hamilton** (the “**City**”), together the “Parties” and individually a “Party”.

RECITALS:

- A. Metrolinx is developing and constructing a light rail rapid transit line known as the Hamilton Light Rail Transit (LRT) line, which extends east from McMaster University to Eastgate Square in Hamilton, Ontario (as currently contemplated and subject to change, including expansion or reduction), and is prescribed as a “priority transit project” for the purposes of the *Building Transit Faster Act, 2020* (Ont.) and related works (collectively, the “**Hamilton LRT**”). Metrolinx expects to undertake and deliver the Hamilton LRT by design-build, design-bid-build, by alternate financing procurement, alliance, or by other means.
- B. The City owns certain infrastructure and assets, including municipal water and/or sewer infrastructure (the “**City Assets**”) that are expected to be not in alignment with or otherwise in conflict with the Hamilton LRT and, as a result, will require re-alignment, re-configuring, removal, relocation, modification, replacement, or protection of the City Assets (collectively, the “**Work**”).
- C. In preparation for the Hamilton LRT, Metrolinx and the City have determined that it will be necessary to undertake the Work at various locations (each a “**Work Site**” and collectively, the “**Work Sites**”) as specified in the applicable Work Authorizations (as defined below).
- D. The City has agreed to perform and complete the Work on the terms set out in this Agreement.

NOW THEREFORE for valuable consideration and the mutual covenants and agreements contained herein, the Parties agree as follows:

1. The Work

- (a) The City hereby agrees to undertake the Work in connection with the City Assets that are impacted by the Hamilton LRT, and Metrolinx hereby agrees to pay to the City all actual costs incurred by the City to perform such Work, subject to the terms and conditions of this Agreement. To this effect, Metrolinx may from time to time request the City in writing to identify the scope of the Work required in regard to the City Assets at a Work Site or Work Sites. Upon receipt of a Metrolinx request and having regard to the complexity of the request, the City will use commercially reasonable efforts to identify the scope of work in reasonable detail (the “**City Proposal**”) and to provide it to Metrolinx in a timely manner having regard to Metrolinx’s time constraints, for review by Metrolinx.
- (b) The City will not undertake any actual Work at any Work Site until:
- (i) the Parties have agreed in writing on the scope and estimated cost of such Work, which, may for clarity, include a budget of ten percent (10%) above any budget included in the City’s procurement process;
 - (ii) for any Work, the City has obtained all relevant permits, licences and approvals;
 - (iii) the Parties have settled and executed an addendum to this Agreement for the applicable Work Site, substantially in the form attached as **Schedule A** (each a “**Work Authorization**”). Each Work

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Authorization will set out any changes to this Agreement that are specific to it, if any. Each Work Authorization, when agreed by the Parties and executed, will form a part of this Agreement.

(c) The City will undertake and complete all Work in accordance with: (i) the applicable Work Authorization; (ii) all permits, licences and approvals; and (iii) applicable laws. The City is solely responsible for, without limitation:

(i) the design, construction, suitability for purpose, construction means, methods, techniques, sequences and procedures and for undertaking and completing the Work to the City's satisfaction, and

(ii) obtaining all permits, licences and approvals required by it at law or from third parties to undertake and complete the Work.

(d) The City will use commercially reasonable efforts to complete the Work within the timeframe set out in the applicable Work Authorization (the “**Timeframe**”). The City will keep Metrolinx informed of the status of its performance, or any matters which may materially affect timing or cost of completion of the Work. If there is risk to the completion of the Work within the Timeframe, the Parties shall work together cooperatively and in good faith to develop strategies to maintain on-time schedule performance of the Work.

(e) The City, in order to avoid cost overruns, unexpected costs and delays shall: (i) exercise reasonable care and due diligence in providing the cost and time estimates for the Work under each Work Authorization; and (ii) take due care, to the extent possible, that its cost and time estimates under any Work Authorization covers all of the Work required under such Work Authorization. The City shall promptly notify Metrolinx upon learning of any actual or anticipated delays or increased costs that vary from the time estimates and costs set out in the applicable Work Authorization.

(f) Where the City retains a contractor to complete the Work, the final procurement documents will be, without need for further action, incorporated into the applicable Work Authorization; except and provided that the City provide a copy of such final procurement documents to Metrolinx. In the event of any conflict between the final procurement documents and the remainder of the Work Authorization, the final procurement documents shall prevail.

(g) If a change to the Work and/or to a Work Authorization is required to complete the Work, the City, before proceeding with the change, will: (i) consult with Metrolinx and prepare an additional and/or revised City Proposal for such change; and (ii) submit such additional and/or revised City Proposal for the written approval of Metrolinx, which approval will not be unreasonably withheld. In the event that the cost of the Work or the time required to complete the Work is increased by any unknown groundwater, contamination, abandoned or unknown infrastructure, or any other reason that could not be reasonably foreseen by the City, the Parties shall in good faith discuss changes to the Work or Work Authorization including suitable alternative locations. Upon approval by Metrolinx, the additional and/or revised City Proposal shall be deemed to be a Work Authorization, or amendment to an existing Work Authorization, as the case may be, and will form a part of this Agreement. For certainty, a change to the Work and/or to a Work Authorization does not relieve or change Metrolinx's obligations to pay for all actual costs incurred by the City to perform any Work, as contemplated herein.

(h) The City shall inform, and provide regular updates to, Metrolinx of matters relating to Work that could reasonably affect Metrolinx operations or other stakeholders at the relevant Work Site.

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(i) Metrolinx, at its cost, at a time that is agreeable to the contractor of record for the Work Site, the City and any of its contractors, may physically inspect the Work at a Work Site as it is being carried out and confirm that, among other things, the Work is being completed as contemplated by the applicable Work Authorization, but no inspection or confirmation relieves the City from the strict performance of its obligations under this Agreement or is deemed to be confirmation that the City has complied with such obligations. Metrolinx shall comply with all Occupational Health and Safety (defined below) requirements.

(j) Without limiting Sections 1(d) and (e), if and to the extent that the actual conditions encountered at a Work Site while completing the Work vary from those contemplated in the applicable Work Authorization and require a change in the Work, then the Parties will follow the change process described in Section 1(g) above.

(k) Within 20 Business Days after completing the Work set out in the applicable Work Authorization, the City will, at the City's cost, provide Metrolinx with inspector notes for the completed Work sufficient to accurately establish the plan, profile and dimensions of the City Assets installed. The Parties acknowledge and agree that inspector notes of the City Assets constitute the City's confidential information, which must be protected from disclosure in accordance with Section 9(g), and shall only be used by Metrolinx for the purpose of facilitating Metrolinx's conduct of future planning and repairs to Metrolinx infrastructure.

2. Safety

(a) As between the Parties, the City shall be solely responsible for safety at a Work Site in connection with the Work including relocation activity, including initiating, maintaining and supervising all safety precautions and programs in connection with the performance of the Work. It is acknowledged and agreed the City may satisfy any safety requirements through any of its contractors.

(b) In connection with the performance of the Work, the City, directly or through any of its contractors, shall comply with, and implement the requirements of the Ontario *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, any and all regulations promulgated thereunder and any health and safety plan implemented thereunder (“**Occupational Health and Safety**”), and, as between the Parties, the City shall assume all liabilities and obligations imposed under applicable laws in respect of Occupational Health and Safety matters. The City represents and warrants that it is familiar with the obligations imposed on it under applicable laws in respect of Occupational Health and Safety matters.

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(c) The City, directly or through any of its contractors, shall advise Metrolinx of any and all conflicts or overlap with other parties that could reasonably have an adverse impact on the Work in respect of a Work Site and will work with Metrolinx to develop plans to eliminate such conflicts or overlaps.

4. Purchase Order and Payment

(a) Metrolinx will either issue (i) a single purchase order to the City for all of the Work Authorizations collectively; or (ii) multiple purchase orders, each one for a Work Authorization at a specified Work Site. Notwithstanding the amount of any such purchase order, Metrolinx will pay to the City only the actual cost of the Work in accordance with this Agreement. If the actual cost is anticipated to exceed the applicable purchase order, the City shall notify Metrolinx, and if agreed to by Metrolinx, acting reasonably, Metrolinx will issue revised or additional purchase order(s).

(b) Subject to Section 4(c) below, Metrolinx will only pay the City’s actual costs (including without limitation any taxes, such as non-recoverable HST, levies and charges) incurred for performing the Work as provided for in this Agreement and the applicable Work Authorization(s).

(c) Payment by Metrolinx to the City will be made within thirty (30) days of:

(i) for any payment other than the final payment, receipt by Metrolinx of a City invoice issued in accordance with the terms of the applicable Work Authorization, referencing the applicable purchase order and detailing the costs incurred;

(ii) for final payment under any Work Authorization, receipt by Metrolinx of written confirmation from the City that the Work referred to in the applicable Work Authorization for which payment is being sought, has been completed, and confirmation by Metrolinx that the City has satisfied all of its obligations under such Work Authorization and this Agreement; and

(iii) for all payments, receipt by Metrolinx of such other evidence as Metrolinx may reasonably require to validate the costs incurred by the City in respect of the Work.

For clarity, payments by Metrolinx are also subject to the statutory holdback requirements of the *Construction Act* (Ontario).

(d) The City will maintain adequate records relating to the actual cost incurred by the City in the performance of the Work (“**Records**”) during the term of this Agreement and for a period of one (1) year thereafter. Such Records will not include any information, data or records from the City beyond that data reasonably necessary to verify the actual cost incurred by the City in the performance of the Work and, in particular and without limitation, will not contain any City or City customer’s or City supplier’s confidential information, personal information, or commercially sensitive or proprietary information.

(e) Metrolinx may, at its expense, at a mutually agreeable date and time, assign a representative who is either an employee of Metrolinx or a chartered accountant (which will be required to execute a confidentiality agreement with the City) to attend at the City’s offices to review the Records solely to the extent necessary for the purpose of determining the actual cost incurred by the City in the performance of the Work. The City agrees to make such Records available for such review to allow Metrolinx’s representative to verify the costs and expenses invoiced to Metrolinx. Metrolinx and/or its representative shall not disclose to any person any of the information and/or Records reviewed by it as contemplated by this paragraph, without the prior written consent of the City unless required to do so by applicable law. The Metrolinx representative shall not remove, make copies of or otherwise reproduce any of the Records reviewed or made available to Metrolinx hereunder.

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If the representative is not an employee of Metrolinx, Metrolinx shall provide the City with a copy of the applicable engagement letter or contract through which the represented has been retained by Metrolinx.

(f) Upon completion of the Work under a Work Authorization, the City will determine the final amount of the actual costs and expenses incurred to complete the Work, will notify Metrolinx and will provide to Metrolinx a final invoice for the amount, if any, that Metrolinx owes to the City. For clarity, this does not prevent the City from providing interim invoices from time-to-time.

(g) The actual costs of the Work means all costs of the City properly attributed to the Work, including, without limitation, the following, as may be more particularly described and provided for in the Work Authorization:

(i) the actual wages paid to all workers (including, without limitation, the City and the City's contractor) up to and including the supervisors for their time actually spent on the Work and in travelling to and from the Work Site, and the cost of food, lodging and transportation for such workers where necessary for the proper carrying out of the Work;

(ii) the cost to the City of contributions related to such wages in respect of workplace safety and insurance premiums, vacation pay, employment insurance, pension or insurance benefits and other similar benefits;

(iii) the cost of using and transporting equipment and explosives used in the Work;

(iv) the cost of planning, designing and engineering, including, without limitation, any subsurface engineering and geo-technical work;

(v) the costs of construction inspections, include ancillary costs, such as a portion of vehicles, maintenance and overhead;

(vi) the cost of materials;

(vii) the cost of acquiring necessary permits, approvals and property rights; and

(viii) related administrative costs such as for project management.

5. Liability, Indemnity and Insurance

(a) Except as may be expressly set forth in this Agreement, Metrolinx has no liability to the City or to third parties for the Work or for any matter arising out of it, including design, construction, removal, relocation or modification, notwithstanding any payment by Metrolinx, or any involvement by or review, inspection or approval of Metrolinx, provided that this release shall not extend to any negligence, act or omission, or willful misconduct of any Indemnified Person.

(b) the City indemnifies and saves harmless Metrolinx, its directors, officers, employees, representatives, agents and those for whom it is responsible at law (the "**Indemnified Persons**") from all actions, claims, penalties, damages, losses, judgements, settlements, costs and expenses or other remedies (collectively, "**Claims**") by any person arising out of the Work, provided that the City shall have no liability to Indemnified Persons or to third parties for Claims arising out of the negligent acts or omissions or willful misconduct of any of the Indemnified Persons. This indemnity shall survive the expiry of the term and any earlier termination of this Agreement.

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(c) Without limiting the generality of the foregoing, neither Party shall have liability under any circumstances to the other Party for any indirect, consequential, incidental or special damages, including but not limited to loss of profits or revenues, business interruption losses, loss of contract, goodwill, or for any punitive or exemplary damages.

(d) the City, either directly or as an additional insured through a contractor’s policy, shall obtain and maintain such insurance noted in **Schedule B**. Prior to the commencement of any Work, the City shall provide Metrolinx with evidence of insurance in a form satisfactory to Metrolinx, acting reasonably.

6. Term and Termination

(a) This Agreement shall expire upon: (i) completion of all Work under outstanding Work Authorizations, and (ii) written confirmation signed by both Parties indicating the Parties’ mutual desire to terminate the Agreement, which shall not be unreasonably withheld.

(b) If either Party breaches any material term of this Agreement and fails, after written notice from the non-breaching Party, to remedy within thirty (30) days or within any other reasonable time of not less than thirty (30) days as contained in such notice, as determined by the non-breaching Party, having regard to the nature of the breach, the non-breaching Party may terminate this Agreement on written notice, without prejudice to any other rights or remedies it may have, including the right to claim and recover its losses and damages as a result of such breach.

(c) Metrolinx may, in its discretion, terminate this Agreement and/or any Work authorized by a Work Authorization that has not yet been completed by the City by notice in writing to the City.

(d) If this Agreement and/or any such Work Authorization is terminated for any reason (other than for a material breach of this Agreement by the City), Metrolinx will pay to the City: (i) its costs of performance of that portion of Work completed by the City to the date of termination; (ii) if the City has retained a contractor to perform any Work, and amount of money owed to such contractor as a result of contract termination; and (iii) any costs associated with completion of the Work undertaken under a Work Authorization, or, if the City chooses not to complete such Work, with returning the City Assets and Work location to a safe operating pre-work condition.

7. Dispute Resolution

(a) If any question, difference or dispute arises between the Parties to this Agreement in respect of any matter arising under this Agreement (including the performance of the Work) or in relation to the construction of this Agreement (each, a “**Dispute**”), the Parties shall use their reasonable commercial efforts to settle such Dispute.

(b) If the Parties are not able to reach a settlement within a period of thirty (30) days of receipt of written notice of a Dispute, then, upon written notice by either Party to the other, the Dispute shall be referred to mediation. A single mediator shall be appointed by agreement of the Parties, and such mediator shall endeavour to settle the Dispute as soon as practicable.

(c) If a mediator is not appointed within a period of thirty (30) days from the date of receipt of such notice, or if the Parties are not able to reach a settlement of the Dispute (regardless of whether a mediator is appointed) within a period of ninety (90) days following delivery of a referral notice to mediation, then the Parties shall be entitled to pursue, including by litigation, whatever rights and remedies are available to them at law or in equity.

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(d) The Work shall continue pending resolution of a Dispute provided that the Dispute in question does not require resolution before the Work can continue.

8. Notices

Any notice, consent, approval, agreement, writing or other communication required or permitted under this Agreement (each, a “**Notice**”) shall be in writing. Any Notice delivered or to be delivered by a Party shall be sufficiently given if delivered personally or faxed or emailed to the other Party at the addresses set out below (or such other addresses as Metrolinx or the City may designate by written notice from time to time), and shall be deemed to be received, if delivered, on the day of delivery, or if faxed, on the next following day or if emailed on the day of delivery as recorded in the electronic mail system of the sender; provided that in each case if such day is not a Business Day, it shall be deemed to have been received on the next following Business Day. A Party may change its address by giving written notice to the other Party as provided for in this Section.

<p>(a) To the City:</p> <p>Director of the Hamilton LRT, Planning and Economic Development. 36 Hunter St E Hamilton Ontario, L8N3W8 Abdul.shaikh@hamilton.ca</p> <p>And: Manager Design – LRT Planning and Economic Development. 36 Hunter St E Hamilton Ontario, L8N3W8 Chris.McCafferty@hamilton.ca</p> <p>With a copy to:</p> <p>City Clerk City of Hamilton, City Hall 71 Main Street West Hamilton, Ontario L8P 4Y5 Email: clerk@hamilton.ca</p>	<p>(b) To Metrolinx: 20 Bay Street, Suite 600, Toronto, ON M5J 2W3 Attention: Director, Pre-Construction Services, Utilities & Third Parties Fax: 416-202-7349 Email: paul.collins@metrolinx.com</p> <p>and with a copy to:</p> <p>Metrolinx Law Department 97 Front Street West, Toronto, Ontario M5J 1E6 Attention: Senior Legal Counsel Fax: 416-869-1755</p>
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9. Miscellaneous Provisions

(a) Each Party is performing its obligations hereunder as an independent entity and is not the representative or agent of the other Party.

(b) No action or inaction by either Party shall be construed as a waiver of its rights hereunder.

(c) This Agreement may not be modified or amended, except by written amendment signed by each of the Parties, and is the entire agreement of the Parties with respect to the subject matter hereof.

(d) This Agreement is governed by and construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable therein.

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(e) This Agreement shall enure to the benefit of and be binding upon the Parties hereto and their respective successors, heirs and permitted assigns.

(f) Except as specifically set forth or referred to herein, nothing herein is intended or shall be construed to confer upon or give to any person or entity, other than the Parties and their respective successors, heirs and permitted assigns, any rights or remedies under or by reason of this Agreement. The Parties hereby irrevocably attorn to the exclusive jurisdiction of the courts of the Province of Ontario for any legal proceedings arising out of this Agreement or the performance of the obligations under this Agreement.

(g) Except as otherwise specifically provided for in this Agreement or required by law or order of any regulatory body having jurisdiction over a Party, the Parties covenant and agree with each other to:

- (i) keep the contents of this Agreement and the details of their relationship confidential;
- (ii) protect the other Party's confidential information that it receives from disclosure, in whole or in part, to any third party; and
- (iii) only disclose and use the other Party's confidential information it receives on a need-to-know basis and for the purpose of exercising or performing its rights and obligations under this Agreement.

Notwithstanding the foregoing, the City shall be authorized to discuss/present the Work and the contents of this Agreement with/to the Council of the City of Hamilton ("**City Council**") in City Council meetings and/or Committee meetings, as may be reasonable required from time-to-time, and with other third parties involved in the Hamilton LRT, including any City contractor engaged in any Work. Metrolinx represents that it is subject to the *Freedom of Information and Protection of Privacy Act* (Ontario) and the City represents that it is subject to the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56* and the Parties agree that any information provided to the other Party in connection with this Agreement may be subject to the applicable foregoing legislation. The Parties acknowledge and agree that the other Party will not be required or forced to disclose, except as may be required under such legislation or by order of a court of competent jurisdiction. Without limiting the foregoing, the Parties agree not to release any public statements concerning this Agreement or their relationship except with the prior written consent of the other Party.

(h) Each Party shall, upon the request of the other Party, do, execute, acknowledge and deliver or cause to be done, executed, acknowledged and delivered all such further acts, deeds, documents, assignments, transfers, conveyances and assurances as may be reasonably necessary to give full effect to this Agreement.

(i) Except for the Parties' obligations to make payments to each other under this Agreement, neither Party shall be liable for a delay in its performance or its failure to perform under this Agreement due to causes beyond its reasonable control including acts of God, fire, flood, or other catastrophes; government, legal or statutory restrictions on forms of commercial activity arising subsequent to this Agreement; or order of any civil or military authority; national emergencies, pandemics, epidemics, outbreak of a communicable disease, insurrections, riots or wars or strikes, lock-outs or work stoppages ("**Force Majeure**"). In the event of any one or more of the foregoing occurrences, written notice shall be given by the Party unable to perform to the other Party and the Party unable to perform shall be permitted to delay its performance to the extent required for so long as the Force Majeure occurrence continues.

(j) In this Agreement the following rules shall apply to the interpretation thereof: words denoting the singular include the plural and vice versa and words denoting any gender include all genders; the words "**include**", "**includes**" and "**including**" and other similar words and expressions shall in all cases be deemed to be followed by the words "without limitation"; "**Business Day**" means any day except Saturday, Sunday or any

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day on which banks are generally not open for business in the City of Hamilton (including all days between Christmas and New Year’s Day); any reference to a statute shall mean the statute in force as at the date of this Agreement, together with all regulations promulgated thereunder, as the same may be amended, re-enacted, consolidated and/or replaced, from time to time, and any successor statute thereto, unless otherwise expressly provided; when calculating the period of time within which or following which any act is to be done or step taken, the date which is the reference day in calculating such period shall be excluded; unless otherwise specifically noted herein, all dollar amounts are expressed in Canadian currency; and the division of this Agreement into separate articles, sections, subsections and schedules and the insertion of headings are for convenience of reference only and shall not affect the construction or interpretation of this Agreement. If any payment or other action is required to be made or done under this Agreement on a day that is not a Business Day, then such act or step may be made or done on the next Business Day.

(k) This Agreement may be executed in counterparts, each of which shall be deemed to be an original and all of which together shall constitute one and the same agreement. The execution of this Agreement by a Party and the fax or e-mail transmission (PDF) of such execution to the other Party shall be as binding on the Parties as if an original signature of the relevant Party had been provided.

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

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IN WITNESS WHEREOF this Agreement has been executed and delivered by the Parties as of the Effective Date.

METROLINX	CITY OF HAMILTON
By: _____ Name: Title:	By: _____ Name: Andrea Horwath Title: Mayor
By: _____ Name: Title:	By: _____ Name: Janette Smith Title: City Manager
<i>I/We have the authority to bind the corporation.</i>	<i>We have the authority to bind the City.</i>

Schedules:

- A – Form of Work Authorization
- B – Insurance Requirements

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SCHEDULE A

FORM OF WORK AUTHORIZATION

WORK AUTHORIZATION

to the

CITY OF HAMILTON Preparatory Activities Agreement

Work Location:

Unless otherwise defined, capitalized terms contained herein shall have the definitions ascribed thereto in the Preparatory Activities Agreement.

1.0 Type of Preparatory Activity*:

- Design Activity
- Construction
- Relocation Activity
- Removal Activity
- Modification Activity
- Replacement Activity
- Protection Activity

(*Check box that applies to the Activity Request)

2.0 Work Location

Description details of location where work is being performed, intersection street names, etc.

3.0 General Description of the Activity

At the request of Metrolinx, and through this Work Authorization, the City will complete [enter summary narrative of the work to be performed.]

Any revision to the Hamilton LRT design may result in additional cost and/or duration.

4.0 Expected Scope of the Activity and Sequencing

Narrative of pre-construction activities (e.g.: easements, permits and approvals) and description of work steps.

5.0 Initial Estimate of Work Cost* [NTD: Section may need to be adjusted for a particular Work Location]

- Design Activity
- Construction
- Relocation Activity
- Removal Activity
- Modification Activity
- Replacement Activity
- Protection Activity

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(*Check box that applies to the Activity Request; and complete relevant Section 5(a) or 5(b) only.)

- a) Design Activity—the City’s initial estimate of the total cost of the Design Activity referenced in this Work Authorization is:
\$0*** (plus applicable taxes)
- b) Construction—the City’s initial estimate of the total cost of Construction referenced in this Work Authorization is:
\$0*** (plus applicable taxes)
- c) Relocation Activity—the City’s initial estimate of the total cost of the Relocation Activity referenced in this Work Authorization is:
\$0*** (plus applicable taxes)
- d) Removal Activity—the City’s initial estimate of the total cost of the Removal Activity referenced in this Work Authorization is:
\$0*** (plus applicable taxes)
- e) Modification Activity—the City’s initial estimate of the total cost of the Modification Activity referenced in this Work Authorization is:
\$0*** (plus applicable taxes)
- f) Replacement Activity—the City’s initial estimate of the total cost of the Replacement Activity referenced in this Work Authorization is:
\$0*** (plus applicable taxes)
- g) Protection Activity—the City’s initial estimate of the total cost of the Protection Activity referenced in this Work Authorization is:
\$0*** (plus applicable taxes)

The breakdown of the initial estimated cost is as follows:

Item	Description	Estimated Cost (CDN\$)
(i)	equipment and labour, construction, materials and contractors	0.00
(iv)	other (incl. third party costs)	0.00
(iii)	overheads	0.00
	TOTAL	<u>\$0.00</u>

As provided in the Agreement, (A) such initial estimate of the Work cost is only an estimate and is based on, among other things, the parameters on which the Work estimate for any Design Activity has been based, and (B) Metrolinx is responsible, and shall reimburse the City, for all of the City’s costs and expenses incurred in completing the Work as provided in this Work Authorization and the Agreement.

7.0 Initial Estimate of Work Timeline

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The City's initial estimate of the date required for the City to complete the City Preparatory Activity referenced in this Work Authorization is:

[INSERT DATE] (the "**Estimated Completion Date**").

As provided in the Agreement, such initial estimate of Work timeline is only an estimate and is subject to, among other things, the impact of any changes to the Work as set out herein, including to the design or route of the Hamilton LRT as contemplated in the Agreement and delays may be possible and such timeline unattainable. Without limiting the generality of the foregoing, the commencement of field work for the City Preparatory Activity referenced herein will not be able to proceed until such time as the City obtains access to certain Metrolinx lands.

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The Parties hereby execute this Work Authorization to evidence their agreement in respect of the Work to be undertaken under this Work Authorization, all as contemplated and provided for in the Agreement.

DATED as of the ____ day of _____, 2023.

METROLINX

CITY OF HAMILTON

By: _____
Name:
Title:

By: _____
Name: Andrea Horwath
Title: Mayor

By: _____
Name:
Title:

By: _____
Name: Janette Smith
Title: City Manager

I/We have the authority to bind the corporation.

We have the authority to bind the City.

Appendix “A” to Report PED23050**Page 15 of 15****SCHEDULE B****INSURANCE REQUIREMENTS**

At all times the City shall, at the sole cost and expense of the City, maintain in force:

- (a) Commercial general liability insurance or a comparable policy (including non-owned automobile) including but not limited to coverage for personal injury and bodily injury, including death, broad form property damage, loss of use, blanket contractual liability, non-owned automobile liability, including liability for damage to hired automobiles, employers liability, contingent employers liability, completed operations and products liability, sudden and accidental pollution exposures, cross liability with severability of interest clause and owners’ and contractors’ protective insurance coverage. Such insurance shall be written on an occurrence basis with limits not less than Ten Million Dollars (\$10,000,000) per occurrence and an aggregate limit of not less than \$10,000,000 within any policy year with respect to products and completed operations and shall include Metrolinx and, if directed by Metrolinx, its engineering consultant retained or authorized by it from time to time, each as “Additional Insured” (except under non-owned automobile liability) but only for The City’s legal liability arising from the performance of the Agreement. Such insurance shall not contain any exclusion for XCU (explosion and collapse), damage to “Existing Structure Exclusion”, or contain any liability restrictions related to operations with or around railroads and railway tracks.
- (b) Automobile liability insurance with a limit not less than Five Million Dollars (\$5,000,000) per accident shall be maintained for all vehicles owned or leased by the City.
- (c) In the event of any liquid or gaseous substances, the City or its contractor shall, at their own cost and expense, maintain in force not less than Five Million Dollars (\$5,000,000) per claim and in the annual aggregate pollution liability insurance to provide coverage for property damage and clean-up and restoration costs.
- (d) Excess or umbrella insurance may be used to achieve the required insurance limits described in the foregoing subsections. All policies or certificates of insurance shall provide that thirty (30) days’ advance notice in writing shall be given by the insurer to Metrolinx in the event that such policy is cancelled during policy terms. Any deductible under any of the policies shall be the responsibility of the City.
- (e) In the event that evidence of insurance (in a form sufficient and satisfactory to Metrolinx acting reasonably) is not delivered by the City, Metrolinx may purchase such insurance at the cost of the City, and the City shall reimburse Metrolinx for such cost forthwith upon receipt of invoices.



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

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 22, 2023
SUBJECT/REPORT NO:	2023 Battle of Stoney Creek Re-enactment (PED23070) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	John Summers (905) 546-2424 Ext. 1747
SUBMITTED BY:	Carrie Brooks-Joiner Director, Tourism and Culture Planning and Economic Development Department
SIGNATURE:	<i>Carrie Brooks-Joiner</i>

RECOMMENDATION

- (a) That a \$20,000 increase in the budget for the 2023 Battle of Stoney Creek Re-enactment be funded from the Economic Development Initiatives Reserve (#112221).
- (b) That \$30,000 be added to the Tourism and Culture 2024 base Operating Budget for annual Battle of Stoney Creek Re-enactment event costs.

EXECUTIVE SUMMARY

The re-enactment of the Battle of Stoney Creek commemorates a significant point in British and Canadian history and a turning point in the War of 1812 and the American advance into Upper Canada. The re-enactment event was first held at Battlefield House Museum and National Historic Site in 1981 and, with the exception of 2020, 2021 and 2022, has occurred annually since. The event, and its accompanying History in Action Day (which presents curriculum-linked interactive programming for children in grades three to eight), are a mainstay of annual programming at the site and involve the active participation of volunteers and stakeholder groups.

The return to in-person programming and the economic activity that occurs in the community of Stoney Creek from the annual event, together with the results of public consultations, support retaining and enhancing this long-standing event.

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: 2023 Battle of Stoney Creek (PED23070) (City Wide) - Page 2 of 5

Following public concern about the future of the event, Council approved the following motion at the June 8, 2022 meeting:

The 2023 Battle of Stoney Creek Event**(Powers/Pearson)**

WHEREAS, the City of Hamilton is the owner and steward of Battlefield House Museum and Park National Historic Site

WHEREAS, the site was the location of the Battle of Stoney Creek on the night of 5-6 June 1813;

WHEREAS, there is a longstanding tradition of an annual event commemorating the site;

WHEREAS, as a result of COVID uncertainty during the planning period, the 2022 Battle of Stoney Creek event will not be held in person;

WHEREAS a 30-minute video Born in the Creek: a Battlefield House Museum and Park Retrospective is being produced for broadcast in summer 2022 that highlights Battlefield House Museum and Park and the Re-enactment of the Battle of Stoney Creek.

WHEREAS, the City of Hamilton desires that such events be aligned with City policies concerning equity, diversity and inclusion, inclusive of multiple perspectives and voices, educational in nature, respectful of varying perspectives on the historical events portrayed and provide economic impact for the enjoyment and benefit of the community;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to plan for the delivery of an in-person Battle of Stoney Creek, in consultation with the Ward Councillor, themed event in 2023 that includes re-enactment activities, and that the event portray, in a respectful and historically accurate manner, all communities involved with and impacted by the battle including Indigenous peoples, settlers, military forces and ordinary citizens;
- (b) That in preparation for this event staff be directed to consult with the public and key stakeholders on the scope, approach and programming of the event;

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- (c) That staff conduct an environmental scan of the current best-practice approaches to similar commemorative events and sites and share the results with participants in the consultation; and
- (d) That staff be directed to report back to GIC with options for the 2023 event for direction.

This report confirms that following a three-year Covid-19 related hiatus, the event will return on Saturday, June 3, 2023 and Sunday, June 4, 2023 in a similar format to previous years with some enhancements to content and therefore meets staff direction (a) of the Motion. An overview of the 2023 program is attached as Appendix "A" to Report PED23070.

In preparation for the return to in-person programming and to fulfil direction (b) and (c) of the Motion, public and key stakeholder consultations were held in person and online. Input from the consultation has been incorporated in the 2023 program and will inform future planning. The consultation findings are attached as Appendix "B" and Appendix "C" to Report PED23070.

Planning for the 2023 event has revealed significant Covid-19 driven cost increases in goods, services and other expenses since it was last held in 2019. Expenses for a 2023 event of the same size and quality as 2019 are expected to increase at least 30%. An increase in base of \$30,000 is recommended for 2024 and greater investment is included as an option for consideration.

Alternatives for Consideration - See Page 5**FINANCIAL - STAFFING - LEGAL IMPLICATIONS**

Financial: Since the in-person event was last held in 2019, costs for goods and services have increased across all categories. Based on current trends and 2019 to 2022 cost increases for comparable events such as Remembrance Day and Canada Day (which have come in at least 30% more than previously), a 40% increase in costs is estimated for 2024 over 2023.

The operating budget for the 2023 event is \$63,090. The working budget for the 2023 event of \$84,000 reflects at least \$20,000 in additional expenses. It is recommended that this gap be funded from departmental surplus in 2023.

A request for an additional \$30,000 is recommended for inclusion in the 2024 base Operating Budget to bring the base event budget to \$93,090.

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Staffing: The programming enhancements noted above can be supported by existing staff and the involvement of the newly-hired Curator Indigenous Culture and Heritage.

Legal: N/A

HISTORICAL BACKGROUND

The re-enactment of the Battle of Stoney Creek first took place in 1981 several years before such living history events became popular in North American museums. Held annually since then (with the exception of 2020, 2021 and 2022) the re-enactment portrays the battle that took place between British and American forces on the nights of June 5 to 6, 1813. The victory of the British forces over a numerically superior enemy restored their control of the Niagara Peninsula and the waters of Lake Ontario and marked a turning point in the war.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

This event aligns with the City of Hamilton's Civic Museum Strategy and Tourism Strategy.

RELEVANT CONSULTATION

- Facilitated in-person public consultations were held November 16, 21 and 25, 2022 (11 participants)
- An online public survey was available from November 14 to December 11, 2022 (354 responses)

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Participants in the key stakeholder consultations provided input about building on the event's strengths, improving the event's economic impact, mitigating event challenges, mitigating negative impacts and changes needed to improve the event.

Some improvements have been implemented into the 2023 event such as: increased public parking; a vendor agreement was reviewed and revised; improvements to the online registration process, and the addition of an Indigenous lacrosse game and interpretation of its historical significance as a means of dispute resolution; planned programming enhancements for 2023 are attached as Appendix "C" to Report PED23070.

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A standing Stakeholder Working Group will be formed immediately following the 2023 event to continue the process begun during the 2022 consultations and plan for the 2024 event and beyond.

Other ideas for growing the event and shifting its scope will be explored and implemented in collaboration with the Stakeholder Working Group, re-enactors, the Stoney Creek BIA, local service clubs, the Indigenous and Black communities and other stakeholders.

Cost increases for comparable events since the battle re-enactment was last held in 2019 highlight the need for increased operating funding to maintain and enhance its quality, scope and benefits.

ALTERNATIVES FOR CONSIDERATION

To deliver the event with the budget at the 2019 level would require reductions in programming and the cancellation of related contracts and partnership arrangements.

ALIGNMENT TO THE 2016 - 2025 STRATEGIC PLAN**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 Report PED23070 - Battle of Stoney Creek Re-enactment Report of Findings

Appendix "B" to Report PED23070 - 2023 Battle of Stoney Creek Event Online Survey

Appendix "C" to Report PED23070 - Draft Program for 2023 Battle of Stoney Creek Re-enactment

Battle of Stoney Creek Re-enactment Returning Elements for 2023

- Military Encampments
- Merchants' Area
- US Drill
- British Battalion Drill
- Rodney the Younger, 18th Century Conjuror
- Uniforms, Equipment and Weapons Demonstrations
- Battlefield House and Battlefield Monument Open
- Cooking Demonstrations
- Regency Dancers
- The Mechanics of a Musket
- Musical Entertainment
- Camp Tours
- Crown Forces 1812 Drums
- Review of Troops
- Battle Reenactments
- Musical Tribute
- Fireworks
- Memorial Service
- Children's Games

Battle of Stoney Creek Re-Enactment New Additions for 2023 (to be confirmed)

- Medical Tent/Surgeon Demonstrations
- Fort George Musical Ensemble
- Eagles Among Us Interpretation
- Heritage Landscape Tours
- Indigenous Dancers
- Indigenous Lacrosse Demonstrations

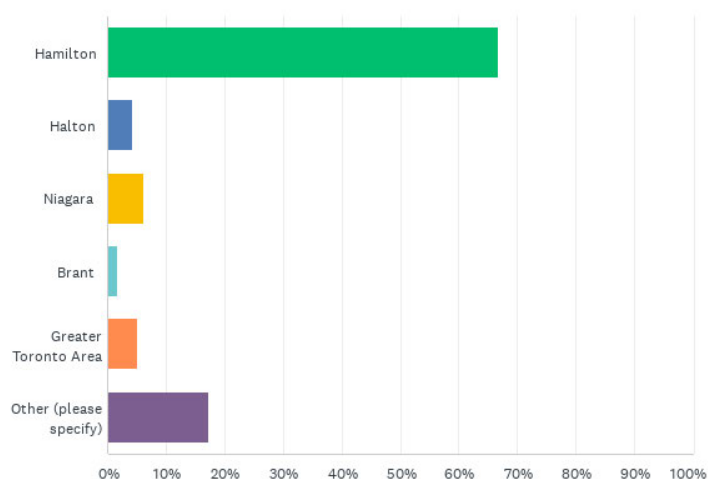
2023 Battle of Stoney Creek Event Online Survey Results

Response snapshot

- Total number of responses: 354
- Completion rate of 100% - although some respondents skipped the occasional question
- Survey launched on the SurveyMonkey platform on November 14, 2022 and closed on December 11, 2022
- The survey was promoted on Hamilton Civic Museums social media channels, the City of Hamilton social media channels, The Linc e-newsletter and via e-mail to those invitees who could not participate in face-to-face consultation sessions

Question Response Summaries

Q1 Where is your primary residence?

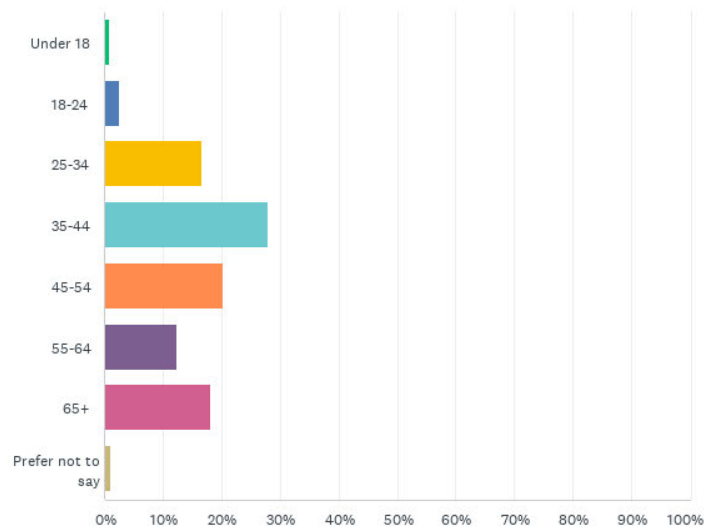


Location	Percent	Number of Respondents
Hamilton	66.67%	236
Halton	4.24%	15
Niagara	6.21%	22
Brant	1.69%	6
GTA	5.08%	18
Other	17.23%	61

Breakdown of “other”: with the exception of one respondent from Rochester, NY one from British Columbia and another from Winnipeg, all respondents who indicated “other” were from Ontario, with the vast majority of those from the southern part of the province. Southwestern Ontario, including London, Windsor, Amherstburg, Chatham-Kent and Lambton Shores was the most popular answer for other at 21, followed by Waterloo/Wellington County/Guelph area at 6.

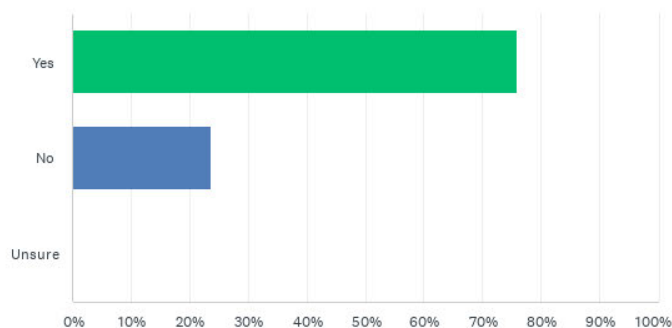
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Q2 Which of the following age brackets do you fall into?



The majority of respondents fell into the 35-44 age bracket (at 27.97%), closely followed by the 45-54 bracket (at 20.34%) and those 65+ (18.08%).

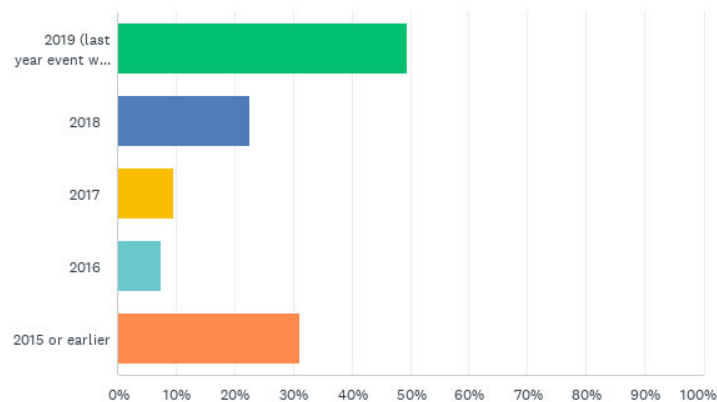
Q3 Have you attended the Reenactment of the Battle of Stoney Creek before?



The majority of respondents (75.99%) had attended the Re-enactment of the Battle of Stoney Creek in the past, versus 23.73% of survey respondents who had never attended before. One respondent indicated they were unsure if they had been to the event before.

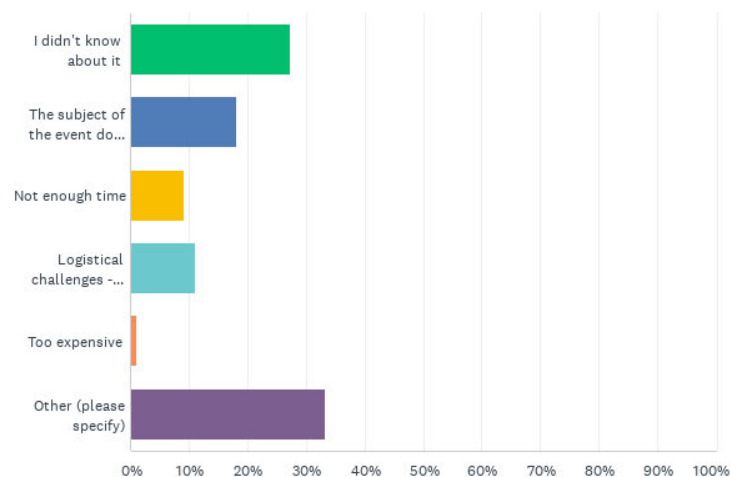
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Q4 If you answered "yes" to question 2, when was the last time you attended the event?



Of those who had attended before, 49.44% attended in 2019, the last event held before the Covid-19 pandemic caused the cancellation of large-scale in-person events. The second most popular response was from 31.23% of survey respondents that indicated they had not attended the event since 2015 or earlier.

Q5 If you answered "no" to question 2, why haven't you attended the event? Please check all answers that apply.



Reason	Percent	Number of Respondents
I didn't know about it	27.27%	27
The subject of the event doesn't interest me	18.18%	18
Not enough time	9.09%	9
Logistical challenges - distance, parking, transit	11.11%	11
Too expensive	1.01%	1
Other	33.33%	33

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A majority of respondents (33.33%) indicated “other” as the top response for this question. “! didn’t know about it” was a close second at 27.27%. A breakdown of “other” responses follows below:

Other commitments and schedule conflicts (16) was the most popular response in this category, followed by those who objected to content and subject of the event. A sampling of those comments includes:

- “I saw the event including only white men, leaving little to the representation of Indigenous people and the role of women”.
- “While there is historical significance, guns are not appropriate in any way, shape or form”.
- “Not interested in the colonial glorification of the war”.

Two respondents noted that money spent on this event would be better spent addressing other things, with one noting that many in Hamilton are experiencing homelessness. One respondent indicated a negative experience, noting “volunteers were horrid to us” (although there was no further context provided).

Q6: If you have attended the Battle Re-enactment in the past, please indicate what you think are the top two strengths of the event? Please check one choice and indicate the second in the "other" response box.

Activity	Number of Responses
Battle Re-enactment	69
Opportunity to learn about history	68
Educational demonstrations and activities	65
Supporting the local community	20
Visiting a National Historic Site	13
Spending the day with family and friends	13
Shopping and browsing the vendor marketplace	12
Fireworks	12
Children's activities	4
Interact with reenactors	1
Realism	1
Fun	1

The Re-enactment event was the top strength of the event, with 69 “votes,” with the opportunity to learn about history coming in a close second with 68. However, the educational nature of the event is a key strength, with 133 respondents selecting one of learning about history and educational demonstrations and activities as a top choice.

Q7: How might we involve local educators and students, community organizations, merchants and businesses in the event to a greater degree?

All narrative comments have been reviewed and representative responses organized according to themes below. Many comments suggested the same or similar ideas and

as such, duplicate comments are not included here. Selected respondents did not answer the question posed and for clarity, those comments have not been included here. Responses that used inappropriate language have not been included. Spelling and grammar have not been corrected and the respondents’ original words are used.

Theme 1: Don’t change or expand

A number of respondents indicated that the event should not expand to involve others in more meaningful ways, noting that the event is “good the way it is”.

- “To be honest, the event staff, volunteer organizations, Battlefield House staff, and Hamilton Civic Museums do a great job already. Expanding involvement risks diminishing the input of the volunteers and historical experts who should be the only ones calling the shots”.
- “Focus on the core. I don’t think broadening it out further shld be done unless it supports the core event. Eg. the crafts marketplace was excellent but only bc it was so well curated on historical games, costumes, toys, etc.”
- I would say there is already extensive community involvement - from the history in action day before the weekend to the number of volunteers and vendors. You don't want to turn it into a commercial venture with non-relevant groups and businesses on site (no Tupperware booths or similar).
- Make sure the focus is mainly directed at the reason for the event, a battle that took place. Other things should support and enhance the battle demonstration.

Others noted that expanding the event, especially for students and youth is inappropriate and the event itself is problematic:

- “The event itself fails to accurately reflect the nature and form of historic combat, nor does it accurately capture the parties involved, inclusive of indigenous communities. The event, primarily, serves as a costumed festival with little to no historic accuracy”.
- “You should cancel this Colonial celebratory event in light of recent Indigenous murdered children being found in unmarked graves by the thousands while you celebrate Canada's heritage without focusing on the murdered Indigenous children. Holding on to this Colonial past and spending city money on it when there's homeless people that need services funded to survive is Crass at best and arguably abuse. Cancel this colonial culturally-insensitive waste of money”.
- “No students. Please remember some of our student body have fled war zones. There is nothing "fun" about this”.

Theme 2: More student participation, more activities and opportunities for engagement for learners and educators

A number of respondents suggested a separate day for schools (which already exists - History In Action Day), while others suggested that this day be expanded and enhanced.

- "School field trips would be ideal, but I do know that the administrative burden for trips these days (eg. more onerous insurance requirements) makes these a lot more challenging than it was in the past".
- "Invite and include history students from McMaster, Brock and Redeemer. I would have appreciated this when I was a history student".
- "Provide educators with Activity workbooks which contain activities related to the War of 1812 and life in the area at the time, with activities that can best be completed by interacting with the re-enactors or being at the event (like Heritage Days in Chatham used to do). Encourage local business to participate - in costume - and assist them in meeting 'standards' required to provide a consistent 1812 period impression".
- Students can work on projects/activities from the time period. Pick people who were apart of the battle and learn their life story. Including indigenous people.
- Start the event earlier to allow schools more time for classes to take part. Add a day or two focused on Native/Indigenous studies in terms of the war and why it's important.
- Add digital games like virtual reality and have personal participation.
- Glendale School has the Audition-based Arts Program. It would be great if the fashion design students could make period costumes for the event and attend in costumes and in character!
- Doing a weekday re-enactment for schools to attend as a class trip.
- I personally wouldn't want my children to watch the re-enactment itself as I think it has the potential be scary (not understanding they aren't real guns). However if it could be timed so there was more of a child geared information on a diff day or before/after I think it could very very informative and helpful. We have attended a fall event at battlefield years ago where kids played games and were exposed to things from that time period. I think that would draw more students to help them understand the time period.

Theme 3: More volunteer opportunities

- "A good start would be to broaden participation in the event planning to include stakeholders, including educators and local businesses. As I understand it, the organizing committee has a limited size. This might be expanded to allow other interested parties representing a wider base of stakeholders to contribute. Perhaps setting up sub-committees on different aspects of the event would allow for more specialized interests and would lighten the workload for the existing committee. After all, "the more the merrier".
- "Give community service hours to high school student".
- Volunteer opportunities for students that could possibly go towards a school credit
- More volunteer positions or volunteers in training positions

Theme 4: More promotion and awareness

- "Better social media advertising, personal engagements with local teachers (and connections throughout the whole year, not right before the event). Print materials are still appreciated by seniors".
- "Reach out to them and talk to the school board and local schools. Seek volunteers from the re-enactment community that could make special presentations as a lead-up to the event".

- "Develop formal partnerships with local school boards. Establish a formal community liaison position with responsibilities to develop a broad community advisory group including ethnocultural groups, businesses, heritage organizations and re-enactors".
- Send invitations? Reach out to social media creators to excite interest.
- Promote the Battlefield re-enactment at all Hamilton national historic sites, civic museums, and recreation centres. It's a family fun event that everyone should experience at least once or twice in their lifetime (if not more!).

Theme 5: More opportunities for businesses and community groups to participate

- "It would be great to have community organizations table at the event! Maybe you could also take donations for shelters or community fridges. Having a market before or after the event would also be great, with local merchants and businesses".
- "Incentives to local businesses to engage with special offers related to the event. Avoid having these groups form a modern intrusion into the event".
- Maybe look into making a free "historic market" in the evenings leading up to the event - if possible - like a Christmas market - to attract more people that otherwise might not have come to the event.
- Have a local vendor market/Stoney creek businesses pop up.
- Advance information, discussions at schools etc. advertising at local merchants. Look for funds from business with them being recognized as donating.
- Do a whole month of the War of 1812. Have the stores in Hamilton compete for the best 1812 Store Front. Have a writing competition? Write a letter to a family member serving or pretend to be fighting? Have the Hamilton Libraries tie their book clubs to 1812 theme. Offer a big invite to City Kids, Boys and Girls Clubs, Big Brothers Big Sisters do a sports tournament, scavenger hunt relevant to the time period. Boy Scouts, Girl Guides, Brownies, Sparks could have the opportunity to work on their badges. Invite University Students to do presentations on their research on the time period. Could be a series of talks ahead of the actual event. Have a Fete evening event to mark the end filled with celebration and merriment.
- Open up to outside historical sources - Stoney Creek Historical Society, Erland Lee Museum etc.
- Invite local indigenous groups or collab with Mohawk College, 6 Nations etc. to ensure cultural appropriate narrative.
- Work with the local community and see what they want. Don't let City bureaucrats dictate what they want to see in the event. It's the public's event and it's clear the Stoney Creek community want and need this event.

Theme 6: Expand interpretation

- Not focusing on the 1812 time period but the whole history of the site. Would be a great opportunity to talk up the role women played in the history of the site and its preservation.
- "Expand the scope of demonstration and re-enactment...involve younger and wider range of students, add music or a period style band in the evening after the fireworks".
- Invite different scholars to talk through the weekend at scheduled times.

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- More history about Billy Green, women’s institute, Nelles manor, history of bash house, battle there, field hospital and info about the March from Dundurn to battlefield - mention of the markers indicating path taken.
- More Day in the Life events (cooking classes for the public or craft events etc.).
- A movie needs to be made which informs the viewers about what actually took place.
- Include modern artists in certain areas outside of historic zone. Develop themed zones to engage visitors.
- Class trips during the day, connecting with Dundurn and Hamilton Cemetery historical 1812 tours. A downtown Stoney Creek street festival as part of a bigger experience.
- Include reenactors of different era’s to expand the range of the event.

Q8: How might we improve on or enhance the entire Re-enactment event?

Many comments suggested the same or similar ideas and as such, duplicate comments are not included here. Selected respondents did not answer the question posed and for clarity, those comments have not been included here. Responses that used inappropriate language have not been included. Spelling and grammar have not been corrected and the respondents’ original words are used.

Theme 1: We like it the way it is

- It isn't broke...do not fix it. Do not allow modern wokism to affect historical accuracy.
- The current iteration of the entire event is already presented pretty well.
- Give more control and coordination to the living history communities and subject matter experts. They know the history, not politicians.
- The reenactors themselves are a big enhancement and source of enthusiasm, allow and encourage more participation.
- Stop trying to erase history. The move by certain people to eradicate this re-enactment was appalling. It almost looked like a personal vendetta. This weekend is a tremendous opportunity for people to be outside and learn about their history. Perhaps create various stations where people could travel on-site and learn the history of not just the battle but the entire area.
- Keep the decisionmakers at the city of Hamilton who have no idea about the re-enactment out of the loop.

Theme 2: Improve parking, transportation

- City shuttle like the peach festival.
- Opening a shuttle and parking at Eastgate.

Theme 3: Greater emphasis on Indigenous story

- Perform the historical and traditional ceremony of reconciliation as practiced by the 1st nations and British/American military forces. Guest speakers discussing the involvement of 1st Nations, British and American forces.
- Indigenous involvement and narrative.

Theme 4: Access

- More accessible to those with disabilities, perhaps a longer event so there are times with fewer crowds? Zoom for virtual attendees (to expand reach for the disabled, elderly, immuno-compromised etc).
- Livestream if possible for those who can't go in person.
- Start the night battle a little earlier.
- 360-degree viewing, it was a bit hard to see it all.
- Always make it free, make parking accessible and advertise more.
- Make sure there are speakers etc. so everyone can hear narration throughout it.

Theme 5: Be more inclusive

- I encourage a more holistic approach with Indigenous input and an acknowledgment that women also lived during that time.
- It needs to be more representative of the people who fought in the war. Indigenous and Black people that also fought for the British. They have been erased from the re-enactment.
- Less male-centric. Try re-creating what the family went through.
- Make the event more inclusive by engaging and involving indigenous communities and organizations to participate in the event. Tell the complete story, including the Colored Corps, and crucial involvement of indigenous allies. This does not necessarily limit involvement to living history techniques. Plan programming for specific target audiences at the event, (ie. participatory events for children and families). Use a range of human/other resources and techniques-not just re-enactors.
- Better inclusive storytelling. Better attention to historic details. Be welcoming.
- No fireworks...less canon fire...More actual education is needed....more garbage clean-up, more parking...less glorification...
- More food options! Vegan, vegetarian, for dietary restrictions. We absolutely love the kettle corn and lemonade stand!
- Equity lens. What was the impact on the Indigenous people's in the area. What are the voices of elders in the community?
- Less focus on the battle and violence, more respectful and accurate representation or BIPOC communities involved in and impacted in the war, improved representation of community and domestic impacts of the War

Theme 6: Don't hold the re-enactment - problematic nature of the event

- I attended with a school group. The kids participated in a pretend battle and the whole thing felt really distasteful. We have many kids (and adults) in Hamilton who are refugees, fleeing war and the battle seemed to be either making a game of it or glorifying war, with no component to talk about the problem with war and that it should be avoided at all costs, still happens in the world, etc. Seemed like a very outdated old-fashioned event with little critical thought incorporated.
- Stop doing it.
- It wasn't inclusive, people with sensory issues like fireworks and loud bangs it's not a good time.

- Do not go ahead with the re enactment. Re allocate funds elsewhere - to Indigenous organizations.
- Cancel this event it's wrong to celebrate the history or remember it like you do when you omit the abusive colonial dynamics from your event. It's unacceptable to celebrate colonial history when we are currently unveiling and trying to reconcile with Canada's abusive and horrible history of kidnapping murdering displacing and destroying Indigenous families and culture.
- It appeared that there were white people dressed as Indigenous people and this was uncomfortable and inappropriate. It's offensive for non-Indigenous people to wear traditional Indigenous clothing as a costume.
- End it. Put the money into city needs.

Theme 7: Expanded, differentiated interpretation and experiences, improved historical accuracy

- For someone like me, who is not interested in the actual re-enactment piece, including another experience - food/craft beer fair or a vintage market or something would be more enticing.
- We loved that this was an immersive event that allowed for time travel - but this can still be accomplished by removing the battle, maybe having drill rotations? A nighttime event would be nice for once (partner with ghost tours, an outdoor film screening, local ale tent with live music).
- Re-enactors LOVE educating people, so expanding and having student groups visit over the weekend, or the days preceding the event would be amazing. Stoney Creek is one of the early events in the schedule, so doing small demonstration and education based events is an excellent opportunity for re-enacting groups to train and shake off rust before the big weekend.
- Continue to add elements to the event that tell the story of June 1813.
- Pub night for the reenactors? If not, the event is still awesome the way it was.
- See how other communities have evolved their battle re-enactment event experience and draw from their successes and learn from their missteps. As a foodie, it would be amazing to see a local restaurant or brewery develop a special menu and craft beer to represent the spirit of the event. Many events are licensed or have a licensed area. I realize this may impact insurance rates, however, it can lead to increased attendance and sustain the event for years to come.
- I have listened to narration at battle re-enactments for decades and have seldom heard the narration done well. I find that narration of battle re-enactments is a weak point. More effort should be made to make the narration accessible to all, but also to put the battle re-enactment in a relevant and engaging historical context. Historical details about uniforms and weapons may be interesting to historians and reenactors, but the general public wants to know why the events of 1813 were important in 1813 and how they affected the community we live in today -for better or worse. Context is key. This needs to be worked out by a broad committee of interested parties in advance, not thrown together at the last moment. Finally, elected officials who are invited to give speeches should be strongly encouraged to think beyond the general information available in a Wikipedia article when writing their speeches and also to coordinate their speeches with one another to avoid repeating the same general information. Far better to speak about a detail or an

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overlooked-but-significant aspect of significance than it is to simply repeat the same bland, unedifying and formulaic comments.

- More vendors Food trucks.
- Utilize (as much as possible) special effects in order to increase the realism of the battle.
- More engagement and hands on instead of just watching.
- Tell the truth. "The battle was a confusing night action in a boggy meadow which both sides lost".
- Seminars on the events of the whole war.
- Allow reenactors use of the field when the battle re-enactment is not in progress...to do drills and especially musket and cannon firing during the Saturday and Sunday of the event.
- Sponsor a photography contest for the public; have vignettes or scenarios that take place in certain locations at specified times. Get the City to declare the weekend "Stoney Creek Historical' weekend and do a weekend renaming of streets in the area to ones which existed at the time; invite local dignitaries to attend the event in period costume (providing costumes as needed). Really work on public goodwill.
- Less about the battle itself and more opportunity to meet the soldiers and do demonstrations.
- The event itself, as noted, holds little historic or educational value, it would be better served by a new event leadership and high standards in camp life, clothing, equipment, tactics and community representation.
- Would love an evening English country dance or musical entertainment for reenactors if there isn't an evening battle.
- How about carrying over some of the educational vignettes into the weekend? The public may be interested in some of these as they are short sessions to stop by at. Craft tables where the public can create items at a small cost, if the venue is free entry. Maybe a few free ones for kids. We need historical clothing fashion shows again! These are so important to getting across what people wore in Ontario in the period. Have a photo-dress up booth for the public to see themselves in historical clothing and purchase a photo to keep. How about a games section that relates to the period, bowls and such. For adults and kids alike. Food demos are always great.

Theme 8: Expand marketing, raise public profile of event

- Advertisements on local outlets and social media. Have CHCH do a morning special.
- More advertisement. People already come from far to watch this great event, and I'm sure more people would come possible from further to watch it if it was advertised in more places.

Theme 9: Better resource the event

- Fund it better, even if it means reinstating an admissions charge. Now would be the best foreseeable opportunity to do that. Get rid of modern intrusions (eg. the marching band that appeared at the bicentennial). These add nothing and distract from the atmosphere that the site is trying to create. Really horrible. Ensure that City personnel actually attend, support, staff, and assist at the event for more than a few hours on the Education Day.

This includes hands-on time during the weeks of preparation and also cleanup and teardown.

- More staff resources.

Q9: Do you have any other suggestions, ideas or comments related to the Re-enactment of Stoney Creek event?

Narrative comments were, for the most part, similar in theme and content from the previous questions, with repeating suggestions to improve the event, covered in question 8. As such, answers that were additional suggestions about how to improve the event, already covered in question 8 have not been included here.

Much of the commentary was general in nature, with a number of respondents indicated that the event is well done, others noting to continue/bring back the event, with some indicating they had nothing to add. Conversely, selected respondents indicated they were not interested in and would not attend the event. Many comments suggested the same or similar ideas and as such, repetitive responses are not noted below. Selected respondents did not answer the question posed and for clarity, those comments have not been included here. Responses that used inappropriate language have not been included. Spelling and grammar have not been corrected and the respondent's original words are used.

Selected comments referenced the May 2022 community meeting and/or aftermath of that event:

- It's great that City Hall has taken the initiative to ensure the traditional re-enactment continues, and expanding the event is always welcome, however more needs to be done to ensure bad actors don't ruin the event going forward. Re-enactors, historical experts, and Battlefield House staff should be the ones with the final say, and it should be ensured that no staffer or City employee has the opportunity to spoil it for everyone. I'd also suggest communicating with American groups as to what the event could do to make the event more enticing to groups down South. This would show a more accurate depiction of US forces in 1813, rather than having to ask Canadian militia groups to play the part. Finally, and most importantly, many volunteers are still very upset about what happened earlier this year, specifically likening the hobby to a spectacle and "playing football." An apology to Crown Forces, or better yet, issuing a written invite to groups would go a long way at ensuring there are actually soldiers in the battle re-enactment.
- It is too bad that this has become a political issue under the banner of colonialism. What we do as participants is tell the stories that are relevant to this time period. We leave the public to form their own conclusions. We must have been reasonably successful with the continued success of this event, arguably one of the premier events of its kind in Canada. Over those years I have been particularly in explaining the value of the native allies to war effort including the abandonment of those allies at the conclusion of hostilities.
- Hire people who know what history is all about. Referring to reenactors and the re-enactment as something no more interesting or important than a football match points to having hired a person who is bereft of knowing the importance of the history of this area. That speaks to the hiring committee as well as the person hired.

- While the City is striving to make the event more inclusive, we should not lose focus in relating our local history. Both can be accomplished, but never one at the expense of the other.
- Make sure the traditional elements continue to be part of the re-enactment. New ideas should compliment the existing experience. Those who put of the re-enactment have far more academic knowledge than the handful of staff the city employs. The city has benefited for decades for the 10s of thousands of dollars and free labour of the participants.
- Yes. Everyone should try to be more reasonable about this event. Some of us find battle re-enactments mildly tasteless. However, there is no denying that they are very engaging spectacles that attract attention from a broad spectrum of the public. Use them as teaching moments to explain civic virtues. I have often noted many New Canadians and younger Canadians at these events who are eager to learn about our collective history so that they may feel they are part of it, too. Rather than being frightened of offending these fellow citizens with images of colonialism and Eurocentric history, we should be engaging them by saying, “Yes, this is Eurocentric and colonialist, but Eurocentrism and colonialism are a large part of the history of Ontario”. We are not addressing this by sweeping it under the proverbial carpet. In fact, we are insulting New Canadians, Indigenous Canadians, and young Canadians because they perceive we are sweeping it under the carpet to avoid embarrassing ourselves and to avoid talking about something that is important.
- The Battle is an excellent event and following Fort York's lead is a shame. The community wants this event and it is a fantastic way of exploring history in a tangible setting. The sites commemorative integrity is built on the Battle and this is the only event that honours that history. And that needs to be accompanied by a greater financial commitment to the event, as well as a commitment of time by City personnel.

Other suggestions and ideas related to the event:

- See what other historic sites programs have been successful at these events, including big events and famous sites in the UK and USA.
- Emphasis should be on community engagement rather than the battle.
- As a former reenactor I found the battle scenarios repetitive. I stopped re-enacting 1812 because all events were the same old thing.
- Tie it in to Niagara region historical sites.
- The value in re-enactments is fading. They are no longer politically correct.
- Ask indigenous communities to hold Pow Wow to open the event. Permit indigenous vendors to seek wares. Do not allow non-natives to dress as “Indians” in re-enactments.
- Involve Indigenous groups - consult members of the Indigenous community on how they want their story told. I would rather the announcer acknowledge the Indigenous participation and not have any reenactors rather than have white people dressing up inappropriately as Indigenous.
- Better food vendors. Maybe a shuttle bus from Eastgate. Seating on both sides. I found it crowded and hard for my children to see over standing people pending on where we stood. We enjoyed the fireworks.
- Stop the racist practice of having white people play Indians and foreigners.
- Bring benches in for the event, scatter about park, nice for young families and elderly.
- A passport to Dundurn or other war of 1812 sites before or after the enactment.

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- Talk more about Sara Calder and her great grandparents James and Mary Gage.
- Add an English country dance.
- I am a reenactor of the Canadian Forces during the cold war era. I would love to include my group as well as those who do WW1/WW2 Canadian troops. Please email me [REDACTED].
- I have always enjoyed the costumed actors at the event. To hear that their journey starts in the US and then ends up at Stoney Creek for the Battlefield re-enactment, is an amazing feat in of itself! Talk about commitment to the role. As I mentioned earlier, the re-enactment is a vital piece of the history of Stoney Creek and helped shape our Country. It is my opinion, as our community grows it is important that new residents to Hamilton, who may have relocated here from other municipalities, come to the event and learn a piece of important Hamilton history. I believe learning about a community's history helps build an appreciation for the community one resides in. It preserves the story. And while this story has tragedy, the sacrifice for the outcome outweighs it. Maybe that is the new story to tell about the battle? Oh yes, on a personal note we also love the vendors and makers-market booths at the event. The replica toys and delicious lemonade and shortbread stands are our favourite stops (we've attended the event many times over the years - since our child was young, up to now as empty nesters).

Covid-19 related comment:

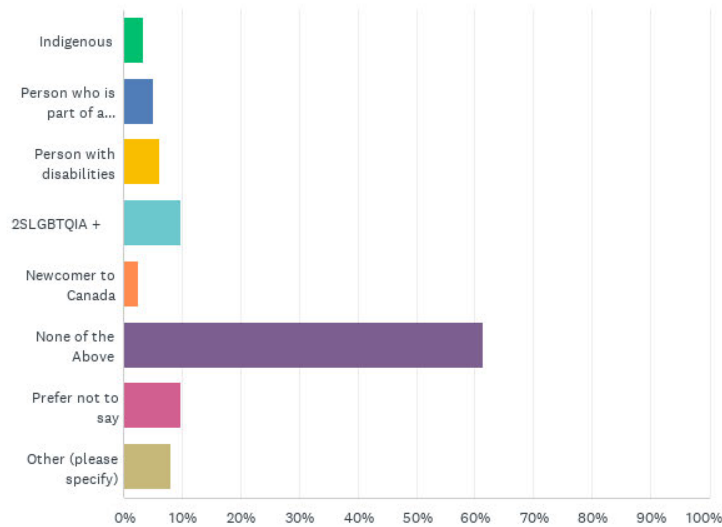
- The event will be inaccessible to immunocompromised, chronically ill, disabled, and medically vulnerable people unless you require and enforce masks and social distancing. Please don't let the misinformed and privileged guide your policies just because they are louder than the rest of us.

Q 10: do you identify as any of the following?

This question was designed to capture some additional demographic information, to aid staff in determining the breadth and diversity of opinions captured in this anonymous survey exercise. The verbiage is identical to that used on other online surveys administered by the City. The majority of our respondents (61/44% or 196 individuals) do not identify as a member of an equity seeking group. 9.72% or 31 individuals declined to answer. 31 respondents self-identified as 2SLGBTQIA+, 20 as persons with disabilities, 16 as part of a racialized community, 11 as Indigenous and 8 were newcomers to Canada.

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Q10 Do you identify as any of the following



In the “other” section, some individuals identified themselves as “white”, “senior” and “from Stoney Creek”, while a number asked why this question was included in a survey about an event based on history.

Battle of Stoney Creek Re-enactment Report of Findings

Background

Hamilton City Council directed staff on June 8, 2022 to consult with the public and key stakeholders regarding the scope, approach and programming of the Battle of Stoney Creek event.

As part of the consultation process, RO Jones Consulting was engaged by the City of Hamilton, Tourism and Culture Division, to provide facilitation services and a Report of Findings based on the input provided from the facilitated sessions.

Methodology

Invitations were sent out to the public by Civic Museums staff for a total of three facilitated sessions. Two of the sessions were held in-person at the Stoney Creek Battlefield House, and one session was held virtually using the City of Hamilton WebEx platform. The sessions took place on November 16, 21 and 25, 2022.

All sessions were facilitated by RO Jones Consulting with administrative assistance provided by Civic Museums staff at each session. The sessions were facilitated in a manner intended to establish a level of comfort amongst the participants and encourage full and equal participation from all involved. The goal was to promote authentic and constructive dialogue using the question areas and topics as prompts to guide the discussion.

Areas of Interview Focus

RO Jones worked collaboratively with Civic Museums staff to develop the topics and questions for the facilitated sessions. The consultation was intended to explore options and opportunities for the Battle of Stoney Creek to be commemorated while increasing the economic, educational and community benefits flowing from the event. From the outset, it was agreed the tone and purpose of the facilitated questioning was to be positive and prospective, i.e. to consider how we might build on the strengths of the event and identify what changes should be made to sustain and improve its positive impact.

Topics/Question areas for the facilitated sessions:

- 1) Identify the top three strengths of the event from everyone’s perspective and explain why they feel that way.
- 2) How might we expand the economic benefit of the event for local businesses?
- 3) How might we mitigate some of the negative impacts and challenges of the event, e.g. parking concerns; garbage collection/environmental impact; traffic problems, etc. Participants were encouraged to identify their own issues of concern beyond those suggested in the question to prompt discussion.

- 4) How might we expand and enhance the educational opportunities of the re-enactment event? Can we build on the existing History in Action Day? Could we connect with schools and students differently and effectively using technology? Can we connect with more and different schools and student populations than in the past?
- 5) What aspects or items would you like to see changed with the event? What in your opinion do we need to do more of, less of, do differently, start doing and/or stop doing at the event?
- 6) How would you like to be involved in this event? How could you or your group continue to see its expansion and success?

Report of Findings

A total of eleven individuals participated in the facilitated sessions. All participants had a longstanding connection to, and involvement with, the event. Their roles and connections to the event were varied and included re-enactors, event planners, vendors, service club representatives, the recently elected City of Hamilton Councillor for Ward 5, a representative of the Friends of Battlefield House, and a representative of the Stoney Creek Chamber of Commerce and Historical Society.

All sessions were consistent in terms of the topics and questions discussed to ensure consistency and relevance when aggregated for this report.

Top Strengths of the Event

The following areas were identified in response to this question. The responses are not ranked or weighted other than they are all considered by the participants to be one of the top two or three strengths of the event:

- a) Economic benefit for Stoney Creek and Hamilton. A significant tourist attraction.
- b) Community event with something for everyone. Both education and entertainment value. Its important to bring the community together and many new Canadians attend and learn more about local history. An effective positive connection with and for new Canadians in the area.
- c) Commemoration of the battle and keeping the history alive for each generation. Presenting an important historical event in a way that is entertaining. It is a form of active learning that is effective. It's important to refresh history in a way that is palatable to younger generations.
- d) The event brings talented passionate people to the area from across North America. This includes re-enactors, merchants, vendors and specialized crafts persons such as spinners and weavers.

Suggestions to build on these strengths

In terms of enhancing the educational aspects and impact of the event suggestions and comments included:

- a) Make new and additional connections with educational institutions including colleges and universities. Perhaps connect the event to college curricula such as the Mohawk College or Niagara College media training programs. Students could record the event, interview event participants and attendees, etc. as part of their program and create a reusable, transferable, record of the event and demonstrations that could be used in other schools to raise awareness and educate students.
- b) Use technology and some social media to better connect the event with younger students in a way that is familiar and comfortable for them.
- c) Establish an outreach program and hold talks throughout the year in schools about the event and the battle itself. Add more information in the story to include the role and perspective of Indigenous persons, women beyond their roles as cooks and vendors and the "Coloured Corps". Currently it is a very male-dominated event. People want to see themselves represented.
- d) Kiwanis Clubs currently sponsor four Stoney Creek area schools. Perhaps more students from these schools could be invited to provide volunteer assistance at the event.
- e) Break the event into several demonstrations and have new additional people involved in telling the story and answering questions from those attending. Involve people in addition to the re-enactors to help tell a more fulsome story. Vendors are a big part of the event and are closely connected. Vendors interact with the public a great deal and get many questions about the battle and the related history. They are very knowledgeable and can be involved more effectively in telling the stories.
- f) Examine the possibility of a better connection with Fort George and Fort Erie as the Battle of Stoney Creek is part of a much larger battle.
- g) Develop and provide more accuracy and information as to the actual location of the battle and include more information on the important naval involvement in the overall battle.
- h) Utilize students to access Stoney Creek archives. Student research projects could create stories about the background of actual soldiers and their families from the battle. It would be an opportunity to amplify individual stories and tell the story of these people over time as opposed to just at the battle itself.
- i) Provide more pre and post event materials online for teachers to access year-round and possibly incorporate into their study programs.

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- j) Connect with fourth year McMaster University students studying history, journalism, or business and marketing. This might become a co-op or internship opportunity for them and enhance the educational impact as well as level and type of student connections to the event.
- k) Consider how we might better connect the event and the overall history to newer Canadians. Possibly use common interests such as food and medicine as a platform to establish better connections, discussions and levels of involvement with the event. Food, medicine, and raising children are all common points of intersection with new Canadians unfamiliar with the battle history. We need to think about the scope of “community” more broadly when we create resources.
- l) Broaden the knowledge and information base to include stories about local families of the time such as the Gage family.
- m) Have actors in period costume go to the schools to inform and connect with the younger students directly and promote the event in April and May.
- n) There needs to be more People of Colour, Black, and Indigenous input to make it a better and more fulsome educational piece. We need more guest speakers and talks about aspects such as the role of the Black Militia.
- o) We need to better include the Indigenous perspective. This must be done authentically by and with Indigenous persons.
- p) Improve the experience for kids on History in Action Day. Make it more than a field trip. Use technology to make it more interactive and interesting for younger students at the site. Be more hands-on and experiential on Heritage in Action Day. Go beyond just local schools to include the Halton area schools and perhaps others.
- q) Increase and improve the demonstrations during the event and promote them as much as the battle re-enactment. Make better use of the vendor community to educate visitors and students. Many are well-versed in the history and are a regular point of contact for visitors with a variety of questions.
- r) Consider student volunteers to assist with the concession stands. Find ways for more direct student and school involvement overall.

The following is a list of suggestions made by participants to improve the economic impact of the event. They are not listed in any ranked or weighted order:

- a) More and better marketing and improved communication overall concerning the event. More outreach to local businesses.
- b) Connect with bus tour companies. Get assistance from Tourism Hamilton with this. Bring tourists from further distances who might well stay overnight or longer with potentially

positive impact on local restaurants and hotels as well as the event site itself. Possibly create more of an “all in one” event to get people involved beyond the self-contained battle site and have more involvement with downtown restaurants shops and hotels. Discounts from local merchants for attendees would be helpful.

- c) The local business community does not really realize the impact of the event. The Stoney Creek BIA has never been asked to contribute but is open to having more activity and partnership. The BIA might hold a complimentary festival to coincide with the battle event.
- d) Consider having food trucks on site and local restaurants offering incentives to dine there.
- e) Consider temporary changes to the local downtown Stoney Creek two-hour parking limit during the event to encourage people to stay longer and frequent local businesses before or after visiting the event site.
- f) The Town of Stoney Creek needs to be more involved. Participation from local businesses and the town has declined in recent years when compared with the past.
- g) The event needs better promotion. People find out about the event too late. It is hard to find information about the event on the City of Hamilton website and that site is often behind schedule. People in Niagara and Burlington need to know about the event with better communications and marketing.
- h) Consider types of business sponsorship for the event that would improve awareness, attendance and connection between event participants/attendees and those business sponsors. Discount coupons for downtown businesses could be a possibility. Sponsorship of shuttle buses between the downtown and the event site to connect attendees to the downtown business section might provide improved economic benefits.
- i) Meet with the business community to discuss possibilities and define their interests. Understand their needs and answer the “What’s in it for me” question from the business community.
- j) Re-evaluate having a licensed beer tent on site during the vent. This was a very popular and profitable aspect of the event when it existed in the past.

Identify and mitigate the event challenges and negative impacts

Participants were asked to identify challenges and negative impacts of the event and consider how these might be mitigated or overcome. Discussion included, but was not limited to, issues of parking, physical access, facilities, garbage and possible negative environmental impacts of the event.

The following list of comments and suggestions for improvement are not ranked or weighted:

- a) Parking was uniformly identified by participants as an issue of concern. The issue of

limited parking overall was mentioned in addition to the specific lack of accessible parking onsite. Limited parking impacts vendors and participants as well as visitors. It was noted that continued building and development on previously available local parking sites has made the situation much worse in the last few years.

- b) Consider a more effective shuttle bus or similar transportation option to mitigate the parking concerns. This could be a sponsorship opportunity and means of connecting visitors with the downtown business community during the event days.
- c) Access for seniors. Consider improved walking trail access for nearby seniors that would include benches along the pathway to rest as appropriate. These benches could be sponsored by local businesses.
- d) Insufficient and access to bathroom facilities on the site. Vendors and re-enactors need access to dedicated bathroom facilities during the event. They don't have time to wait in line-ups with the public to use the facilities and stay on schedule. The bathrooms become very dirty and need to be maintained more often and properly during the event. Some participants felt the City of Hamilton has not responded positively in the past to requests for more and improved bathroom facilities.
- e) There is a need to establish a more formal and effective weather/safety plan to put into effect in the event of inclement weather.
- f) Make the necessary repairs to re-establish a working kitchen hearth in the museum. This would significantly enhance the demonstrations and related learning experiences.

No issues with garbage collection or management were cited. Many of the participants were very complimentary of the good work done in this regard by City of Hamilton staff during the event.

No issues of negative environmental impact as a result of the re-enactment were raised by any of the participants.

Identify needed changes to improve the event

This was an open-ended opportunity for all participants to identify areas where they felt change was needed to sustain and improve future events. It was intended to identify concerns and solutions in addition to those cited by them earlier in the facilitated sessions, and in this report. In some instances, however, there may be some overlap between the following and previously documented suggestions for change in this report.

Participant comments and suggestions below are not in any ranked or weighted order:

- a) Develop a more realistic portrayal of the battle. There needs to be improvement in the scripting of the battle at the event and more mention made of the role of groups like the militia as well as the regular armies.

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- b) Broaden the interpretation to include the perspectives of women, Indigenous and Black people.
- c) Find a way to involve other museum sites more involved, e.g. Dundurn and Military sites could create programming and get involved directly with the event. Make this the “flagship” event for the entire City. Make it the “best of the best”. Doing this could be an opportunity to involve and connect to a bigger and potentially broader audience.
- d) Use the Stoney Creek BIA to communicate and coordinate with local business.
- e) The event needs more support from the City of Hamilton. This support includes: marketing advertising and communications, appointing a person or persons in addition to the Battlefield Site Curator to coordinate with various City of Hamilton departments as necessary and support the Curator and volunteers, assist directly with the setting up and tearing down of the site, providing more and improved washroom/change facilities, and adopting more of a positive cooperative/partnership approach when interacting with the event planners, supporters, and participants.
- f) Maintain the free admission policy. Most participants cited this as a very positive change that had an on-going positive impact on attendance and improving levels of access within the community. Vendors benefit as well. Obtain sponsors if and as necessary to maintain free admission.
- g) The event does a good job at what it is intended to do. It is a re-enactment and teaches people about the battle. It is well organized and high quality. It needs a broader outreach with more voices being represented and heard.
- h) Consultations and outreach are necessary to get authentic input as to the perspectives and roles played by “Indigenous persons, Black, People of Colour and women” in the battle event and history.
- i) Make changes grounded in research. Don’t create a revisionist history.
- j) Consult with the organizing committee and others deeply involved before changes are made.
- k) Consider the possible re-allocation of the funds used to purchase fireworks to spend on improving other aspects of the event as identified.
- l) Train the professional staff so they can tell more fulsome nuanced stories during the event.
- m) Get clarity as to who are the City of Hamilton staffers that will take on the long-term event and help steer it. Establish a multi-disciplinary working group from the City of Hamilton to drive the event. City of Hamilton Tourism and Finance need to be more involved and

Appendix “C” to Report PED23070
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supportive. There have been recent staff and other changes so it's unclear currently who we are partnering with at the City of Hamilton.

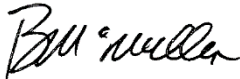
- n) Pay attention specifically to seniors both in terms of access to the site as well as educational opportunities.
- o) Need to do more at the Battlefield site beyond the re-enactment. Consider creating mini demonstrations and events to hold year-round at the site to make the whole thing more relevant and improve awareness.

The following is a list of participants and their affiliation in the community consultations held on November 16, 21, and 25, 2022.

Cathy Wakeman	<ul style="list-style-type: none"> • Stoney Creek Historical Society and Chamber of Commerce
Heidi Madden	<ul style="list-style-type: none"> • Re-enactor • Former Secretary of Friends of Battlefield House
Craig Williams	<ul style="list-style-type: none"> • Longstanding participant in the battle reenactment • Currently “Commander Crown Forces North America”
Matt Francis	<ul style="list-style-type: none"> • City of Hamilton Councillor, Ward 5
Lisa Barty	<ul style="list-style-type: none"> • Re-enactor and volunteer • Created the “History in Action” Day • Museum Degree
Stan Eastman	<ul style="list-style-type: none"> • Stoney Creek Lions Club • Longstanding involvement • Provides re-enactors breakfast
Christine Eastman	<ul style="list-style-type: none"> • Stoney Creek Lions Club • Similar involvement as Stan Eastman
Ron Burshaw	<ul style="list-style-type: none"> • Kiwanis Club President • Been involved with the event for 25 years • Provides water and bbq sales
Marilyn Pasher	<ul style="list-style-type: none"> • Kiwanis Club Secretary • Longstanding involvement with the event
Seika Groves	<ul style="list-style-type: none"> • Vendor • Archeology background • Well versed in the War of 1812 • Has a naval perspective of the battle • Does other unrelated historical re-enacting
Edd Scorpio	<ul style="list-style-type: none"> • Vendor involved with the event for 7 years • Indigenous • Does unrelated historical re-enacting



CITY OF HAMILTON
CORPORATE SERVICES
Financial Planning, Administration and Policy

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 22, 2023
SUBJECT/REPORT NO:	City of Hamilton / Ministry of Transportation 2022-23 Dedicated Gas Tax Funding Agreement (FCS23043) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Craig Webb, CPA, CMA (905) 546-2424, Ext. 1870
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the Mayor and the General Manager, Finance and Corporate Services, be authorized and directed to enter into an Agreement between the City of Hamilton and the Province of Ontario related to the funding commitment made by the Province of Ontario to the municipality under the Dedicated Gas Tax Funds for Hamilton's Public Transportation Program;
- (b) That the Mayor and General Manager, Finance and Corporate Services, be authorized and directed to execute the Letter of Agreement attached as Appendix "A" to Report FCS23043;
- (c) That the By-law attached as Appendix "C" to Report FCS23043 authorizing and directing the Mayor and General Manager, Finance and Corporate Services, to sign a Letter of Agreement between the City of Hamilton and the Province of Ontario with respect to funding under the Dedicated Gas Tax Funds for Public Transportation Program, be passed;
- (d) That, upon being passed, a certified copy of the By-law, together with two copies of the signed Letter of Agreement, be forwarded to the Ministry of Transportation.

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: City of Hamilton / Ministry of Transportation 2022-23 Dedicated Gas Tax Funding Agreement (FCS23043) (City Wide) – Page 2 of 4

EXECUTIVE SUMMARY

The City of Hamilton is eligible to receive \$12,006,354 in provincial funding as part of the 2022-23 Dedicated Gas Tax Funds for Public Transportation Program. This represents an increase of \$307,366 (2.6%) over the previous 12-month total allocation of \$11,698,988.

COVID-19 continued to impact gasoline sales in 2021-22. As a result, the Province has committed an additional \$80 M in supplementary funding for the 2022-23 Gas Tax program. The additional funding maintains the funding envelope as the Province recognizes that transit systems are continuing to build back their ridership levels. The 2022-23 Provincial Program provided funding for the Program to 107 public transit systems responsible for service to 144 communities. The 2022-23 Provincial Program for the year running from April 1, 2022 to March 31, 2023 will maintain an allocation of funding for the Program amounting to approximately \$378.6 M.

The By-law, accompanying Agreement, guidelines and requirements, attached to Report FCS23043, are provided as a condition of the transfer of funds provided by the Province of Ontario to the City of Hamilton under this Program.

Under the terms and conditions of the attached Agreement, a by-law is required to authorize the Mayor and General Manager, Finance and Corporate Services, to sign the “Letter of Agreement between His Majesty the King in Right of the Province of Ontario, Represented by the Minister of Transportation for the Province of Ontario and the City of Hamilton related to Funding Provided by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program”.

Municipalities receiving dedicated gas tax funds must meet the requirements set out in the “2022-23 Guidelines and Requirements”, attached as Appendix “B” to Report FCS23043.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Ratification of the Letter of Agreement is a condition of the City of Hamilton becoming eligible for an estimated \$12,006,354 in provincial funding relating to 2022-23 as part of the 2022-23 Dedicated Gas Tax Funding program. This represents an increase of \$307,366 over the previous 12-month total allocation of \$11,698,988.

Staffing: None.

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SUBJECT: City of Hamilton / Ministry of Transportation 2022-23 Dedicated Gas Tax Funding Agreement (FCS23043) (City Wide) – Page 3 of 4

Legal: The enacting of the supporting By-law per Appendix “C” to Report FCS23043 is a requirement to receive funding under the Dedicated Gas Tax Funds for Public Transportation Program.

HISTORICAL BACKGROUND

In 2013, the Province of Ontario moved forward with its commitment to make Gas Tax funding permanent.

Traditionally, the Province of Ontario, under the above-noted program, has provided two cents of the existing provincial gas tax to municipalities to support public transportation. In 2021-22, COVID-19 continued to impact gasoline sales. As a result, the funding envelope for the 2022-23 Gas Tax program was provided with an additional \$80 M to maintain funding levels in line with previous years’ allocations. By maintaining funding for the Gas Tax program, the total available across the Province’s 107 agencies serving 144 communities is approximately \$378.6 M.

As part of that commitment, the Province of Ontario, under the Dedicated Gas Tax Funds for the Public Transportation Program, is providing funding in the amount of \$12,006,354 to the City of Hamilton for 2022-23 as per the Letter of Agreement attached as Appendix “A” to Report FCS23043.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

None.

RELEVANT CONSULTATION

None.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Under the Dedicated Gas Tax Funds for the Public Transportation Program, funding allocated is based on 70% transit ridership and 30% municipal population with the requirement that funding received be deposited into a dedicated reserve. For the 2022-23 Gas Tax Program, MTO is using a five-year average of ridership from 2017 to 2021 and will be using the highest level of reported municipal spending from 2017 to 2021 when calculating municipal allocations.

The purpose of the Program is to provide dedicated gas tax funds to Ontario municipalities to support local public transportation services and to increase overall ridership through the expansion of public transportation capital infrastructure and levels of service.

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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: City of Hamilton / Ministry of Transportation 2022-23 Dedicated Gas Tax Funding Agreement (FCS23043) (City Wide) – Page 4 of 4

Under the terms and conditions of the attached Agreement, a by-law is required to authorize the Mayor and City Treasurer to sign the “Letter of Agreement between His Majesty the King in Right of the Province of Ontario, Represented by the Minister of Transportation for the Province of Ontario and the City of Hamilton related to Funding Provided by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program”.

ALTERNATIVES FOR CONSIDERATION

None.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Economic Prosperity and Growth**

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report FCS23043 – Letter of Agreement between the City of Hamilton and the Province of Ontario

Appendix “B” to Report FCS23043 – 2022/23 Guidelines and Requirements

Appendix “C” to Report FCS23043 – 2023 City of Hamilton / Ministry of Transportation Gas Tax Funding Agreement By-law

CW/dt

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.

**Ministry of
Transportation**

Office of the Minister

777 Bay Street, 5th Floor
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transportation

**Ministère des
Transports**

Bureau de la ministre

777, rue Bay, 5^e étage
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transports



February 24, 2023

107-2023-555

Mayor Andrea Horwath
City of Hamilton
71 Main Street West
Hamilton ON L8P 4Y5

Dear Mayor Horwath:

RE: Dedicated Gas Tax Funds for Public Transportation Program

This Letter of Agreement between the **City of Hamilton** (the "Municipality") and His Majesty the King in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario (the "Ministry"), sets out the terms and conditions for the provision and use of dedicated gas tax funds under the Dedicated Gas Tax Funds for Public Transportation Program (the "Program"). Under the Program, the Province of Ontario provides two cents out of the provincial gas tax to municipalities to improve Ontario's transportation network and support economic development in communities for public transportation expenditures.

The Ministry intends to provide dedicated gas tax funds to the Municipality in accordance with the terms and conditions set out in this Letter of Agreement and the enclosed Dedicated Gas Tax Funds for Public Transportation Program 2022-23 Guidelines and Requirements (the "guidelines and requirements").

In consideration of the mutual covenants and agreements contained in this Letter of Agreement and the guidelines and requirements, which the Municipality has reviewed and understands and are hereby incorporated by reference, and other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Ministry and the Municipality agree as follows:

1. To support local public transportation services in the Municipality, the Ministry agrees to provide funding to the Municipality under the Program to a maximum amount of up to **\$12,006,354** ("the "Maximum Funds") in accordance with, and subject to, the terms and conditions set out in this Letter of Agreement and, for greater clarity, the guidelines and requirements.
2. Subject to Section 1, the Ministry will, upon receipt of a fully signed copy of this Letter of Agreement and a copy of the authorizing municipal by-law(s) and, if applicable, resolution(s) for the Municipality to enter into this Letter of Agreement, provide the Municipality with **\$9,004,766**; and any remaining payment(s) will be provided thereafter.

-2-

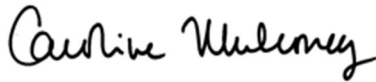
3. If another municipality authorizes the Municipality to provide local public transportation services on its behalf and authorizes the Municipality to request and receive dedicated gas tax funds for those services also on its behalf, the Municipality will in the by-law(s) and, if applicable, resolution(s) described in Section 2 confirm that the Municipality has the authority to provide those services and request and receive those funds.
4. The Municipality agrees that any amount payable under this Letter of Agreement may be subject, at the Ministry's sole discretion, to any other adjustments as set out in the guidelines and requirements.
5. The Municipality will deposit the funds received under this Letter of Agreement in a dedicated gas tax funds reserve account, and use such funds and any related interest only in accordance with the guidelines and requirements.
6. The Municipality will adhere to the reporting and accountability measures set out in the guidelines and requirements, and will provide all requested documents to the Ministry.
7. The Municipality agrees that the funding provided to the Municipality pursuant to this Letter of Agreement represents the full extent of the financial contribution from the Ministry and the Province of Ontario under the Program for the 2022-23 Program year.
8. The Ministry may terminate this Letter of Agreement at any time, without liability, penalty or costs upon giving at least thirty (30) days written notice to the Municipality. If the Ministry terminates this Letter of Agreement, the Ministry may take one or more of the following actions: (a) cancel all further payments of dedicated gas tax funds; (b) demand the payment of any dedicated gas tax funds remaining in the possession or under the control of the Municipality; and (c) determine the reasonable costs for the Municipality to terminate any binding agreement(s) for the acquisition of eligible public transportation services acquired, or to be acquired, with dedicated gas tax funds provided under this Letter of Agreement, and do either or both of the following: (i) permit the Municipality to offset such costs against the amount the Municipality owes pursuant to paragraph 8(b); and (ii) subject to Section 1, provide the Municipality with funding to cover, in whole or in part, such costs. The funding may be provided only if there is an appropriation for this purpose, and in no event will the funding result in the Maximum Funding exceeding the amount specified under Section 1.
9. Any provisions which by their nature are intended to survive the termination or expiration of this Letter of Agreement including, without limitation, those related to disposition, accountability, records, audit, inspection, reporting, communication, liability, indemnity, and rights and remedies will survive its termination or expiration.
10. This Letter of Agreement may only be amended by a written agreement duly executed by the Ministry and the Municipality.
11. The Municipality agrees that it will not assign any of its rights or obligations, or both, under this Letter of Agreement.

.../3

- 12. The invalidity or unenforceability of any provision of this Letter of Agreement will not affect the validity or enforceability of any other provision of this Letter of Agreement. Any invalid or unenforceable provision will be deemed to be severed.
- 13. The term of this Letter of Agreement will commence on the date of the last signature of this Letter of Agreement.
- 14. The Municipality hereby consents to the execution by the Ministry of this Letter of Agreement by means of an electronic signature.

If the Municipality is satisfied with and accepts the terms and conditions of this Letter of Agreement, please print and secure the required signatures, and then deliver a fully signed pdf copy to the Ministry at the email account below. Subject to the province's prior written consent, including any terms and conditions the Ministry may attach to the consent, the Municipality may execute and deliver the Letter of Agreement to the Ministry electronically. In addition, all program documents are also to be sent to the following email account:
MTO-PGT@ontario.ca

Sincerely,



Caroline Mulroney
Minister of Transportation

I have read and understand the terms and conditions of this Letter of Agreement, as set out above, and, by signing below, I am signifying the Municipality's consent to be bound by these terms and conditions.

Municipality

Date	Name (print): Title (head of council or authorized delegate):

I have authority to bind the Municipality.

Date:	Name (print): Title (clerk or authorized delegate):

I have authority to bind the Municipality.



MINISTRY OF TRANSPORTATION

**Dedicated Gas Tax Funds For
Public Transportation Program**

2022-23 Guidelines and Requirements

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DEDICATED GAS TAX FUNDS FOR PUBLIC TRANSPORTATION PROGRAM

2022-23 GUIDELINES & REQUIREMENTS

1. DEFINITIONS

When used in these guidelines and requirements, the words set out below that import the singular include the plural and vice versa:

“Canadian Content Policy” means the Canadian Content for Transit Vehicle Procurement Policy, which the Ministry may amend from time to time.

“dedicated gas tax funds” means the money provided by the Ministry to a municipality to be used strictly towards eligible expenditures that are reasonable, in the opinion of the Ministry, and related directly to the provision of public transportation services, and “dedicated gas tax funding” has the same meaning.

“dedicated gas tax funds reserve account” means an interest bearing account set up by a municipality, under its name and in a Canadian financial institution, where dedicated gas tax funds are deposited and can be tracked separately from any other funds that may be in the account. This does not need to be a separate account, so long as the dedicated gas tax funds can be tracked separately.

“DFPTA” means the *Dedicated Funding for Public Transportation Act, 2013*, S.O. 2013, c. 2, Sched. 3.

“eligible expenditures” means expenditures made by a municipality in direct support of public transportation operating or capital, or both, costs in accordance with Article 3 of these guidelines and requirements.

“guidelines and requirements” means these guidelines and requirements entitled “Dedicated Gas Tax Funds for Public Transportation Program – 2022-23 Guidelines and Requirements”, including Appendices A, B and C to these guidelines and requirements, which the Ministry may amend from time to time.

“host municipality” means a host municipality as described in Section 4.2.

“indemnified parties” means His Majesty the King in right of Ontario, Her ministers, agents, appointees, and employees.

“letter of agreement” means an agreement entered into between the Ministry and a municipality, including a host municipality, that sets out the terms and conditions under which the Ministry agrees to provide dedicated gas tax funds to the municipality, including those under these guidelines and requirements, and any amendments to the letter of agreement.

"losses" means any and all liability, loss, costs, damages or expenses (including legal, expert and consultant fees).

"major refurbishment" means: (a) for a subway car, light rail car, streetcar or trolley bus, the refurbishment where the life cycle is extended for a minimum of six years beyond the designed life cycle set out by the manufacturer; and (b) for a bus thirty feet in length or over, the refurbishment where, when the bus reaches a minimum age of nine years, the life cycle of the bus is extended for a minimum of six years.

"Ministry" and "Minister", respectively, means the Ministry of Transportation, which is responsible for the administration of the Program and the Minister responsible for the Ministry.

"municipal own spending on public transportation" means the funds, including those received from total operating revenue and local public donations, that a municipality contributes towards public transportation expenditures, including funds it contributes for operating and capital expenditures.

"personnel" includes the advisors, appointees, directors, officers, employees, agents, partners, affiliates, volunteers or subcontractors of a municipality.

"proceeding" means any and all causes of action, actions, claims, demands, lawsuits or other proceedings.

"Program" means the Dedicated Gas Tax Funds for Public Transportation Program set up by the Ministry to provide municipalities with dedicated gas tax funds subject to and in accordance with a letter of agreement.

"PRESTO" means the fare payment system for which Metrolinx is responsible.

"public transportation" means any service for which a fare is charged for transporting the public by vehicles operated by or on behalf of a municipality or local board as defined in the *Municipal Affairs Act*, R.S.O. 1990, c. M. 46, as amended, or under an agreement between a municipality or local board, and a person, firm or corporation, and includes special transportation facilities for transporting persons with disabilities but does not include transportation by special purpose facilities, such as marine vessels, school buses or ambulances.

"public transportation vehicle" refers to a streetcar, bus, subway car, light rail car, specialized vehicles for transporting persons with disabilities or trolley bus used for public transportation.

"reporting forms" means the form "2022-23 Dedicated Gas Tax Funds for Public Transportation (Gas Tax) Program" to be provided by the Ministry.

"subcontractor" means any contractor of a municipality or any of its subcontractors at any tier of subcontracting.

2. INTRODUCTION

The Program is an important element of the ongoing relationship between the province of Ontario and Ontario municipalities. Municipalities receiving dedicated gas tax funds must meet the requirements set out in these guidelines and requirements.

As of 2013 and pursuant to the *Dedicated Funding for Public Transportation Act, 2013*, S.O. 2013, c. 2, Sched. 3 ("DFPTA"), a portion, (2 cents per litre), of the provincial gasoline tax revenue is dedicated to the provision of grants to municipalities for public transportation, including those pursuant to the Program. The portion of the gas tax that is dedicated in each fiscal year is an amount determined using a formula set out in the DFPTA.

The 2022-23 Program year runs from April 1, 2022 to March 31, 2023. The new allocation of funding for the Program for 107 public transit systems representing 144 municipalities will amount to approximately \$299.6 million.

In January 2023, the Province committed \$80 million in additional funding to address the impacts of COVID-19 on the Gas Tax Program. The additional funding maintains the funding envelope at the level of the 2021-22 Program year (approximately \$378.6M). This funding will help stabilize 2022-23 program allocations as the Province continues its COVID-19 recovery and transit systems begin to build back their ridership levels.

3. GENERAL ELIGIBILITY REQUIREMENTS AND CONDITIONS

The purpose of the Program is to provide dedicated gas tax funds to Ontario municipalities to support local public transportation services, and to increase overall ridership through the expansion of public transportation capital infrastructure and levels of service. To be eligible to receive dedicated gas tax funds, a municipality must contribute financially towards its public transportation services.

For 2022-23, and unless otherwise approved in writing by the Ministry, only municipalities that have submitted their 2021 annual data survey to the Canadian Urban Transit Association (CUTA), and their 2020 Gas Tax reporting forms to the Ministry, will be eligible to receive dedicated gas tax funds.

Subject to the provision of a municipal by-law indicating its intent to provide public transportation services, a municipality that is not currently providing public transportation services, but decides to begin providing such services, may be eligible for funding. Notification of the municipality's intent to provide public transportation services and specific commitment to annually fund such public transportation services is required. Municipalities are encouraged to contact ministry staff early in their decision making process for providing services. After the new public transportation services have been implemented, and at the Ministry's sole discretion, dedicated gas tax funding may then be available.

A municipality receiving dedicated gas tax funds must ensure that all funds received and any related interest are used exclusively towards eligible expenditures and, unless otherwise

approved in writing by the Ministry, disbursement of dedicated gas tax funds and any related interest must be net of any rebate, credit or refund, for which the municipality has received, will receive, or is eligible to receive.

All public transportation services and public transportation vehicles must be fully accessible in accordance with the requirements set out under the following statutes and regulations, as may be amended from time to time: the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11 and the *Integrated Accessibility Standards*, O. Reg. 191/11 made under that Act; the *Highway Traffic Act*, R.S.O. 1990, c. H.8 and the *Accessible Vehicles*, R.R.O. 1990, Reg. 629 made under that Act; and the *Public Vehicles Act*, R.S.O. 1990, c. P. 54. In addition to the above, the acquisition of public transportation vehicles must comply with the Canadian Content Policy requirements.

Unless the Ministry otherwise approves in writing, in 2022-23, gas tax revenues and any related interest can only be used to support municipal public transportation expenditures and not to reduce or replace current levels of municipal public transportation funding. External audit and financial reporting costs are not eligible expenditures which the Ministry may reimburse or to which dedicated gas tax funding can be applied.

(a) Requirements for All Dedicated Gas Tax Funds Received in 2022-23 and Beyond

- Dedicated gas tax funds and any related interest must be spent on one or more of the following:
 - Public transportation capital expenditures that promote increased transit ridership;
 - Public transportation operating expenditures;
 - Capital expenditures for the replacement of any public transportation vehicles;
 - Capital expenditures that provide improvements to public transportation security and passenger safety;
 - Expenditures for major refurbishment on any fully accessible, or to be made fully accessible, public transportation vehicle, with the exception of specialized vehicles used for the transportation of persons with disabilities, and
 - Expenditures which enhance connections or access to and from transit (“First Mile/Last Mile” initiatives).
 - Such initiatives must directly support ridership growth.
 - Municipalities are encouraged to consult Ministry staff for guidance or advice on whether a specific initiative would qualify as an eligible expenditure for the purpose of the dedicated gas tax funds.
- For municipalities that provide only specialized transit for persons with disabilities, dedicated gas tax funds can be spent on public transit initiatives that may not initially result in ridership growth but will provide increased accessibility.

(b) Additional Requirements for the following Municipalities: Regions of Durham and York, the Cities of Brampton, Burlington, Hamilton, Mississauga, Ottawa and Toronto, and the Town of Oakville.

Prior to the release of any dedicated gas tax funds, the municipalities listed under (b) above will, in addition to any other requirements in this Article 3, be required to:

- Participate in PRESTO and, as participants, will be required to meet their financial obligations for that system.

(c) Additional Requirements for GTA Municipalities: Regions of Durham, Halton, Peel and York, and Cities of Hamilton and Toronto.

Prior to the release of any dedicated gas tax funds, the municipalities listed under (c) above will, in addition to any other requirements in this Article 3, be required to:

- Demonstrate that they have met their responsibility for the payment of the growth and expansion capital costs of Metrolinx pursuant to the *Amendment to Greater Toronto Services Board By-law No. 40*, O. Reg. 446/04, made under the *Metrolinx Act, 2006*, S.O. 2006, c. 16, as amended.

(d) Additional Requirements for the following Municipalities: Regions of Durham, Peel, Niagara, Waterloo and York, the Cities of Barrie, Brampton, Burlington, Guelph, Hamilton, Mississauga, and Toronto, and the Towns of Caledon, Halton Hills, Milton and Oakville.

- As requested by the Province, participate in an engagement process led by the Province or Metrolinx, or both, to enable regional fare and service integration.
- As requested by the Province, share information and data to support analysis on regional fare and service integration.

The eligibility requirements for dedicated gas tax funds will be determined in accordance with these guidelines and requirements. The eligibility for any dedicated gas tax funds is at the sole discretion of the Ministry. Municipalities should consider consulting with Ministry staff to determine whether a proposed expenditure is an eligible expenditure for the purpose of dedicated gas tax funds.

4. GENERAL PROGRAM ALLOCATION METHODOLOGY AND PAYMENT PROCESS

4.1 General Program Allocation Methodologies

Based on consultation with municipalities, public transportation operators and stakeholders, the Province recognizes the varying needs of public transportation in Ontario municipalities, including those related to large established public transportation systems and communities

with different growth rates and levels of public transportation service. Consistent with the above, the Province has established an allocation formula based on a combination of ridership and population. This formula balances the needs of large established public transportation systems, the growth needs of rapidly growing municipalities, and the needs of smaller municipalities that provide public transportation services.

The Province is implementing an allocation based on 70% transit ridership and 30% municipal population. Fully implemented, 70% of \$379.62 million (up to \$265.74 million) may be distributed to municipalities on the basis of their public transportation ridership levels. Thirty percent (30%) of \$379.62 million (up to \$113.89 million) may be distributed on the basis of population levels. Public transportation ridership will include the totals of both conventional and specialized public transportation services.

Both ridership and population figures are updated and revised annually for use in the calculation of dedicated gas tax funds, unless otherwise approved in writing by the Ministry.

CUTA annually collects and reproduces, on behalf of the Ministry, transit ridership data in its Ontario Urban Transit Fact Book and its Ontario Specialized Transit Services Fact Book (the "CUTA Fact Books").

The 2022-23 gas tax allocations were calculated using 2021 population estimates derived from the 2016 census data.

The Gas Tax allocations for the 2022-23 program year have been calculated based on a five-year average for ridership data from the CUTA Fact Books, from 2017 to 2021. Where a municipality has participated in the program for less than five years, the average ridership is calculated over the number of years the municipality has participated from 2017 to 2021.

Dedicated gas tax funds provided to each municipality in 2022-23 are not to exceed 75% of municipal own spending on public transportation. For the 2022-23 Program, municipal own spending was calculated using municipal public transportation spending data set out in the CUTA Fact Books, selecting from the highest contribution of the years 2017 through 2021 for each municipality. The Ministry may re-allocate, in support of increasing public transportation ridership, any amounts of moneys dedicated for but that remains undistributed through the Program.

The Ministry may undertake an annual review of the dedicated gas tax allocation methodology and eligibility requirements to ensure these funds support the desired outcome of increased public transportation ridership. Municipal public transportation spending will be reviewed on an annual basis to determine if the limits of the dedicated gas tax funds need to be applied where the gas tax allocation may exceed 75% of municipal own spending on public transportation.

4.2 Payment Process

The Minister will advise each municipality that provides public transportation services of the amount of dedicated gas tax funds it is eligible to receive. The Minister will send a letter of

agreement to each of these municipalities. The letter of agreement will set out the terms and conditions upon which the dedicated gas tax funds will be released to the municipality, and by which the municipality will have to agree to be bound.

The Ministry may, on a quarterly basis (or other basis, as the Ministry may decide from time to time), make payments of dedicated gas tax funds only after receipt of the following documents:

i) the letter of agreement, provided by the Ministry to the municipality, signed in accordance with the by-law(s) and, if applicable, the resolution(s) described below; and ii) a scanned copy of the by-law(s) and, if applicable, any resolution(s) authorizing the letter of agreement and naming municipal signing officers for the letter of agreement.

In addition, the Ministry may withhold payment of dedicated gas tax funds until the reporting requirements under Section 8.4 are met.

Any amount of dedicated gas tax funds provided to the municipality under the Program will be subject to the remedies set out under Article 7.

Any dedicated gas tax funds the Ministry provides to a municipality and any related interest, including those kept by the municipality in a dedicated gas tax funds reserve account, will have to be used by the municipality exclusively towards public transportation services and in accordance with the requirements set out in these guidelines and requirements including, without limitation, those related to eligibility and related conditions, acquisition, disposition, accountability, records, audit, reporting, liability, and indemnity requirements.

If a municipality agrees to provide public transportation services (a "host municipality") for another municipality, the Ministry, at its sole discretion, may only provide the host municipality with dedicated gas tax funds. Prior to the Ministry making any payment of dedicated gas tax funds to the host municipality, the host municipality and the municipality on whose behalf the host municipality is providing transportation services will be required to provide the Ministry with copies of their respective by-law(s) and, if applicable, resolution(s), designating the host municipality as a public transportation service provider for the municipality or authorizing the host municipality to provide public transportation services to the municipality, as applicable. The contributing municipality, on whose behalf the host municipality is providing transportation services, will be required to provide the Ministry with a copy of their by-law(s) and, if applicable, resolution(s), in the year that this arrangement is initiated, and will be required annually to confirm with the Ministry in writing that the arrangement is still in effect. The host municipality will be required to enter into a dedicated gas tax funds letter of agreement with the Ministry and be in compliance with the terms and conditions set out in these guidelines and requirements.

In addition, the host municipality must promptly advise the Ministry of any change in arrangements between the host and contributing municipalities, such as decisions to cease contributions. The Ministry may then, at its sole discretion, make any necessary adjustment to its contribution of dedicated gas tax funds to the host municipality.

5. DEDICATED GAS TAX FUNDS RESERVE ACCOUNT AND INTEREST

5.1 Dedicated Gas Tax Funds Reserve Account

Dedicated gas tax funds must be used only towards the eligible expenditures for public transportation listed under Article 3(a). If the Ministry provides dedicated gas tax funds to a municipality before the municipality's immediate need for the funds, the municipality will be required to keep the funds, and all interest earned on such funds, in a dedicated gas tax funds reserve account. Dedicated gas tax funds received, and any related interest earned on such funds, must be reported annually, using the reporting forms, on a cash basis. At no time should a municipality report a negative reserve account balance.

In the event of a merger, amalgamation of transit systems, or where the transit system in one municipality is taken over by another municipality, and the municipality originally operating the transit system has unused dedicated gas tax reserve funds when it ceases to provide the transit system, the Ministry may, in its sole and absolute discretion, allow for the transfer of unused dedicated gas tax reserve funds to the municipality that is assuming the transit system. Approval must be obtained by the municipality from the Ministry in writing prior to the transfer. Such dedicated gas tax reserve account funds must be deposited in a dedicated gas tax funds reserve account for the municipality assuming the transit system. The Ministry may, in its sole discretion, impose any other requirements appropriate under the circumstances. The municipality/municipalities shall provide the Ministry with written notice of their request, as soon as practicable.

The municipality assuming the transit system must be a Gas Tax Program participant. It must execute a Letter of Agreement with the Ministry, and must remain in compliance with all other terms and conditions set out in these Guidelines. For further clarity, funds may **not** be transferred to a municipality which does not participate in the Gas Tax Program. This shall not be interpreted, however, as preventing a municipality from applying and becoming a participant in the Gas Tax Program in accordance with any requirements in these Guidelines.

If the Ministry for any reason declines to permit the type of transfer described above, the Ministry may demand the payment of any unused dedicated gas tax reserve funds, as a debt owing and due to the Crown, as per Section 7 of these Guidelines.

5.2 Interest

Interest must accrue on funds carried over the course of the Program reporting period in a dedicated gas tax funds reserve account. A municipality must calculate interest on its average annual balance of funds. The interest must also be reported annually, using the reporting forms, and can only be applied towards eligible expenditures.

6. ACQUISITION OF GOODS OR SERVICES, AND DISPOSAL OF ASSETS

If a municipality acquires goods, including supplies, materials, vehicles, equipment or services, or both, with dedicated gas tax funds, it must do so through a process that promotes the best

value (with due regard for economy, efficiency and effectiveness) for the dedicated gas tax funds it spends.

The municipality must report, in writing, to the Ministry any funds accrued from the sale, lease or disposal of assets purchased with dedicated gas tax funds, and return such funds to a dedicated gas tax funds reserve account (see Article 5), with the exception that funds accrued from the sale, lease or disposal of transit buses beyond their useful economic life (12 years for conventional and 5 years for specialized), will not be required to be returned to a dedicated reserve account.

7. ADJUSTMENT, WITHHOLDING AND PAYMENT OF DEDICATED GAS TAX FUNDS AND OTHER REMEDIES

If, in the opinion of the Ministry, a municipality: i) fails to comply with any term, condition or obligation set out in a letter of agreement, including these guidelines and requirements; ii) uses any of the dedicated gas tax funds or any related interest for a purpose not authorized without the prior written consent of the Ministry; iii) provides erroneous or misleading information; iv) fails to provide information, including requested audit information and required reports, to the Ministry for any reason whatsoever; or v) is unable to provide or acquire or has discontinued the provision or acquisition of any service or asset for which dedicated gas tax funds have been provided, or it is not reasonable for the municipality to continue to provide or acquire any service or asset for which such funds have been provided ("event of default"), the Ministry may, unless the Ministry provides the municipality with written notice of an opportunity to remedy the event of default, take one or more of the following actions: i) initiate any action the Ministry considers necessary in order to facilitate the successful provision or acquisition of any service or asset provided or acquired with dedicated gas tax funds; ii) suspend the payment of dedicated gas tax funds for such period as the Ministry determines appropriate; iii) reduce the amount of the dedicated gas tax funds; (iv) cancel further payments of dedicated gas tax funds; (v) demand from the municipality the payment of any dedicated gas tax funds remaining in the possession or under the control of the municipality; (vi) demand from the municipality the payment of an amount equal to any dedicated gas tax funds the municipality used, but did not use in accordance with the letter of agreement; (vii) demand from the municipality the payment of an amount equal to any dedicated gas tax funds the Ministry provided to the municipality; and viii) terminate the letter of agreement at any time, including immediately, without liability, penalty or costs to the Ministry upon giving notice to the municipality.

Where the Ministry gives the municipality an opportunity to remedy an event of default by giving the municipality notice of the particulars of the event of default and the date by which the municipality is required to remedy it, and: i) the municipality does not remedy the event of default by the date specified in the notice; ii) it becomes apparent to the Ministry that the municipality cannot completely remedy the event of default by the date specified in the notice; or iii) the municipality is not proceeding to remedy the event of default in a way that is satisfactory to the Ministry, the Ministry may extend the date by which the municipality is required to remedy the event of default, or initiate any of the remedies for event of default available to it under this Article 7.

Upon termination of the letter of agreement pursuant to this Article 7, the Ministry may take one or more of the actions listed for in the first paragraph to this Article 7. In regards to any demand for payment, the Minister may not demand payment of an aggregate amount greater than the dedicated gas tax funds that were received by the municipality.

Upon the Minister providing a municipality a written demand for payment of dedicated gas tax funds, any related interest, or both, the amount of the demand will be deemed to be a debt due and owing to the Crown of the Province of Ontario and may be recovered as such under applicable law, including, without limitation, the *Financial Administration Act*, R.S.O. 1990, c. F.12, as amended, ("FAA"). In addition to any remedy the Crown may have under the FAA, the Ministry may decide to withhold or adjust the amount of any current or future dedicated gas tax funding, or any other funding program, that may be provided to the municipality in an amount equal to such debt or have the amount of such debt deducted from financial assistance payable on any other project(s) of the municipality under any other initiative in which the Ministry is involved (either current or future). The Ministry may charge the municipality interest on any money owing by the municipality at the then current rate charged by the Province of Ontario on accounts receivable. The municipality will pay any money owing to the Ministry by cheque payable to the "Ontario Minister of Finance" and delivered to the Ministry as the Ministry may require.

If a municipality: i) has failed to comply with any term, condition or obligation under any other agreement with His Majesty the King in right of Ontario or one of His Agencies (a "failure"); ii) has been provided with notice of such failure in accordance with the requirements of such other agreement; iii) has, if applicable, failed to rectify such failure in accordance with the requirements of such other agreement; and iv) such failure is continuing, the Ministry may suspend the payment of dedicated gas tax funds for such period as the Ministry determines appropriate.

When the Ministry provides its consent pursuant to a letter of agreement, including these guidelines and requirements, it may impose any terms and conditions on such consent and the municipality will comply with such terms and conditions.

If a municipality fails to comply with any term of a letter of agreement, including these guidelines and requirements, the municipality could only rely on a waiver of the Ministry if the waiver was in writing and refers to the specific failure to comply. A waiver will not have the effect of waiving any subsequent failures to comply.

Any decision made by the Minister regarding funding under the Program is final.

8. ACCOUNTABILITY, RECORDS, AUDIT AND REPORTING REQUIREMENTS

8.1 Accountability

A municipality receiving dedicated gas tax funds must use such funds, and any interest earned on such funds, exclusively towards public transportation service eligible expenditures and in accordance with these guidelines and requirements. The municipality will not be allowed to

use dedicated gas tax funds and related interest to offset other municipal expenditures.

The municipality will also be required to provide such further assurances as the Ministry may request from time to time with respect to any matter to which a letter of agreement, including these guidelines and requirements, pertains, and will otherwise do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of these documents to their full extent.

Furthermore, the municipality must ensure any information the municipality provides to the Ministry under the Program is true and complete at the time provided and will continue to be true and complete.

8.2 Records

A municipality receiving dedicated gas tax funds must keep and maintain separate records and documentation related to any dedicated gas tax funds and any related interest, including invoices and any other financially-related documents relating to the provision or acquisition of public transportation services for which dedicated gas tax funds and any related interest have been used. The records and documentation must be kept and maintained in accordance with generally accepted accounting principles. Records containing confidential information must be kept in accordance with all applicable legislation. No provision of these guidelines and requirements shall be construed so as to give the Ministry any control whatsoever over the municipality's records.

8.3 Audit

A municipality receiving dedicated gas tax funds may be subject to audit. The Ministry may, at its sole discretion, audit or have audited by any third party, any records and documentation of the municipality related to any public transportation services provided or acquired with dedicated gas tax funds or any related interest, and such funds. Such audit may require the Ministry, at the municipality's expense (except as provided in the Canadian Content Policy), to retain external auditors. In addition, the Auditor General may, pursuant to the *Auditor General Act*, R.S.O. 1990, c. A. 35, as amended, audit the accounts and records of the municipality relating to any expenditure of dedicated gas tax funds.

To assist in respect of the rights set out above, a municipality will be required to disclose any information requested by the Ministry, its authorized representatives or an independent auditor identified by the Ministry, and will do so in the form requested by the Ministry, its authorized representatives or an independent auditor.

In addition to any adjustments the Ministry may make to dedicated gas tax funding under these guidelines and requirements, the Ministry may, upon recommendation in an audit report, adjust future dedicated gas tax fund payments or other payments the Ministry may make to the municipality under any other program.

8.4 Reporting

Accuracy in the calculation and reporting of municipal transit ridership and dedicated gas tax funds and any related interest is paramount. When calculating ridership, municipalities must use one of the acceptable best practices identified in the 2008 Ontario Ridership Data Collection Review Report, published jointly by CUTA and iTrans Consultants (retained by CUTA).

A municipality will be accountable to use dedicated gas tax funds and any related interest towards public transportation expenditures that meet the Program eligibility requirements. Each municipality will be required to report on how dedicated gas tax funds and any related interest are spent on an annual basis, including the provision of its Canadian Content Policy declaration form(s), in accordance with the Canadian Content Policy, for any public transportation vehicle funded with dedicated gas tax funds. The Canadian Content Policy has been amended effective September 21, 2017 to be aligned with government procurement commitments under the Comprehensive Economic Trade Agreement (CETA) between Canada and the European Union (EU). As of September 21, 2017, municipalities are to comply with the amended policy for all transit procurements.

For the purpose of the above reporting, municipalities will be required to use the reporting forms that have been developed in consultation with municipal public transportation stakeholders, and submit these reporting forms to the Ministry prior to March 31, 2023.

Municipalities are strongly advised to carefully verify all data before submitting their reporting forms, to ensure that all information provided is accurate. Municipalities are also encouraged to contact the Ministry if they require any guidance or assistance in completing these reports.

9. COMMUNICATIONS

Unless the Ministry otherwise approves in writing, a municipality receiving dedicated gas tax funds will be required to acknowledge the support of the Ministry in a form and manner as directed by the Ministry.

A municipality will be required to give a minimum of thirty (30) days written notice to the Ministry regarding any planned local dedicated gas tax funding communication or recognition event, or both. The municipality will also be required to provide the Ministry with detailed information regarding such communication or event, or both.

The Ministry and a municipality receiving dedicated gas tax funds will, at all times, remain independent of each other and will not represent themselves to be the agent, joint venturer, partner or employee of the other. Neither the municipality nor the Ministry will be allowed to make representations or take actions that could establish or imply any apparent relationship of agency, joint venture, partnership or employment. In addition, neither the municipality nor the Ministry will be bound in any manner whatsoever by any agreements, warranties or representations made by any of them to any other person or entity, with respect to any other action of the other.

If the municipality publishes any material of any kind, written or oral, relating to public

transportation services provided or acquired with dedicated gas tax funds, the municipality will indicate in the material that the views expressed in the material are the views of the municipality and do not necessarily reflect those of the Ministry.

A municipality receiving gas tax funding must comply with the requirements for the installation and maintenance of visual identity signage set out in Appendix A.

10. CONFLICT OF INTEREST

A municipality and its subcontractors and any of their respective personnel must use dedicated gas tax funds and provide and acquire services and assets with such funds without an actual, potential, or perceived conflict of interest.

A conflict of interest includes any circumstances where a municipality or any person who has the capacity to influence the municipality's decisions has outside commitments, relationships or financial interests that could, or could be seen to, interfere with the municipality's objective, unbiased, and impartial judgment relating to the provision or acquisition of services or assets provided or acquired with dedicated gas tax funds, the use of such funds, or both.

A municipality will disclose to the Ministry, without delay, any situation that a reasonable person would interpret as an actual, potential, or perceived conflict of interest, and comply with any terms and conditions that the Ministry may prescribe as a result of the disclosure.

11. FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

All applications submitted to the Ministry are subject to the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F. 31, as amended ("FIPPA"). The FIPPA provides every person with a right of access to information in the custody or under the control of the Ministry, subject to a limited set of exemptions.

Municipalities are advised that the names of municipalities receiving dedicated gas tax funds, the amount of funds provided, and the purpose for which dedicated gas tax funds are provided, is information the Ministry makes available to the public.

12. LIABILITIES AND INDEMNITIES

A municipality receiving dedicated gas tax funds must agree that it is responsible for anything that may arise, directly or indirectly, in connection with the Program, including, without limitation, any activity under it such as the provision and acquisition of services and assets with dedicated gas tax funds. The Ministry's involvement under the Program is for the sole purpose of, and is limited to, the provision of dedicated gas tax funds.

Furthermore, a municipality receiving dedicated gas tax funds must agree to indemnify and hold harmless the indemnified parties from and against any and all losses or proceedings, by

whomever made, sustained, incurred, brought, or prosecuted, in any way arising out of, or in connection with anything done or omitted to be done by the municipality or any municipality on behalf of which the municipality receives dedicated gas tax funds, or any of their respective personnel, the Program, any activity under it, or the letter of agreement, unless the loss or proceeding is solely caused by the negligence or willful misconduct of the indemnified parties. A municipality receiving dedicated gas tax funds is responsible for its own insurance and must carry, at its own costs and expense, and require the same from its subcontractors and any municipality on behalf of which it receives dedicated gas tax funds, all the necessary and appropriate insurance that a prudent municipality in similar circumstances would maintain in order to protect itself and the Ministry and support the indemnification, as set out above, provided to the Ministry. For greater certainty, the municipality is not covered by the Province of Ontario's insurance program and no protection will be afforded to the municipality by the Government of Ontario for any losses or proceedings that may arise out of the Program or letter of agreement.

For greater certainty, the rights and remedies of the Ministry under a letter of agreement are cumulative and are in addition to, and not in substitution for, any of its rights and remedies provided by law or in equity.

13. COMPLIANCE WITH THE LAW

A municipality receiving dedicated gas tax funds must comply with all federal and provincial laws and regulations, all municipal by-laws, and any other orders, rules and by-laws related to any aspect of the services or assets provided or acquired with the dedicated gas tax funds and the dedicated gas tax funds.

For greater clarity, by receiving dedicated gas tax funds, a municipality may become subject to legislation applicable to organizations that receive funding from the Government of Ontario, including the *Public Sector Salary Disclosure Act, 1996*, S.O. 1996, c. 1, Sched. A and the *Auditor General Act*, R.S.O. 1990, c. A.35.

14. WHERE TO REQUEST OR PROVIDE INFORMATION

All forms, agreements, supporting documentation as well as any questions regarding the Program are to be directed to the Strategic Investments Office of the Ministry of Transportation at MTO-PGT@ontario.ca.

APPENDIX A: VISUAL IDENTITY SIGNAGE REQUIREMENTS

1. Purpose of Schedule

This Appendix describes the responsibilities and obligations of a municipality receiving dedicated gas tax funds for the installation and maintenance of visual identity signage under the Program.

2. Visual Identity Signage

The municipality will install and maintain the exterior and interior visual identity signage on each public transportation vehicles for which dedicated gas tax funds were provided.

External visual identity signage must be located immediately to the left of the front passenger entrance doors of the vehicle. Internal visual identity signage should be placed on an interior wall in a location and height that will be convenient for passengers to read.

Recognition stickers approximate size — 10" x 3.4".

Authority: Item , General Issues Committee
Report FCS23XXX
CM: March 22, 2023
Ward: City Wide

Bill No.

CITY OF HAMILTON
BY-LAW NO. _____

To Authorize the Signing of an Agreement between the City of Hamilton and the Ministry of Transportation Related to Funding Provided Under the Dedicated Gas Tax Funds for Public Transportation Program.

WHEREAS the Council of the City of Hamilton deems it advisable to enter into an agreement with His Majesty the King in right of Ontario, as represented by the Minister of Transportation related to funding provided by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program;

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

- 1. The Mayor and General Manager, Finance & Corporate Services are authorized and directed to sign the Letter of Agreement between the City of Hamilton and His Majesty the King in right of Ontario, as represented by the Minister of Transportation which is attached Schedule A and forms part of this By-law.
- 2. This By-law may be cited for all purposes as the 2022/2023 City of Hamilton/Ministry of Transportation Gas Tax Funding Agreement Bylaw.
- 3. This By-law is deemed to have come into force on _____, 2023.

PASSED this _____ day of _____, 2023.

Andrea Horwath
MAYOR

Andrea Holland
CLERK



Hamilton

**ADVISORY COMMITTEE FOR PERSONS WITH
DISABILITIES
REPORT 23-002**

4:00 p.m.

Tuesday, February 14, 2023

Room 264, 2nd Floor

Hamilton City Hall

71 Main Street West

Present: Councillor M. Tadeson, T. Murphy (Acting Chair), A. Mallett (Chair), J. Kemp (Vice-Chair), S. Aaron, P. Cameron, J. Cardno, M. Dent, L. Dingman, A. Frisina, P. Kilburn, T. Manzuk, M. McNeil, K. Nolan, T. Nolan

Absent

with Regrets: L. Janosi, C. McBride, R. Semkow

Acting Chair Murphy called the meeting to order and recognized that the Committee is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee

and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

**THE ADVISORY COMMITTEE FOR PERSONS WITH
DISABILITIES PRESENTS REPORT 23-002 AND
RESPECTFULLY RECOMMENDS:**

**1. Investigation of Light Rail Transit (LRT) Systems
in Neighbouring Municipalities by Members of the
Advisory Committee for Persons with Disabilities
(no copy) (Item 11.1)**

WHEREAS, the Transportation Working Group believes that it would be beneficial for the Advisory Committee for Persons with Disabilities to review and identify accessibility barriers of Light Rail Transit (LRT) Systems in neighbouring municipalities like Kitchener and make recommendations with regard to barrier removal and prevention in compliance with the Accessibility for Ontarians with Disabilities Act and the Ontario Human Rights Code;

THEREFORE, BE IT RESOLVED:

- (a) That Members of the Advisory Committee for Persons with Disabilities be approved to travel to neighbouring municipalities to review and identify accessibility barriers of Light Rail Transit (LRT) Systems in neighbouring municipalities like Kitchener and make recommendations with regard to barrier removal and prevention in compliance with the Accessibility for Ontarians with Disabilities Act and the Ontario Human Rights Code; and
 - (b) That the transportation costs be funded from the Advisory Committee for Persons with Disabilities 2023 approved budget for conferences and related travel expenses, to an upset limit of \$1,000.
- (2) Transfer of the Remaining Funds from the 2022 Advisory Committee for Persons with Disability Budget to the Reserve (Item 12.1)**

That remaining funds from the 2022 Advisory Committee for Persons with Disabilities Budget be transferred to the Advisory Committee for Persons with Disabilities Reserve, to the maximum allowable amount.

FOR INFORMATION:**(a) CHANGES TO THE AGENDA (Item 2)**

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

8. STAFF PRESENTATIONS**8.1 Transit Fare Equity Program - WITHDRAWN**

The Agenda for the February 14, 2023, meeting of the Advisory Committee for Persons with Disabilities, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETING (Item 4)**(i) January 10, 2023 (Item 4.1)**

The January 10, 2023, minutes of the Advisory Committee for Persons with Disabilities meeting, were approved, as presented.

(d) DELEGATIONS (Item 7)**(i) Elaine Logie, Hamilton Disability Employment Network, respecting Serving Persons with Disabilities in Finding Employment (approved January 10, 2023) (Item 7.1)**

Elaine Logie, Program Coordinator, Shannon McCracken, Co-Chair, and Kelly Sward, Committee Member, Hamilton Disability Employment Network, provided the Committee with a presentation respecting serving persons with disabilities in finding employment, with the aid of a PowerPoint presentation.

The delegation was granted an additional 5 minutes, beyond the 5-minute time limit, to complete their delegation respecting serving persons with disabilities in finding employment.

The presentation by Elaine Logie, Program Coordinator, Shannon McCracken, Co-Chair, and Kelly Sward, Committee Member, Hamilton Disability Employment Network respecting serving persons with disabilities in finding employment, was received.

(e) STAFF PRESENTATIONS (Item 8)**(i) Accessibility Award Program (Item 8.2)**

Jocelyn Strutt, Senior Project Manager, Community Engagement, provided a verbal presentation respecting the Accessibility Award Program.

The presentation from Jocelyn Strutt, Senior Project Manager, Community Engagement, respecting the Accessibility Award Program, was received.

- (a) That Jocelyn Strutt, Senior Project Manager, Community Engagement, be invited to attend the Outreach Working Group to consult respecting the Accessibility Award Program; and
- (b) That the recommendations of the Outreach Working Group respecting the proposed Accessibility Award Program be brought back to the Advisory Committee for Persons with Disabilities for consideration prior to being presented to the General Issues Committee.

(f) CONSENT ITEMS (Item 9)**(i) Consent Items (Items 9.1 - 9.6)**

The following updates and meeting notes, were received:

- (1) Built Environment Working Group Update (Item 9.1)
 - (a) Built Environment Working Group Outstanding Business List 2018-2022 Term (Item 9.1(a))
- (2) Housing Issues Working Group Update (Item 9.2)
 - (a) Housing Issues Working Group Meeting Notes – January 17, 2023 (Item 9.2(a))
- (3) Outreach Working Group Update (Item 9.3)
 - (a) Outreach Working Group Meeting Notes - January 17, 2023 (Item 9.3(a))
 - (b) Outreach Working Group Outstanding Business List, February 2023 (Item 9.3(b))
- (4) Transportation Working Group Update (Item 9.4)

- (a) Transportation Working Group Meeting Notes - January 24, 2023 (Item 9.4(a))
- (5) Strategic Planning Working Group Update (Item 9.5)
 - (a) Strategic Planning Working Group Accomplishments 2018-2022 Term (Item 9.5(a))
- (6) Accessible Open Spaces and Parklands Working Group Update (Item 9.6)
 - (a) Accessible Outdoor Spaces and Parklands Working Group Accomplishments 2018-2022 Term (Item 9.6(a))

**(g) GENERAL INFORMATION / OTHER BUSINESS
(Item 14)**

**(i) Accessibility Complaints to the City of
Hamilton (Item 14.1)**

No update.

**(ii) *Accessibility for Ontario with Disabilities Act,
2005 (AODA) (Item 14.2)***

No update.

**(iii) Presenters List for the Advisory Committee
for Persons with Disabilities (Item 14.3)**

The presenter's list attached to the February 14, 2023, Advisory Committee for Persons with Disabilities Agenda was received.

(h) ADJOURNMENT (Item 16)

There being no further business, the Advisory Committee for Persons with Disabilities, adjourned at 5:40 p.m.

Respectfully submitted,

Tim Murphy, Acting Chair
Advisory Committee for
Persons with Disabilities

Carrie McIntosh
Legislative Coordinator
Office of the City Clerk

Revised



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Information Technology Division
and
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Emergency Services, Fire Department

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 22, 2023
SUBJECT/REPORT NO:	Next Generation 9-1-1 Service Delivery (FCS20082(b)/HSC20045(b)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Alex Panicker (905) 546-2424 Ext. 6723 Michael Rember (905) 546-2424 Ext. 3376
SUBMITTED BY:	Mike Zegarac General Manager, Finance and Corporate Services Corporate Services Department
SIGNATURE:	
SUBMITTED BY:	Bonnie Elder Acting General Manager, Healthy and Safe Communities Healthy and Safe Communities Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That pursuant to Procurement Policy #12, Council approve the procurement of the Call Handling System component for Next Generation 9-1-1 (NG9-1-1) implementation for the Hamilton Fire Department and Hamilton Police Service and that the General Manager, Finance and Corporate Services Department be authorized to negotiate, enter into and execute, on behalf of the City of Hamilton, a contract, renewals, extensions, amendments and any ancillary documents required to give effect thereto with Comtech Solacom Technologies Inc., in a form satisfactory to the City Solicitor and with content acceptable to the General Manager, Finance and Corporate Services and;

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: Next Generation 9-1-1 Service Delivery (FCS20082(b)/ HSC20045(b))
(City Wide) - Page 2 of 9

- (b) That the General Manager, Finance and Corporate Services Department be authorized to negotiate, enter into and execute, on behalf of the City of Hamilton, all necessary funding agreements, renewals, extensions, amendments, and any ancillary documents with His Majesty the King in Right of Ontario as represented by the Solicitor General (the Province of Ontario) for acceptance of funding to support the transition to NG9-1-1, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager, Finance and Corporate Services.

EXECUTIVE SUMMARY

Further to the December 5, 2022, Information Report - Upgrade of 911 System to the Next Generation 9-1-1 Messaging Service Delivery (FCS20082(a) /HSC20045(a)/ PW22087):

In 2020, Comtech Solacom Technologies Inc. (Solacom) was the successful proponent of the Request for Proposal (RFP) #1360407-19 NG9-1-1 Solution for the Call Handling System component conducted by the Toronto Police Service. As part of the RFP process, the Toronto Police Service had included a piggyback clause allowing the ability of other government agencies to participate in, and procure the Call Handling System, upon the vendor's agreement.

The City of Hamilton's NG9-1-1 project was initiated in 2020 by the Hamilton Fire Department and Hamilton Police Service, who hired a consultant to assist with gathering necessary requirements. However, the project encountered delays during the COVID pandemic. In 2021, as the consultant study neared completion and following consultation with Bell Canada (the NG9-1-1 service provider), and the Emergency Services Working Group, it became apparent that COVID related supply chain issues would create tight timelines, given that approximately 110 Public Safety Answering Points within Ontario would be competing for the same equipment and resources. To meet the Canadian Radio-television and Telecommunications Commission deadlines and accelerate the project, the NG9-1-1 Joint Steering Committee requested that the Toronto Police Service RFP be utilized if possible.

Approval was obtained from the City Manager to negotiate with Solacom with the caveat that the contract would not be signed before Council authorization was obtained.

On November 28, 2022, the Ministry of the Solicitor General, Emergency Services Telecommunications Division announced the opening of the application process for NG9-1-1 transition funding support.

SUBJECT: Next Generation 9-1-1 Service Delivery (FCS20082(b)/ HSC20045(b))
 (City Wide) - Page 3 of 9

On January 10, 2023 the City of Hamilton submitted its applications for funding support for both of Hamilton's Public Safety Answering Points, Hamilton Fire Department and Hamilton Police Service.

Recently the Province has communicated that they will be providing the City of Hamilton \$4,325,000.00 (\$2,000,000.00 allocated to the Hamilton Fire Department and \$2,325,000.00 allocated to the Hamilton Police Services) in support for eligible technology related expenditures, with the stipulation that any such funds be spent by March 31, 2023. As part of this process, a signed Letter of Intent is to be delivered no later than March 24, 2023, and an executed Transfer Payment Agreement is required by the Ministry, dated no later than March 31, 2023.

In order to ensure deadlines for executing and returning provincial funding agreements are met, staff are seeking approval to accept any funding provided by the Province through this funding program and to execute the necessary agreements and documents.

The purpose of this report is to obtain Council authorization to:

- Negotiate, enter-into, and execute, on behalf of the City of Hamilton a contract for the call handling system component of the overall NG9-1-1 technology solution with the company Solacom.
- Accept the NG9-1-1 transition funding support (the City of Hamilton has been offered up to a maximum of \$4,325,000.00) from the Ministry of the Solicitor General, Emergency Services Telecommunications Division and to execute the necessary funding documentation/agreements with the Ministry on or before the required deadlines.

Alternatives for Consideration

See page 8 for alternatives for consideration that were considered.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial:

The Solacom contract has an approximate capital expenditure of \$1.3M, to be funded through capital project 3502157101 – NG9-1-1. Support, maintenance and license fees are estimated at \$750,000 for a 5-year period. This is part of the operating impact of capital request in the 2023 Operating budget.

The capital budget for the NG9-1-1 System Implementation is detailed below:

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: Next Generation 9-1-1 Service Delivery (FCS20082(b)/ HSC20045(b))
(City Wide) - Page 4 of 9

Description	Budgeted Amount	Actuals /Committed	Projected Spend (2023/ 2024)
Professional Services (Consulting)	\$500,000	\$613,200	\$100,000
Call Handling System(Hardware and Software)	\$1,500,000		\$1,300,000
Network and hardware Infrastructure	\$2,200,000		\$2,200,000
NG911 Call Recording System	\$260,000		\$200,000
Emergency Radio System	\$850,000		\$850,000
Staff Backfill /Project & Change Management	\$1,500,000	\$100,800	\$1,280,000
NG911 Dispatch Systems conformity	\$500,000		\$500,000
Contingency	\$450,000		
Total	\$7,760,000	\$714,000	\$6,430,000

The Operating Impact on Capital is projected below: Description	2023 Approved	Actuals	2024 Projected
Approved Budget	\$312,000		
Project Management		\$300,000	
Server and Network Operating Costs			\$200,000
Other License Costs			\$50,000
Call Handling System Support			\$150,000
ITS Support Staff X 3			\$450,000
Total	\$312,000	\$300,000	\$850,000

Staff submitted applications on behalf of the Hamilton Fire Department and Hamilton Police Service to the Ministry of the Solicitor General, Emergency Services Telecommunications Division for NG9-1-1 transition funding support. Recently the Province has communicated that they will be providing the City of Hamilton \$4,325,000.00 in support for eligible technology related expenditures. As part of this process, a signed Letter of Intent is to be delivered no later than March 24, 2023, and an executed Transfer Payment Agreement is required by the Ministry, dated no later than March 31, 2023.

Once the full potential of the above funding has been determined, based on the terms and conditions of the Transfer Payment Agreement, staff will undertake the following actions, firstly to recommend amending the Capital budget for NG9-1-1, secondly, to pursue any further funding programs in an effort to lessen the local funding requirements.

SUBJECT: Next Generation 9-1-1 Service Delivery (FCS20082(b)/ HSC20045(b))
(City Wide) - Page 5 of 9

Staffing: Not Applicable

Legal: Legal Services will be involved in the negotiations and review of contract documents for the Solacom contract and the Transfer Payment Agreements with the Province of Ontario.

HISTORICAL BACKGROUND

Call Handling System Contract:

On June 1st, 2017, in order to create a safer environment for Canadians by enabling access to enhanced and innovative 9-1-1 services, the Canadian Radio-television and Telecommunications Commission mandated all telephone companies to update their networks to provide NG9-1-1 for Canadians. The deadline for transition to NG9-1-1 is March 4, 2025. At that point the currently existing 9-1-1 system - Enhanced 9-1-1 (E9-1-1) - will be decommissioned.

Once all features of the NG9-1-1 services are rolled out, the system will enable Canadians to provide emergency responders vital information via text, photos or videos.

Example scenarios include customer profile (additional data about the call), vehicle crash notifications, medical emergency notification from devices, etc.

Future considerations include but are not limited to streaming, 'Smart Buildings', fire and security alarm monitoring services.

One significant piece to NG9-1-1 is that it is designed to provide equitable 9-1-1 services anywhere in Canada.

NG9-1-1 system features are expected to include:

- True system interoperability
- Data sharing between Public Safety Answering Points (PSAPs)
- Improved redundancy and reliability (virtual Public Safety Answering Points)
- Improved response times
- Enhanced disaster recovery

To meet the CRTC deadline and mitigate risks of supply chain issues and rising costs, the Hamilton Police Service (HPS), as the primary PSAP, in collaboration with the Hamilton Fire Department (HFD), reviewed the Toronto Police Service Request for Proposal for the NG9-1-1 Solution for the Call Handling System component and Solacom's response.

SUBJECT: Next Generation 9-1-1 Service Delivery (FCS20082(b)/ HSC20045(b))
 (City Wide) - Page 6 of 9

Solacom is a respected leader in the call management solution field for PSAPs, acknowledged by multiple municipalities currently providing 9-1-1 services. After analysing the Toronto Police Service Request for Proposal (TPS RFP) and Solacom's response, both HPS and HFD determined that conducting a full-blown RFP process for the City would negatively impact the City's ability to meet the CRTC deadline. As a result, the decision was made to "piggyback" on the TPS RFP. The City of Hamilton's Manager of Procurement confirmed that there is appropriate language in the TPS RFP to allow for other government agencies to piggyback and that the City's ability to participate in the TPS RFP is allowable under the City's Procurement Policy, Policy 4.12 Co-operative Procurements.

The City Manager authorized negotiations with Solacom and both the Hamilton Fire Department and Hamilton Police Service are currently negotiating the terms and conditions, confirming the functional capability of the system and developing a contract to the satisfaction of the City Solicitor.

Historical References:

- 2017 - June 1, 2017 Canadian Radio-Television Telecommunications Commission mandate to upgrade E9-1-1 System
- 2020 - October 22, 2020 Report FCS20082 / HSC20045 (City Wide) -Information Report to council on NG9-1-1 Mandate
- 2021 – Budget Process Council approved \$6M for the Technology Solution with Operating budget of \$312K
- 2022 - December 5, 2022 - Report FCS20082(a)/HSC20045(a)/PW22087 (City Wide) -Information Report informing Council of upcoming Budget requirements for Technology Enhancements & Facilities Renovations
- 2023 Budget Process - Approval of line item for Technology enhancement component of project \$1,760,000

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The migration to NG9-1-1 is mandated and legislated by the CRTC Telecom Regulatory Policy: CRTC 2017-182.

PSAPs will no longer be able to take 9-1-1 calls after March of 2025 without the required NG9-1-1 technology. Every PSAP within Canada will be required to update and replace their Call Handling Systems in order to be compatible to receive NG9-1-1 calls and transfer them accordingly.

SUBJECT: Next Generation 9-1-1 Service Delivery (FCS20082(b)/ HSC20045(b))
(City Wide) - Page 7 of 9

Failure to meet the CRTC platform migration to NG9-1-1 by March 4, 2025 will result in disruption (failure) of 9-1-1 services provided by the City of Hamilton. Bell Canada (the NG9-1-1 service provider) and the Emergency Services Working Group recommend all municipalities have their Call Handling System fully operational ahead of the CRTC deadline, to allow for testing and for Bell Canada's onboarding timeline.

This Report is in accordance with By-law 20-205 as amended Procurement Policy, Policy 4.12 Cooperative Procurements.

RELEVANT CONSULTATION

Consultation for this report took place as follows:

- Corporate Services Information Technology
- Hamilton Police Service
- Hamilton Fire Department
- Procurement
- Legal
- Finance

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Call Handling System Contract:

By mid-2022, the Hamilton Fire Department and Hamilton Police Service had gathered enough information through an environmental scan, consultant engagement, and participation in various public sector NG9-1-1 information bodies like National Emergency Number Association and Association of Public-Safety Communication Officials to start the implementation phase of the NG9-1-1 Project. However, it was quickly determined that supply chain issues related to COVID and the large number of PSAPs working on the same problem would impact critical timelines. Risk to the timeline became a focus since critical IT 'server' and 'network equipment' orders were taking about a year. Also, the competition for equipment and key technical resources to implement NG9-1-1 will not just be limited to the approximately 110 PSAPs in Ontario but will include all the PSAPs in all the provinces in Canada bound by the same CRTC deadlines. Bell Canada resources and Call Handling System vendor resources are likely to be highly sought after in the near future.

Market scans revealed that Call Handling System products were still maturing, and comparable Police Services were choosing the same vendor, Solacom.

SUBJECT: Next Generation 9-1-1 Service Delivery (FCS20082(b)/ HSC20045(b))
 (City Wide) - Page 8 of 9

Solacom was the successful proponent in the TPS RFP, which has a piggyback clause built into it. Several cities, including London, Barrie, and Windsor, have leveraged the TPS RFP piggyback clause. Additionally, the evaluation criteria used in the TPS RFP are relatively consistent with the City of Hamilton's normal RFP evaluation criteria, with the following weightings:

- Pricing (35)
- Suitability of Proposed Solution and Technical Demonstration (25)
- Service and Support (15)
- Experience, Qualifications, and References (10)
- Plan and Methodology (10)
- Accessibility, Equity, Diversity, and Inclusion (5)

Solacom has been acknowledged as a market leader with a mature Call Handling System product that satisfies the needs of both the HFD and HPS. Price discounts applied to the City of Toronto through the RFP are also available to the City of Hamilton. Leveraging the piggyback clause in the TPS RFP reduces the procurement time and enables the HFD and HPS to order, develop, and deploy the critical Call Handling System, allowing them to become NG9-1-1 compliant within legislated timelines Provincial Funding:

ALTERNATIVES FOR CONSIDERATION

The following alternatives were considered and deemed not suitable:

RFP for Call Handling System – the timeline to develop and issue the RFP, evaluate and negotiate a contract, order the applicable equipment, design, configure, test and deploy the solution will be considerable in terms of time to complete and carry out a formal competitive process. This will most certainly put the City of Hamilton at great risk of not meeting legislated deadline of March 4, 2025 for transition to NG9-1-1.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

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

Built Environment and Infrastructure

SUBJECT: Next Generation 9-1-1 Service Delivery (FCS20082(b)/ HSC20045(b))
(City Wide) - Page 9 of 9

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

N/A

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.



CITY OF HAMILTON
CITY MANAGER'S OFFICE
Communications and Strategic Initiatives

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 22, 2023
SUBJECT/REPORT NO:	Media Relations Program Review – Update to Media Relations Policy (CM23007(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Matthew Grant (905) 977-8045
SUBMITTED BY:	Matthew Grant Director, Communications and Strategic Initiatives City Manager's Office
SIGNATURE:	

RECOMMENDATIONS

- (a) That City of Hamilton's Revised Media Relations Policy (**Appendix A**), as amended at the February 15, 2023 General Issues Committee Meeting be approved;
- (b) That the full implementation of the policy be delayed from July 31, 2023 to August 31, 2023 to allow for necessary preparations and training to occur.

EXECUTIVE SUMMARY

The presentation of this revised media relations policy follows Council discussion on Report [CM23007](#) at the February 15, 2023 meeting of the General Issues Committee. The February 15 meeting follows a deferral of the report from the January 18, 2023 General Issues Committee meeting. The policy is largely the same as the original staff policy approved in May 2012 with a few key changes that were recommended following consultation with members of the press.

The updated Media Relations Policy seeks to address concerns members of the press raised during consultations. The primary concern raised was an overreliance by the City on written response to media questions and the challenges experienced by members of the media in securing interviews with City subject matter experts to do their reporting.

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SUBJECT: Media Relations Program Review – Update to Media Relations Policy (CM23007(a)) (City Wide) - Page 2 of 5

The other core differences in the updated policy include the requirement for the City to stream and archive press conferences and announcements as well as a requirement for the City to provide clearer rationale to media when it directs them to Freedom of Information legislation.

At their February 15, 2023 meeting, members of the General Issues Committee requested two amendments to the policy as presented, which include:

- That the requirement to stream and archive press conferences “wherever possible” be amended to ensure that the City will stream and archive all press conferences;
- That the policy makes clear that while journalism codes of ethics encourage reporters to identify human and physical sources of information in the majority of cases, that the City of Hamilton will continue to respect journalists’ decisions to grant anonymity to sources when they deem it necessary to do so. City staff will not ask journalists to identify individuals who have been granted anonymity under any circumstances.

All other text in the policy remains as presented to the February 15, 2023 General Issues Committee.

Staff are recommending that the initial implementation date be delayed by one month to allow for appropriate training and preparation.

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

Financial: Training expenses, which are anticipated to come from existing operational budgets.

Staffing: No staffing implications beyond reprioritization of existing headcount

Legal: Legal Services reviewed the proposed policies and raised no legal concerns

HISTORICAL BACKGROUND

For historical background and analysis on the updated Media Relations Policy, Council and members of the public should review report [CM23007](#), presented to Hamilton’s General Issues Committee on February 15, 2023.

SUBJECT: Media Relations Program Review – Update to Media Relations Policy (CM23007(a)) (City Wide) - Page 3 of 5

The updated policy was amended following the February 15, 2023 meeting to incorporate changes asked for by members of the General Issues Committee.

In particular, the policy was updated to reflect Council's wish to have all press conferences streamed and archived, including those that happen outside the City's new press conference centre, and that the City affirm its commitment to continue to respect any decisions by journalists to cover City Hall to offer anonymity to sources in the course of their reporting.

These elements will be implemented through the City's ongoing support for the media through its Media Relations Program, which will include three dedicated full-time-employees (existing staff complement) and the use of a new media centre and press conference centre in City Hall.

The updated policy is largely the same as it was when it was approved as a staff policy in 2012, save for the following changes:

- That the City will prioritize offering media interviews with subject matter experts over written responses when requested;
- That the City will stream and archive all press conferences online for view by media and members of the public;
- That the City will ensure it provides clear rationale to members of the media when the City asks members of the press to go through a Freedom of Information Process when requesting information from the City.

The updated policy follows consultation with local media, including media outlets that most used the City's core media relations services, a review of feedback by members of the press on social media, and a review of approximately 3,000 documented interactions with members of the press who used the City's media relations service.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

- The updated Media Relations Policy as approved by Council would replace the 2012 Media Relations Policy as approved by the Senior Management Team;
- The updated Media Relations Policy is designed to complement the intent of The Routine Disclosure and Active Dissemination Policy by providing clarity to the media on occasions when the City is unable to release City-owned information to them upon request.

RELEVANT CONSULTATION

OUR Vision: To be the best place to raise a child and age successfully.
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SUBJECT: Media Relations Program Review – Update to Media Relations Policy (CM23007(a)) (City Wide) - Page 4 of 5

City of Hamilton Corporate Communications Staff

Interviews with corporate communications staff responsible for media relations provided an overview of their experience serving members of the press and confirmed the validity of concerns expressed by the media.

Hamilton-Area Media

Hamilton-Area media were invited to participate in several rounds of consultation in the Media Relations Program Review. An initial contingent of media (CHCH, Hamilton Spectator, Hamilton Community News, and CBC) was invited to participate in the program review of the Media Relations Program's core services and associated service levels.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

Analysis for the initial recommendations in the media relations report can be found in report CM23007.

The changes requested by members of the General Issues Committee on February 15, 2023 should not materially change the City's updated policy or the services and privileges it provides members of the media who are reporting on City Hall.

The change of requiring all press conferences to be live streamed will require additional preparation and analysis for off-site press conferences, such as the media tour of the Burlington Street sewage spill location. Staff will seek to use technology outside the press conference centre, including the use of cell phones and their video cameras, to ensure it can accommodate Council's direction to ensure all press conferences are streamed and archived.

The City does not anticipate any changes to its operations as a result of Council request for clarity around the use of anonymous sources. While City staff does ask for clarifications around the source of information in media's reporting, staff do not request the identification of sources used in reporting where anonymity has clearly been granted and will continue to follow this practice.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Our People and Performance**

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

**SUBJECT: Media Relations Program Review – Update to Media Relations Policy
(CM23007(a)) (City Wide) - Page 5 of 5**

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report CM23007(a) – Proposed City of Hamilton Media Relations Policy updated from 2012

Media Relations Policy	 Hamilton	January 2023
Communications & Strategic Initiatives Division		Supersedes Policy: Communications Policy – Media Relations (2012)
Page 1 of 7		

Revised

Media Relations Policy

PURPOSE	<p>The purpose of this policy is to ensure professionalism and consistency in how the City of Hamilton works with the members of the media. The policy also includes specific procedures for successfully delivering media relations services.</p> <p>A key priority for the City of Hamilton is maintaining strong relationships with the media to remain transparent and accountable to the residents.</p> <p>The City’s Resident Survey results indicate the news media is an important and effective vehicle for communicating information about the City and its goals, increasing public awareness and education regarding municipal projects, initiatives, issues, events, bylaws, and policies.</p>
SCOPE	<p>The Media Relations Policy and all related schedules apply to all employees of the City of Hamilton, including full-time, temporary, and contract employees. This policy is also applicable to current volunteers, students and interns.</p> <p>This policy does not apply to Elected Officials or to Council appointed Citizen Members of City agencies, boards, and commissions.</p> <p>This policy was written and is maintained by the City’s Communications & Strategic Initiatives Division and will be reviewed every three years.</p> <p>This policy is supported by the City’s Media Accreditation Policy and Procedures to ensure that City resources used to aid the media in their news gathering and distribution are used effectively and efficiently and in alignment with the Communications and Strategic Initiatives mandate to assist members of the media.</p> <p>This policy does not apply to members of the general public whose inquiries are served by the City’s Customer Contact Centre and not by the Communications & Strategic Initiatives Division.</p>

Media Relations Policy	 Hamilton	January 2023
Communications & Strategic Initiatives Division		Supersedes Policy: Communications Policy – Media Relations (2012)
Page 2 of 7		

DEFINITIONS	
Employee	<p>City of Hamilton employees, including but not limited to, regular, temporary and contract employees (and for the purpose of this policy only, unpaid volunteers, students, and interns) will fall under the collective term of “employees”, and all programs, divisions and departments that make up the City of Hamilton.</p>
Spokesperson(s)	<p>Individuals representing the City of Hamilton, City of Hamilton departments, programs, and initiatives in an official capacity publicly and in the media.</p> <ul style="list-style-type: none"> • Mayor or designate is the chief spokesperson for the City and shall be lead spokesperson on major new or renewed City programs/services/projects/initiatives and issues of significant public interest. • City Manager or designate shall be the spokesperson on major staff or administrative issues or initiatives. • Departmental General Manager or designate shall be the spokesperson on issues or programs that fall under the department that they serve. • Medical Officer of Health or designate shall be the spokesperson on public health matters, the provincial Health Protection and Promotion Act (and other appropriate legislation) and provincially mandated guidelines. • City Clerk or designate shall be the spokesperson regarding Council agendas, and Council decisions of record, administration of the Municipal Freedom of Information Act, and municipal elections. • Director of Communications or designate shall be the spokesperson on issues of public interest and can stand in as corporate spokesperson for any of the positions above • Spokesperson Designates such as directors/managers shall be spokespeople on issues or programs for which they are the subject matter experts • Subject Matter Experts - other staff shall be the

Media Relations Policy	 Hamilton	January 2023
Communications & Strategic Initiatives Division		Supersedes Policy: Communications Policy – Media Relations (2012)
Page 3 of 7		

Media	<p>spokesperson on issues that they are acknowledged content experts subject to approval of the program manager, director or general manager as outlined in a list of authorized departmental spokespersons. The scope of media involvement is limited to specific areas of expertise only.</p> <p>News media refers to members of the news media that provide news to the general public or targeted public and can include print media (newspapers and magazines), broadcast news (radio and television) and internet-based news (online version of traditional news publications as well as standalone online news media).</p>
Media Centre	<p>The City's Media Centre refers to the dedicated media space on the basement level of City Hall, which includes office facilities, Internet access, a broadcast media lock-up area, and the City's press conference facility.</p>
POLICY	<p>The City of Hamilton is an open, transparent and accountable publicly-funded organization and values the role of the media. This includes communicating City news and information to the public through the news media and reporting on the public's views and opinions of the City of Hamilton.</p> <p>The City of Hamilton recognizes the vital role news media has in City communications and the need to respond to media requests with promptness, courtesy, transparency, and respect. The City welcomes the opportunity to communicate accurately and clearly about City programs, services, and issues.</p> <p>The City is to maintain positive working relationships with all forms of media (e.g. print, broadcast and Internet) that reach national, regional, local, neighbourhood, community, and diverse audiences.</p> <p>The City produces and distributes information to the media that align with journalistic news values, and is timely, clear, accurate, and accessible.</p> <p>When City information and/or news is first delivered to the media, the Mayor's Office and/or Corporate Communications will be responsible for that information's release, with all supporting communications from other areas of the corporation to follow.</p> <p>The City maintains an open, transparent communications process</p>

Media Relations Policy	 Hamilton	January 2023
Communications & Strategic Initiatives Division		Supersedes Policy: Communications Policy – Media Relations (2012)
Page 4 of 7		

that enables media to have access to City decision-makers and knowledgeable staff.

Where preferred by members of the media, the City will prioritize delivering information via media interviews with subject matter experts over written responses.

Staff will make every effort to respond information and interview requests in a timely manner and in consideration of reasonable deadlines, which are often the same day the request is made.

The City strives to be transparent by default. If the information that is not in the custody or control of the City, Media requests may need to be processed through an FOI request under the Freedom of Information and Protection of Privacy Act. Any referral to the FOI process shall contain specific reasons for this decision.

As a priority the City will record and make accessible the content of all press conferences and announcements to members of the media and the public via livestreaming and the cataloguing of recorded content online.

While journalism codes of ethics encourage reporters to identify the information that is informing the facts in their reporting (physical and human sources of information) in the majority of cases, the City of Hamilton will respect journalists' decisions to grant anonymity to sources when they deem it necessary to do so. City staff will not ask journalists to identify individuals who have been granted anonymity under any circumstances.

Staff are available to respond to media inquiries during regular operating hours: Monday to Friday, 8:30 a.m. to 4:30 p.m. The City will only respond to inquiries made outside business hours if the City deems them to be of an urgent operational nature or an emergency situation. Other requests will be addressed during regular business hours.

The City's media relations activities comply with provincial legislation, Municipal Freedom of Information and Protection of Privacy Act, Personal Health Information Protection Act, City of Hamilton corporate policies, bylaws and council directives.

Media Relations Policy	 Hamilton	January 2023
Communications & Strategic Initiatives Division		Supersedes Policy: Communications Policy – Media Relations (2012)
Page 5 of 7		

<p>PROCEDURE</p> <p>City of Hamilton Employee interacting with the news media in an official City of Hamilton capacity</p>	<ul style="list-style-type: none"> • Staff must refer media inquiries to the authorized spokesperson/subject matter expert for the department or project and notify corporate communications. • City employees who are not designated spokespeople are not authorized to make statements to the media and/or in public discussion on behalf of the City. This does not include communications in the course of their regular duties, such as presentations at Council meetings or public meetings where media are present. • If contacted by a media representative, City staff shall: <ul style="list-style-type: none"> ▪ Treat the reporter as a client, being courteous and professional. ▪ Advise the reporter that the request will be forwarded to corporate communications. ▪ Help provide timely responses to the media by collecting the following information, if possible, to be forwarded along to your department's Senior/Communications Officer and your manager: <ul style="list-style-type: none"> ▪ journalist's name and who they work for ▪ contact information (telephone number and/or email address) ▪ deadline ▪ topic of the interview
<p>Corrections sought by the City of Hamilton</p>	<p>The City of Hamilton will seek corrections and provide factual information where reporting (print, broadcast, radio, online and social media) is believed to be factually incorrect.</p>
<p>Complaints by members of the media about City media relations service</p>	<p>Complaints by members of the media about City media relations service should be raised by the members of the media directly with the individual who provided the service. If necessary, the complaint can be forwarded to the Manager of Communications followed by the Director of Communications, as necessary.</p>
<p>Liaising with Communications Officers</p>	<ul style="list-style-type: none"> • Communications Officers act as a primary media liaison. Communications Officers shall: <ul style="list-style-type: none"> ▪ Determine appropriate media spokespeople (or designate spokespeople). ▪ Ensure all relevant and available information has been provided to the media. ▪ Work with the media's deadlines, and/or advise on

Media Relations Policy	 Hamilton	January 2023
Communications & Strategic Initiatives Division		Supersedes Policy: Communications Policy – Media Relations (2012)
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<p>Role of Designated City Spokesperson(s)</p>	<p>feasibility of meeting deadlines depending on nature of request; they can often provide factual and background information.</p> <ul style="list-style-type: none"> ▪ Advise and ensure the Mayor, members of Council, and senior staff (i.e. City Manager, and/or other staff/officials) are informed when appropriate. <ul style="list-style-type: none"> • Senior/Communications Officers provide advice on, and develop communications strategies and plans that incorporate proactive media relations by: <ul style="list-style-type: none"> ▪ coordinating, reviewing and distributing materials provided to media such as media releases, media advisories, public service announcements, media conferences, letters to editor, media tours, interviews and other tactics to communicate with media members. ▪ Reviewing media materials for accuracy and appropriateness with the designated contact person(s) and that materials are produced in Canadian Press (CP) Style. ▪ Retain copies of all media releases distributed to the media. ▪ Track media coverage, and media requests. • Follow all City of Hamilton corporate policies and procedures. • Complete the appropriate media training in consultation with the Senior/Communications Officer. • Consult with Senior/Communications Officer in advance of media interviews or providing information to the media. • Spokespeople designates such as directors/managers shall be spokespersons on issues or programs for which they are the subject matter experts. <ul style="list-style-type: none"> ▪ Other staff can act as a spokesperson on issues that they are acknowledged content experts on, subject to approval of the Program Manager, Director, or General Manager in consultation with the designated Senior/Communications Officer. ▪ The scope of media involvement is limited to specific areas of expertise and responsibility only. ▪ Understand the distinction between general policy or program information, and personal information about an individual when responding to such an inquiry.
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Media Relations Policy		January 2023
Communications & Strategic Initiatives Division		Supersedes Policy: Communications Policy – Media Relations (2012)
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HISTORY	This Policy replaces the former Communications Policy – Media Relations (2012)
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CITY OF HAMILTON
CITY MANAGER'S OFFICE
Government Relations and Community Engagement

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 22, 2023
SUBJECT/REPORT NO:	City of Hamilton Endorsement of the Federation of Canadian Municipalities Pre-Budget 2023 Priorities (CM23013) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shannon Honsberger, Policy & Public Affairs Specialist 905.546.2424 ext. 6524
SUBMITTED BY:	Morgan Stahl Director, Government Relations and Community Engagement
SIGNATURE:	

RECOMMENDATION

- a) That the City of Hamilton support and endorse the Federation of Canadian Municipalities Pre-Budget 2023 Priorities titled “A better life for all Canadians” outlined in “Appendix A” ahead of the 2023 Federal Budget.

EXECUTIVE SUMMARY

The goal of a government relations strategy for the City of Hamilton is to establish a strong, open, pro-active, and transparent relationship between the City and its provincial, federal, municipal and advocacy partners. In addition to ongoing opportunities and challenges that require intergovernmental cooperation and participation, the pandemic has highlighted the increasing need to ensure that different orders of government have mutual understanding, clear communication, and alignment wherever possible on shared challenges.

In the past, Council has developed a set of priorities in advance of provincial or federal elections to ensure that local candidates, relevant policy and platform teams and party leaders understand Hamilton’s unique needs and high-level priorities. During the development of those set priorities, staff consult with other municipalities regarding best

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SUBJECT: City of Hamilton Endorsement of the Federation of Canadian Municipalities Pre-Budget 2023 Priorities (CM23013) (City Wide) - Page 2 of 4

practises in addition to reviewing and analysing priorities of the Association of Municipalities of Ontario, Ontario Big City Mayor's Caucus, and the Federation of Canadian Municipalities.

In early March 2023, the Federation of Canadian Municipalities publicly made known their pre-budget priorities for the 2023 Federal Budget. Staff are recommending Council endorse these priorities, outlined in Appendix A, as they are in alignment with the Cities current federal advocacy priorities, ahead of the Federal Budget. Endorsing these priorities can signal to our federal counterparts that we are supportive of the Federation of Canadian Municipalities and help amplify current calls on the Federal Government to increase funding and investment for municipalities across the country.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Prior to past provincial and federal elections being called, staff have prepared election priority list documents to ensure that candidates and prospective local members of a new government understand what the City's priorities are and the supporting rationale. In 2021, the following priorities were recommended by staff and supported by Council, which developed our Federal advocacy strategy:

- **Supportive Housing and Tackling Poverty** – addressing the disproportionate impact of COVID-19 on vulnerable populations through providing supports for homelessness as well as an affordable housing strategy
- **Impacts of Climate Change** – disaster mitigation and adaption support for all areas at risk of being impacted by the effects of climate change
- **Strong Economic Recovery** – investment in critical infrastructure to support economic development and continued support for workers and businesses recovering from the effects of COVID-19.
- **Equity, Diversity and Inclusion** – support for marginalized communities that have been impacted by hate-related incidents, namely, the Black, Muslim, Jewish, Asian, 2SLGBTQIA+ and Indigenous communities.
- **Championing Rural Communities** – committing to universal internet access and applying a rural lens to policy and funding decisions.

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SUBJECT: City of Hamilton Endorsement of the Federation of Canadian Municipalities Pre-Budget 2023 Priorities (CM23013) (City Wide) - Page 3 of 4

As reference, this approach is consistent with past Council motions and reports, including Hamilton's Federal Election Priorities (CM19007) (City Wide) brought forward to Council on September 11, 2019 ahead of the October 2019 Federal Election, as well as Hamilton's Federal Election Priorities 2021 (CM21010) (City Wide).

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Federation of Canadian Municipalities 2023 Federal Budget priorities are as follows:

- **Climate** resilience and adaptation
- Affordability, including a focus on **housing** development
- Core **infrastructure**, including water and wastewater treatment, culture and recreation, broadband, and transit
- Community **wellbeing**, particularly mental health and addiction issues

Staff are recommending the City of Hamilton endorse these priorities due to past support for these issues from Council and the community, as well as continued need for funding and investment.

For example:

- Each of these priorities can be found in the Cities 2016 – 2025 strategic plan and in our federal advocacy priorities (which were created ahead of the last federal election in 2021 and referenced above within this report).
- Needed enhancements in these areas have already been identified and work is currently underway across departments:
 - Implementation of ReCharge Hamilton: Our Community Energy + Emissions Plan, and Hamilton's Climate Change Impact Adaptation Plan;
 - Development of the Housing Sustainability and Investment Roadmap, and the presentation from Professors Dunn and Pomeroy at Council in early March
 - Develop of core asset management plans, Council's direction to accelerate the construction of bike lanes, water and wastewater infrastructure inspections and improvements, etc.
 - The development of the Community Safety & Wellbeing Plan, as well as work with the Hamilton Community Benefits Network.
 - Ongoing interaction with the Federal Government (inclusive of local Member's of Parliament) regarding the Cities set federal advocacy positions

SUBJECT: City of Hamilton Endorsement of the Federation of Canadian Municipalities Pre-Budget 2023 Priorities (CM23013) (City Wide) - Page 4 of 4

By endorsing these priorities, City Council can make its voice heard that additional funding is needed to address climate resiliency, the housing crisis, ageing infrastructure, and continued human and health issues that have been exacerbated by the COVID-19 pandemic.

It is also important to note, that this does not preclude Council from determining new priorities and advocating for a different set of issues/opportunities should our local priorities shift or change in the future.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

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” – FCM’s Pre-Budget 2023 Priorities, A better life for all Canadians

FEDERATION
OF CANADIAN
MUNICIPALITIESFÉDÉRATION
CANADIENNE DES
MUNICIPALITÉS

A better life for all Canadians

Municipalities are known for turning shared federal-municipal aspirations into action on the ground. We're renewing job-creating infrastructure and retrofitting buildings to cut emissions. We're making this country more resilient to extreme weather. We're working to enhance community wellbeing by promoting housing affordability and fostering inclusivity.

We're doing all of this and more in ways that are efficient, cost-effective and that make life better in this country.

As the national voice for Canada's local governments, FCM is ready to advance real solutions that raise the quality of life of Canadians across the country.

Here is a brief summary of our priorities for Budget 2023.

A resilient quality of life



From fires to storms and floods, communities are on the front lines of extreme weather. FCM has led the charge in calling for action and investment to protect communities from extreme weather events and build towards adaptation and resilience. The federal government responded with a vision for a more climate resilient society, and in November 2022 published the first National Adaptation Strategy to implement this approach. The next steps that FCM are advocating include:

- Building on the progress demonstrated through the National Adaptation Strategy's top-up to the **Disaster Mitigation and Adaptation Fund (DMAF)**, and emphasizing the importance of long-term, predictable funding for climate resilient infrastructure.
- Municipalities are expecting to see new investments in Budget 2023, including an immediate increase to the **Disaster Mitigation and Adaptation Fund (DMAF)** totaling \$2 billion in 2022–2023 and at least **\$1 billion per year over ten years** for disaster mitigation infrastructure.



We are FCM

FCM is the national voice of municipal government since 1901. We unite more than 2,100 cities and communities of all sizes, from big cities to rural and northern communities, as well as provincial and territorial municipal associations. Together we represent more than 92 percent of Canadians. That gives us an unparalleled ability to convene Canada's on-the-ground leaders, and to help design and deliver federal initiatives that build better lives for Canadians.

Municipalities in Canada are constrained by an outdated fiscal framework that limits the potential of our communities. Through all of our advocacy, FCM and our members are committed to working with our federal, provincial, and territorial government partners to develop a modernized fiscal framework for municipalities so local governments can continue to lead with ambition.

An affordable quality of life



Municipalities have a critical role to play in addressing housing affordability. Like so many national policy challenges of our time, Canada's housing crisis requires local governments to dedicate more resources than ever before to deliver solutions across the country. But no order of government can do it alone. Municipalities are urging the federal government to:

- Prioritize a swift and effective rollout of the Housing Accelerator Fund, working closely with municipalities to ensure that a highly effective and results-oriented funding tool is ready to begin unlocking supply immediately.
- Rapidly advance the Budget 2022 commitment to co-develop the **Urban, Rural and Northern Indigenous Housing Strategy** in partnership and meaningful engagement with Indigenous housing providers and partners across Canada, and immediately commit at least \$3 billion over the next five years for new Indigenous housing units.
- Optimize and continue to invest in critical National Housing Strategy programs such as the **National Housing Co-Investment Fund** and **Rental Construction Financing Initiative** to preserve and create more affordable rental supply, deliver deeper market and non-market affordability and review grant to loan ratios to ensure they respond to market changes and allow for project completions.
- Continue investments in the successful **Rapid Housing Initiative** to end chronic homelessness by committing to long-term funding. Scale up **Reaching Home** to provide ongoing homelessness funding for wraparound supports needed for vulnerable populations, as well as additional social services and options for those residing in encampments.



A growing quality of life

So many national challenges, including increasing housing supply in a context of accelerated population growth, depend on core infrastructure being in good condition. Yet according to Statistics Canada's Core Public Infrastructure Survey, 14% of municipal waste and water infrastructure and 12% of municipal transportation infrastructure is currently in "poor" or "very poor" condition. FCM has estimated that the cost of addressing all municipal assets currently in "poor" and "very poor" condition is more than \$175 billion. As current infrastructure programs end or renew, FCM is advancing recommendations for the future of federal infrastructure funding. We are looking to Budget 2023 to advance key priorities such as:

- Ensure clean water for Canadians nationwide by creating a **new dedicated water infrastructure fund** and investing at least \$1 billion annually for the next 10 years over and above **Canada Community Building Fund (CCBF)** investment. Crucial to support population growth and increasing housing supply, this would deliver much-needed potable water, stormwater, and wastewater infrastructure in both urban centers and rural communities.
- Invest at least \$500 million annually in **municipal community, culture and recreational infrastructure** for the next 10 years starting in 2024-25. These essential public amenities are needed to service growing populations in municipalities. Creating vibrant, walkable, transit-oriented neighborhoods where people want to live, work, and play is key to post-pandemic downtown renewal and achieving our net-zero goals.
- Permanently double the proven **Canada Community Building Fund** (formerly known as the Gas Tax Fund) to \$4.4 billion per year and increasing the annual index from 2% to 3.5% to renew core municipal infrastructure.

Continued on Next Page





A secure quality of life

Community wellbeing is the foundation of livable cities and municipalities. There are critical steps the federal and municipal orders of government can take together to keep communities safe, healthy and inclusive for all Canadians. In Budget 2023, we're looking to make progress to:

- Enshrine the **Permanent Public Transit Fund** in legislation in 2023–24 with new funding available for planning and design costs and a mechanism to approve projects for capital funding. Starting in 2026/27, the PPTF should provide no less than \$3 billion per year for a full range of eligible capital expenses and should be indexed at 3.5% per year.
- Implement a comprehensive plan for inter-community transit that builds on existing federal programs such as the **Rural Transit Solutions Fund** to create a national approach that includes a sustainable funding model in partnership with provinces and territories.
- Bolster **rural and northern infrastructure** by adding a needs-based stream to the **Universal Broadband Fund**; investing in rural infrastructure like water systems, roads and bridges, ports and airports by providing at least \$250 million annually in new funding for 10 years starting in 2024–25; and through a targeted increase to the CCBF for local governments in the territories.
- Close the **Indigenous infrastructure** gap to improve quality of life for Indigenous communities, including prioritizing safe drinking water as a human right by ending boil water advisories and providing long-term water certainty.

- Prevent serious repercussions on community services with a federal commitment to absorb all **retroactive costs** associated with the signing of the new RCMP bargaining agreement.
- Tackle the opioid crisis by building on Health Canada's Substance Use and Addictions Program, **supporting access to pharmaceutical alternatives** to the illegal drug supply, and moving toward more stable, long-term funding.
- Renew and expand FCM's successful **CanWILL program** so municipalities can play a leading role in helping to implement Canada's National Action Plan to End Gender-Based Violence—including by addressing the growing harassment of elected officials and candidates for public office.
- Increase access to **mental health and addictions services** in communities of all sizes across Canada, and engage municipalities in a national conversation on mental health.



Let's work together to ensure all Canadians experience a better quality of life in our communities.

For more information on FCM and local government priorities, visit our website at fcm.ca or **contact us**.

CITY OF HAMILTON

MOTION

General Issues Committee: March 22, 2023

MOVED BY COUNCILLOR C. KROETSCH.....

SECONDED BY COUNCILLOR

City of Hamilton's Investments into the 2026 and 2030 Commonwealth Games Bids

That City staff report back on any investments, monetary, in kind, and in staff time, including any estimates if specifics are not available, that were contributed by the City of Hamilton to the 2026 and 2030 Commonwealth Games bids.

CITY OF HAMILTON

MOTION

General Issues Committee: March 22, 2023

MOVED BY COUNCILLOR T. MCMEEKIN.....

SECONDED BY COUNCILLOR

2023 Temporary Outdoor Patio Program Fees

WHEREAS, the City of Hamilton first launched the temporary On-Street Patio Pilot Program in 2016, which became the permanent Temporary Outdoor Patio Program in 2022;

WHEREAS, the Temporary Outdoor Patio Program provides an opportunity for restaurants and cafes to open temporary outdoor patios in on-street parking spaces, off-street parking lots, sidewalks, alleyways and boulevards;

WHEREAS, the Temporary Outdoor Patio Program provides an important opportunity for local restaurants and cafes to increase their capacity through outdoor dining, and also helps to animate local commercial areas;

WHEREAS, during COVID, the City waived all applicable City fees for the Temporary Outdoor Patio Program in order to support economic recovery;

WHEREAS, the Mayor’s Task Force on Economic Recovery recommended as one of its priority initiatives the waiving of City fees for the Temporary Outdoor Patio Program;

WHEREAS, the waiving of City fees expired in 2022, resulting in potential costs to local businesses in 2023 (above and beyond the costs of the patio itself) as follows:

- (1) City Fee Temporary Outdoor Patio Application Fee - \$676.11
- (2) City Fee Temporary Patio Occupation of Parking Space fee (if applicable) - \$875/space
- (3) City Fee Temporary Patio Installation of Safety Devices fee (if applicable) - \$800
- (4) Provincial Fee Liquor License Extension - \$815
- (5) City Fee City Liquor Licensing fee - \$561.83

WHEREAS, in addition to the above fees, in 2022, as a result of new Restaurant Patio Guidelines within the Right of Way document that was released by the Provincial

Ontario Traffic Council, additional safety measures are now required that will cost business owners an estimated \$4,500 per patio for on-street patios;

WHEREAS, local restaurants and cafes continue to be impacted by reduced business as a result of hybrid working and reduced foot traffic in some of our commercial areas; and,

WHEREAS, a number of BIAs have reached out to the City to request a phased approach to returning to full fee recovery for the Temporary Outdoor Patio Program;

THEREFORE BE IT RESOLVED:

- (a) That for the 2023 season, the application fee for the Temporary Outdoor Patio Program of \$676.11 be waived and the costs recovered through the Economic Development Initiatives Reserve (112221);
- (b) That for the 2023 season, the City fee for Temporary Patio Installation of Safety Devices fee (if applicable) of \$800 be waived and the costs recovered through the Economic Development Initiatives Reserve (112221); and,
- (c) That local businesses be responsible for covering all other costs associated with the Temporary Outdoor Patio Program.

CITY OF HAMILTON

NOTICE OF MOTION

General Issues Committee: March 22, 2023

MOVED BY COUNCILLOR A. WILSON.....

Stairs at Grant Boulevard, Hamilton (Ward 13)

WHEREAS, historically residents living in the University Gardens Neighbourhood accessed the trail system, parking lot and active transportation routes to McMaster University via a set of stairs on Hamilton Conservation Authority Lands at Grant Boulevard;

WHEREAS, the Hamilton Conservation Authority, in their review of the stairs determined that the stairs were in poor condition and unsafe, and therefore removed the stairs and upgraded the trail to provide an alternative route in the area;

WHEREAS, residents of the neighbourhood desire the stairs to be reinstated as the shortest route to the paths connecting to McMaster University;

WHEREAS, the land on which the stairs were constructed is owned by the Hamilton Conservation Authority; and

WHEREAS, the provision of active transportation routes provides benefit to the city by encouraging residents to walk or bike to their destination, reducing greenhouse gas emissions, and increasing health and wellness.

THEREFORE, BE IT RESOLVED:

- (a) That Corporate Real Estate Office staff be authorized and directed to negotiate the requisite agreement(s) between the City and the Hamilton Conservation Authority (HCA) to permit the City to design, construct and maintain a new set of stairs on HCA property located at the end of Grant Boulevard, and report back to General Issues Committee for approval;
- (b) That Public Works staff be directed to determine the budget and work required to design, construct (capital) and maintain (operating) a new set of stairs on Hamilton Conservation Authority property located at the end of Grant Boulevard, and report back to General Issues Committee for approval.

CITY OF HAMILTON

NOTICE OF MOTION

General Issues Committee: March 22, 2023

MOVED BY COUNCILLOR A. WILSON.....

Securing Canada’s \$1 Billion Investment in a Strengthened Freshwater Action Plan

WHEREAS, the City of Hamilton, as a member of the Great Lakes and St. Lawrence Cities Initiative, supports: protecting source water, planning for climate change impacts and shoreline resilience, ensuring safe and affordable water services for all our residents, and building up a sustainable blue economy in the Great Lakes and St. Lawrence River Basin;

WHEREAS, ensuring healthy communities and a strong economy for Canadians depend on securing Canada’s source water, which includes addressing water quality issues, contaminants and pollution, supporting biodiversity and reversing wetland and fish and wildlife habitat loss and improving community knowledge to empower citizens to safeguard this essential resource;

WHEREAS, a Freshwater Action Plan and the Great Lakes Protection Initiative it supported were first announced in the 2017 Canadian federal budget with a \$44.84 million investment over five years;

WHEREAS, the Freshwater Action Plan has combined science and action to address priorities in the Great Lakes such as preventing toxic and nuisance algae, enhancing the resilience of coastal wetlands in the Great Lakes, restoring Great Lakes Areas of Concern and supporting Canada’s commitments under the Great Lakes Water Quality Agreement, among other priorities;

WHEREAS, a commitment was made by the Liberal Party of Canada in the 2021 federal election to strengthen the Freshwater Action Plan with an historic investment of \$1 billion over ten years to restore and protect large lakes and river systems starting with the Great Lakes and St. Lawrence River Basin;

WHEREAS, the federal government only committed \$19.6 million in funding in the 2022 Budget for the Freshwater Action Plan, falling short of the aforementioned commitment.

WHEREAS, the United States has invested \$1.8 billion in the Great Lakes Restoration Initiative (GLRI) since 2017 and will see accelerated funding with the *Infrastructure Investment and Jobs Act*;

WHEREAS, a 2018 University of Michigan study shows that for every dollar of federal spending on GLRI projects between 2010 and 2016, yielded \$3.35 in additional economic activity;

WHEREAS, nearly half of Canada's population lives in the Great Lakes and St. Lawrence River Basin, a region that will continue to see accelerated growth, resulting in greater land and resource use pressures that will further contribute to water availability and quality issues;

WHEREAS, the [Stockholm Resilience Centre](#) recently identified the importance of wetlands as carbon sinks and fresh water's role in climate mitigation;

WHEREAS, the Great Lakes-St. Lawrence Collaborative outlined 30 recommendations to Environment and Climate Change Canada as part of a ten-year, \$2.2 billion [Action Plan 2020-2030 to protect the Great Lakes and St. Lawrence](#) (Action Plan 2020-2030), addressing shoreline erosion, outdated infrastructure, invasive species, exposure to toxins and beach contamination, following an 18-month consultation with First Nations, NGOs, academics and other experts;

WHEREAS, the recommendations outlined in Action Plan 2020-2030 should serve as the basis of programming for strengthened federal action in the Great Lakes and St. Lawrence River Basin through its strengthened Freshwater Action Plan;

WHEREAS, the newly established Canada Water Agency should play a role in accelerating the rollout of funding made available through a strengthened Freshwater Action Plan;

WHEREAS, Freshwater Action Plan funding should largely be directed to community groups, local governments and First Nations to ensure that investments made will have the biggest local impact and empower action at the local level, rather than being held back for federal administration and operations;

WHEREAS, it is critical to implement a strengthened Freshwater Action Plan, including accelerating a \$1 billion over five years, and to creating a Canada Water Agency to consolidate and coordinate federal water efforts and support provinces and territories in addressing systemic issues impacting the viability of the Great Lakes and St. Lawrence River Basin and the communities dependent upon the region's source water;

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton calls on the federal government to commit \$1 billion in funding over five years for a strengthened Freshwater Action Plan in Budget 2023;
- (b) That the City of Hamilton calls on the federal government to guide its Freshwater Action Plan funding to implement recommendations in the Action Plan 2020-2030;
- (c) That the City of Hamilton calls on the federal government to direct priority funding under the strengthened Freshwater Action Plan to projects in the Great Lakes and St. Lawrence River Basin;
- (d) That the City of Hamilton calls on the federal government to make municipalities eligible for future funding in programs announced under the strengthened Freshwater Action Plan; and,
- (e) That the City of Hamilton directs its staff to submit this resolution to the federal Deputy Prime-Minister and Minister of Finance; the Minister of Environment and Climate Change; the Parliamentary Secretary to the Minister of Environment and Climate Change (responsible for the Canada Water Agency), and local Member of Parliament.