



City of Hamilton
GENERAL ISSUES COMMITTEE
ADDENDUM

Meeting #: 23-012
Date: April 5, 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

5. COMMUNICATIONS

- *5.1 Correspondence from Caroline Hill Smith, Action 13 Member, respecting endorsement of Report PED23064 to establish priorities for the Office of Climate Change Initiatives

Recommendation: Be received and referred to consideration of Item 8.2.

- *5.2 Correspondence from Richard Koroscil, Chair and Zoe Green, Manager, Bay Area Climate Change Council, respecting support for the 2023 Priority Focus Areas of the Office of Climate Change Initiatives (PED23064)

Recommendation: Be received and referred to consideration of Item 8.2.

6. DELEGATION REQUESTS

- *6.3 Charlie Mattina, Hamilton Community Land Trust, respecting an introduction to the Hamilton Community Land Trust, a grass roots all volunteer Non-for-profit community organization (In-Person) (For a future meeting)

- *6.4 Don McLean, respecting Item 8.2 - Priority Focus Areas for the Office of Climate Change Initiatives (PED23064) (Virtually) (For today's meeting)

8. STAFF PRESENTATIONS

- *8.2 2023 Priority Focus Areas for the Office of Climate Change Initiatives (PED23064) (City Wide)

*8.3 Corporate Strategic Growth Initiatives (CSGI) – Master Plan Updates and Development Charge By-law Approach (PED23084) (City Wide)

*8.4 Red Hill Valley Parkway Inquiry Update (LS19036(r) / PW23029) (City Wide)

10. DISCUSSION ITEMS

*10.5 Advisory Committee for Persons with Disabilities (ACPD) Report 23-003

12. NOTICES OF MOTION

*12.1 Investing in Beautiful Alleys (Ward 3)

13. GENERAL INFORMATION / OTHER BUSINESS

*13.2 Vacant Home Tax Communication Update (No Copy)

14. PRIVATE AND CONFIDENTIAL

*14.4 Red Hill Valley Parkway Inquiry Update (LS19036(s)) (City Wide)

Pursuant to Section 9.3, Sub-sections (e), (f), (i) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e), (f), (i) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain 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; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality 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; 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.

From: Caroline Hill Smith
Sent: April 2, 2023 8:51 PM
To: clerk@hamilton.ca
Subject: Correspondence for GIC April 5, 2023



April 2, 2023

Dear Chair and Members of the GIC,

As a member of Action 13, a Climate change advocacy group in Ward 13, I wholeheartedly endorse Report PED23064 to establish priorities for the Office of Climate Change Initiatives. I recommend immediate adoption in order that the City may begin work in the five priority areas outlined in the report.

Respectfully submitted,

Caroline Hill Smith,
Action 13 Member

Action13.ca
@13forAction

--

Caroline Hill Smith, B.A. Economics, B.Sc. Environmental Science (hon.)
Integrated Water Specialist MES Water (candidate)



Bay Area
Climate Change
Council

Bay Area Climate Change Council
bayareaclimate.ca
info@bayareaclimate.ca

April 3, 2023

General Issues Committee
City of Hamilton

Support for the 2023 Priority Focus Areas of the Office of Climate Change Initiatives (PED23064)

On behalf of the Bay Area Climate Change Council, we are writing to express our support for the 2023 Priority Focus Areas put forth by the city's newly established Office of Climate Change Initiatives (OCCI).

The Bay Area Climate Change Council (BACCC) represents a collaborative voice for climate action in the Hamilton-Burlington region. Members of BACCC and our implementation teams span the region and represent organizations in the municipal, non-profit, education and private sectors, and include citizen representatives.

Implementation of the City of Hamilton's Climate Action Strategy requires focussed effort on the three (3) biggest sources of greenhouse gas (GHG) emissions in the Hamilton area - Buildings, Industry, Transportation. This is imperative if we are to meet the target of net-zero emissions by 2050 and demands urgent action.

We applaud this council and staff for recognizing and actioning the important and much needed work to mitigate climate change.

Congratulations to the City on reaching this significant milestone with the launch of the OCCI's inaugural work plan focussed on climate priorities.

A handwritten signature in black ink, appearing to read 'Richard Koroscil'.

Richard Koroscil
Chair, Bay Area Climate Change Council

A handwritten signature in black ink, appearing to read 'Zoë Green'.

Zoë Green
Manager, Bay Area Climate Change Council

Submitted on Wed, 03/22/2023 - 06:19

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
Charlie Mattina
Hamilton Community Land Trust

Preferred Pronoun
he/him

Reason(s) for delegation request
Introduction to the Hamilton Community Land Trust, a grass roots all volunteer Non-for-profit community organization. We are one over 40 Community Land Trusts in Canada and growing.

What is a Community Land Trust?

A Community Land Trust (CLT) is a non-profit corporation that obtains and holds land and housing for the benefit of the community in which it exists. With the shared value of housing as a right, the goal is to remove land and housing from the real estate market through either purchase or donation, and perpetually hold it in a trust to preserve the affordability of that land and housing asset.

Will you be requesting funds from the City?
No

Will you be submitting a formal presentation?
Yes

Submitted on Sun, 04/02/2023 - 21:47

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
Don McLean

Preferred Pronoun
he/him


Reason(s) for delegation request
Speak to item 8.2 on GIC agenda of April 5: 2023 Priority Focus Areas for the Office of Climate Change Initiatives (PED23064) (City Wide)

Will you be requesting funds from the City?
No

Will you be submitting a formal presentation?
No



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Office of Climate Change Initiatives

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	April 5, 2023
SUBJECT/REPORT NO:	2023 Priority Focus Areas for the Office of Climate Change Initiatives (PED23064) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Lynda Lukasik (905) 546-2424 Ext. 3169
SUBMITTED BY:	Lynda Lukasik Director, Climate Change Initiatives Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That, in addition to the various Climate Change related initiatives already contained within the 2023 workplans of multiple Divisions across the Corporation, the Priority Focus Areas for 2023 for the newly-created Office of Climate Change Initiatives, as summarized in Report PED23064 be received;
- (b) That the General Manager of Planning and Economic Development be authorized to approve expenditures up to \$250,000 from the Climate Change Reserve to fund projects and initiatives that implement or advance the Office of Climate Change Initiatives Priority Focus Areas summarized in Report PED23064, or projects and initiatives that implement or advance the City of Hamilton's Climate Change Strategy adopted by Council on August 12, 2022 through GIC Report 22-016 ((CM22016/PED22058(a)/HSC22030(a), and that the authorities within the Reserve Policy – Climate Change Reserve (Policy No. FPAP-RE-015) be amended accordingly;

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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: 2023 Priority Focus Areas for the Office of Climate Change Initiatives (PED23064) (City Wide) - Page 2 of 9

- (c) That staff report back on progress toward each of the Office of Climate Change Initiatives Priority Focus Areas, including any funding commitments from the Climate Change Reserve as part of the annual Climate Change Strategy report.

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the initial 2023 priority focus areas for the newly created Office of Climate Change Initiatives (OCCI).

The City of Hamilton's Climate Change Strategy was adopted by Council on August 12, 2022 through GIC Report 22-016 ((CM22016/PED22058(a)/HSC22030(a)). To implement that strategy, multiple Divisions across the Corporation have integrated climate change related initiatives into their 2023 workplans and budgets. This report summarizes the Priority Focus Areas for the newly-created Office of Climate Change Initiatives (OCCI). In addition to helping to support and coordinate the climate change initiatives across the corporation, the OCCI will be taking the lead with respect to various initiatives within these Priority Focus Areas. The 2023 Priority Focus Areas are organized under the following five themes:

- Climate Change Governance & Innovation
- Community Climate Outreach
- Carbon Budgeting
- Green Buildings
- Urban Greening

Given the urgency of advancing these initiatives, this report is also seeking delegated staff authority to access funding from the Climate Change Reserve to advance these projects.

Alternatives for Consideration – See Page 8

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Staff will report back annually on any expenditures resulting from the approval of this report. Any projects or initiatives with financial impacts beyond the delegated authorities set out in this report will be subject to future reports and Council approval.

Staffing: There are no staffing implications associated with the approval of this report.

Legal: N/A

**SUBJECT: 2023 Priority Focus Areas for the Office of Climate Change Initiatives
(PED23064) (City Wide) - Page 3 of 9**

HISTORICAL BACKGROUND

In August of 2022, City Council endorsed Hamilton's Climate Action Strategy, including 'Recharge Hamilton – Our Community Energy & Emissions Plan' (CEEP) and the 'Climate Change Impact Adaptation Plan' (CCIAP), through Report CM22016/PED22058(a)/HSC22030(a). Through that report, Council also approved the establishment of the Office of Climate Change Initiatives within the Planning and Economic Development Department and the creation of the role of the Director of Climate Change Initiatives.

In May of 2018 Council established a Climate Change Reserve through General Issues Committee Report 18-011. Council allocated \$1.5 M to the Climate Change Reserve through the Tax and Rate Operating Budgeting Variance Report as of December 31, 2020 and Budget Control Policy (Report FCS20069(b)). A Climate Change Reserve Policy was approved by Council in December 2021 through Report CMO19008(b)/HSC19073(b). The policy was established to guide the future spending of this reserve and was recognized as an important first step to providing the required funding for innovative climate change actions.

Most recently, as part of the 2023 Tax Supported Capital Budget, a 0.25% special levy (\$2.5M) was approved by Council in order to provide a sustainable funding source for the Climate Change Reserve.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not Applicable

RELEVANT CONSULTATION

The City's Senior Leadership Team, through the Growth and Economic Development Working Group, was consulted in the preparation of this report.

Once the internal Climate Change Steering Committee and Community Climate Change Advisory Committee are established, staff will engage with those groups to inform any modifications to the 2023 Priority Focus Areas, and to inform the development of the 2024 priorities.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The climate emergency is arguably the greatest existential threat facing humanity. The 2023 Priority Focus Areas for the Office of Climate Change Initiatives represent a significant step forward in the implementation of Hamilton's Climate Action Strategy. Priorities are consistent with the Council-adopted strategy and were selected to quickly

SUBJECT: 2023 Priority Focus Areas for the Office of Climate Change Initiatives (PED23064) (City Wide) - Page 4 of 9

initiate meaningful action and on-the-ground impact both within the corporation and in the community-at-large. These priorities represent initiatives that are not already covered in the mandates and workplans of other city divisions. Priorities also reflect community concerns and input heard by city staff through the consultation on the Climate Action Strategy, and subsequent outreach work by staff from the Office of Climate Change Initiatives. It is important to recognize that there are many other Climate Change related actions and initiatives – beyond the Priority Focus Areas for the OCCI - contained within the 2023 workplans of multiple divisions across the corporation.

The City of Hamilton declared a Climate Emergency in March 2019 and the subsequent onset of the pandemic slowed efforts to finalize the Hamilton Climate Action Strategy and initiate expanded municipal efforts to mitigate and adapt to climate change. This has only added to the urgency of advancing the Priority Focus Areas set out in this report and, combined with the fact that the climate crisis is an emergency, provides the rationale for the recommendations seeking approval for delegated staff authority to access funding from the Climate Change Reserve to advance these proposed OCCI Priority Focus Areas.

In developing the OCCI Priority Focus Areas, staff have identified both policy-focused initiatives designed to lay the foundation for long-term success, as well as short-term projects and initiatives that will demonstrate immediate impact and build momentum. The Hamilton Climate Action Strategy is an ambitious and comprehensive strategy that requires aggressive action across the community. The 2023 Priority Focus Areas represent a best effort at moving quickly on some key initial priorities while recognizing that there is much more still to be done in the future. The proposed Priority Focus Areas are detailed below.

2023 Priority Focus Areas for the Office of Climate Change Initiatives

The 2023 Priority Focus Areas for the OCCI are organized under five themes:

- Climate Change Governance & Innovation
- Community Climate Outreach
- Carbon Budgeting
- Green Buildings
- Urban Greening

Priority Focus Areas – Climate Change Governance & Innovation

A key component of the OCCI's 2023 workplan is the establishment of governance structures to guide the implementation of the Climate Action Strategy (CAS). The CAS sets out a framework that includes two internal committees – a Climate Change Initiatives Steering Committee and an Extended Leadership Committee, and an external

SUBJECT: 2023 Priority Focus Areas for the Office of Climate Change Initiatives (PED23064) (City Wide) - Page 5 of 9

Community Climate Change Advisory Committee (CCAC). OCCI staff will provide support for the CCAC. The OCCI will also encourage and support municipal innovation on climate mitigation and adaptation.

The following will be Priority Focus Areas in 2023 for the OCCI with respect to Climate Change Governance & Innovation:

1. **Establishment of the City of Hamilton Climate Change Initiatives Steering Committee** – This is a critical piece of the necessary corporate governance structure. The Steering Committee will consist of Directors from key departments and divisions who will meet regularly to check in on progress and work collectively to ensure that necessary city targets and timelines for climate action are being met or exceeded.
2. **Establishment of City of Hamilton Climate Change Initiatives Extended Leadership Group** – The extended leadership group will consist of subject matter experts, typically at the manager or supervisor level, from key departments and divisions who are responsible for implementation of elements of the Climate Action Strategy.
3. **Recruiting and on-boarding of new OCCI staff** (Project Manager & Senior Project Manager) – Over the coming weeks, the OCCI will be hiring a Senior Project Manager who will play a lead role in the implementation of the home energy retrofit opportunity and other building performance initiatives, and a Project Manager to support the Community Climate Advisory Committee, and to help with broader community outreach and education, community partnerships, and general climate engagement work.
4. **Establishment of and support for the Community Climate Advisory Committee** – The Committee terms of reference have now been approved and the next step is to advertise and ultimately recruit committee members as part of the larger city process for filling advisory committee positions every term. Once established, the CCAC will be supported by staff in the OCCI.
5. **Facilitate and support municipal innovation on climate mitigation and adaptation** – OCCI staff will seek out opportunities to facilitate and support corporate innovation within the City of Hamilton where climate mitigation and adaptation are concerned. This could involve, for example, supporting a department's interest in piloting an EV version of a traditionally fossil fuel powered vehicle or piece of equipment, or supporting a pilot project designed to publicly demonstrate what climate resilient urban greening looks like. The OCCI will encourage and, where appropriate, offer financial supports through the Climate Change Reserve to make pilot efforts like this feasible.

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SUBJECT: 2023 Priority Focus Areas for the Office of Climate Change Initiatives (PED23064) (City Wide) - Page 6 of 9

Priority Focus Areas – Community Climate Outreach

When a Climate Emergency was declared by City Council in March of 2019, a commitment was made in that motion to the creation of an awareness campaign around the climate crisis and the need for action. The City of Hamilton has a leadership role to play as the administrator of Hamilton’s Climate Action Strategy and this includes ensuring Hamiltonians are aware of the strategy and understand the role they must also play in strategy implementation.

The following will be Priority Focus Areas in 2023 for the OCCI with regard to Community Climate Outreach:

6. **Development of a Climate Change Initiatives Communications Strategy** – OCCI staff will work with City Communications staff to develop a strategy for regular reporting and outreach on climate change initiatives. This will include good news stories from the City of Hamilton and other stakeholders, and ideas for hands-on actions that community members can take to contribute to climate mitigation and adaptation. The strategy will also include ‘Climate 101’ information, and basic information regarding Hamilton’s Climate Action Strategy.
7. **Finalize agreement and partnership with the Bay Area Climate Change Council** – The Bay Area Climate Change Council (BACCC) engages diverse stakeholders across the cities of Hamilton and Burlington, facilitating effective collaboration for enhanced climate action. This is done in part through Bay Area Climate Change Implementation Teams or BACCITs made up of key stakeholders who work collectively to tackle key issues. The City of Hamilton provides support for operating costs for BACCC and the MOU guiding this support must be updated and reissued for 2023 and beyond.
8. **Finalize OCCI annual reporting format and methodology** – Tracking and reporting on progress with Climate Action Strategy implementation is a key role of the OCCI. The OCCI will report on progress across the corporation. Annual reporting must also be done in collaboration with the Community Climate Advisory Committee to ensure community-wide tracking of climate action. The first progress report to Council will occur in October of this year. OCCI staff will determine the best way to monitor and document progress and this will include consideration of a public-facing dashboard.

Priority Focus Areas – Carbon Budgeting

Hamilton’s Climate Action Strategy identifies the need for a multi-pronged approach to ‘carbon accounting’ that includes carbon budgeting. Carbon budgets establish caps on how much a community can emit leading up to its target years for emission reductions.

SUBJECT: 2023 Priority Focus Areas for the Office of Climate Change Initiatives (PED23064) (City Wide) - Page 7 of 9

The Finance Department has already initiated preliminary explorations into what would be required to develop a Carbon Budget for the City of Hamilton.

The following will be Priority Focus Areas in 2023 for the OCCI:

9. **Initiate creation of a Carbon Budget Framework** – During 2023, OCCI staff will facilitate research into best practices and collaborate with Finance to bring forward to Council a recommended framework that will be phased in for one or two City Divisions through the 2024 budget process and fully implemented across all City Divisions in the future.

Priority Focus Areas – Green Buildings

Buildings represent the third largest contributor to greenhouse gas emissions in Hamilton. The City is well-positioned to expand the leadership already demonstrated by Facilities, the Office of Energy, and CityHousing Hamilton with its Passive House projects.

The following will be Priority Focus Areas in 2023 for the OCCI with respect to Green Buildings:

10. **Adopt an “Energy Performance/Net Zero” standard for all new municipal buildings** – The City can lead by example and reap the climate and financial benefits of adopting a net zero standard for all new municipal buildings. The OCCI will work in partnership with the city’s Office of Energy on the development of a Net Zero standard for all new municipal buildings. This standard will be the first step toward a green procurement strategy for Hamilton, providing guidance for all new city buildings, and supporting current efforts underway within the Office of Energy to create a pathway forward to realize net zero retrofits for all existing corporate facilities. The standard will also serve as helpful guidance for other stakeholders in the community who are eager to make their buildings climate resilient.
11. **Implement Home Energy Retrofit Opportunity (HERO) pilot residential program** – Retrofitting the existing residential building stock is important for achieving Hamilton’s climate targets. The HERO pilot will enable the OCCI to test the viability of a low interest loan program for residents as a method for facilitating home energy retrofits. The City enlisted the Mohawk Centre for Climate Change Management, with the support of a grant from the Federation of Canadian Municipalities, to prepare a draft program design and implementation plan which is currently being reviewed by OCCI staff to determine next steps for pilot implementation in 2023.

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**SUBJECT: 2023 Priority Focus Areas for the Office of Climate Change Initiatives
(PED23064) (City Wide) - Page 8 of 9**

Priority Focus Areas – Urban Greening

The OCCI will focus on facilitating urban greening in heavily urbanized areas that are currently dominated by hard surfaces and a subsequent lack of trees and other vegetation. This work will be pursued in order to facilitate the collective community goal of seeing 50,000 trees planted per year in Hamilton, and with the goal of equitable distribution of urban greening in order to realize the climate justice goals of the Climate Action Strategy. OCCI efforts will be developed in consultation with staff from Forestry & Horticulture to ensure that these urban greening efforts enhance but do not duplicate the important work Forestry already has underway.

The following will be Priority Focus Areas in 2023 for the OCCI with respect to Urban Greening:

12. **Facilitate implementation of enhanced urban greening initiatives** – The OCCI will coordinate with relevant City Departments and key community partners to amplify efforts to green up heavily urbanized areas through ‘depave’ projects and other innovative approaches to greening urban streetscapes and surrounding sites.

ALTERNATIVES FOR CONSIDERATION

Council may revise or choose not to adopt the Office of Climate Change Initiatives proposed 2023 Priority Focus Areas.

Council may revise or choose not to adopt the proposed funding model put forward to facilitate expedited implementation of climate actions.

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.

**SUBJECT: 2023 Priority Focus Areas for the Office of Climate Change Initiatives
(PED23064) (City Wide) - Page 9 of 9**

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

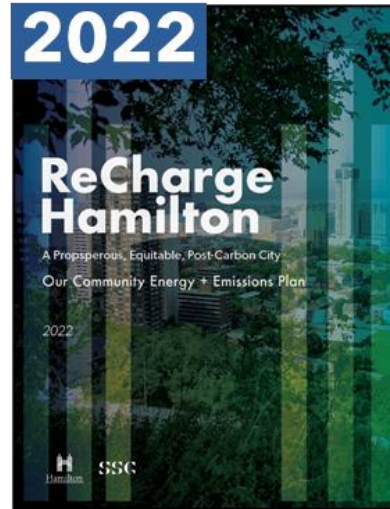
Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Not applicable.

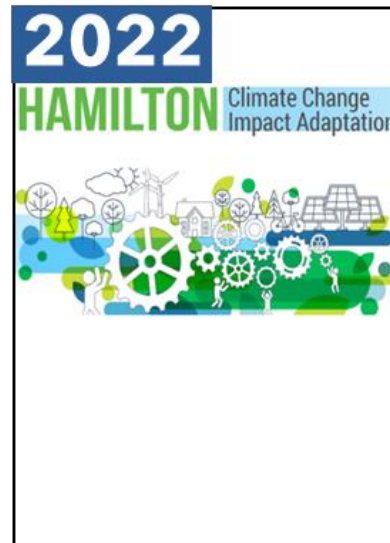


Office of Climate Change Initiatives 2023 Priority Focus Areas



Climate Mitigation – Community Energy and Emissions Plan (CEEP)

- Actions to reduce GHG emissions that cause climate change



Climate Adaptation – Climate Change Impact Adaptation Plan

- Actions that help manage or adapt to a changing climate



GHG Emissions – Hamilton Context (2020)

Industry



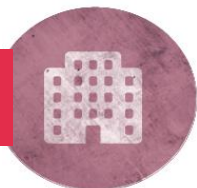
~7.3 MtCO₂e

Transportation



~1.5 MtCO₂e

Buildings



~1.4 MtCO₂e

Agriculture



~2.6 KtCO₂e

Waste



~2.5 KtCO₂e

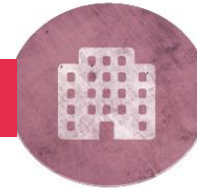


5 Low-Carbon Transformations

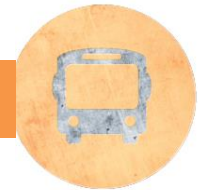
TRANSFORMATION 1: Innovating Our Industry



TRANSFORMATION 2: Transforming Our Buildings



TRANSFORMATION 3: Changing How We Move



TRANSFORMATION 4: Revolutionizing Renewables



TRANSFORMATION 5: Growing Green





4 Theme Areas for Climate Adaptation Actions

RESILIENT THEME 1: Built Environment/Systems



RESILIENT THEME 2: People and Health



RESILIENT THEME 3: Natural Environment, Agriculture and Water



RESILIENT THEME 4: Energy and Economy



Office of Climate Change Initiatives

2023 Priority Focus Areas

The **2023 Priority Focus Areas** are organized under the following five themes:

- Climate Change Governance & Innovation
- Community Climate Outreach
- Carbon Budgeting
- Green Buildings
- Urban Greening



**NB - OCCI priorities are in addition to the various climate change related initiatives already contained within 2023 workplans of multiple divisions across the City of Hamilton.*

Climate Change Governance & Innovation

- Establishment of the City of Hamilton **Climate Change Initiatives Steering Committee**
- Establishment of the City of Hamilton **Climate Change Initiatives Extended Leadership Group**
- Recruiting and on-boarding of new OCCI staff
- Establishment of and support for the **Community Climate Advisory Committee**
- Facilitate and support municipal innovation on climate mitigation and adaptation

Community Climate Outreach

- Development of a Climate Change Initiatives Communications Strategy
- Finalize agreement and partnership with the Bay Area Climate Change Council
- Finalize OCCI annual reporting format and methodology

Carbon Budgeting

- Initiate creation of a Carbon Budget Framework

Green Buildings

- Adopt an “Energy Performance/Net Zero” standard for all new municipal buildings
- Implement Home Energy Retrofit Opportunity (HERO) pilot residential program

Urban Greening

- Facilitate implementation of enhanced urban greening initiatives

RECOMMENDATION

- (a) That, in addition to the various Climate Change related initiatives already contained within the 2023 workplans of multiple Divisions across the Corporation, the Priority Focus Areas for 2023 for the newly-created Office of Climate Change Initiatives, as summarized in Report PED23064 be received;
- (b) That the General Manager of Planning and Economic Development be authorized to approve expenditures up to \$250,000 from the Climate Change Reserve to fund projects and initiatives that implement or advance the Office of Climate Change Initiatives Priority Focus Areas summarized in Report PED23064, or projects and initiatives that implement or advance the City of Hamilton's Climate Change Strategy adopted by Council on August 12, 2022 through GIC Report 22-016 ((CM22016/PED22058(a)/HSC22030(a), and that the authorities within the Reserve Policy – Climate Change Reserve (Policy No. FPAP-RE-015) be amended accordingly;
- (c) That staff report back on progress toward each of the Office of Climate Change Initiatives Priority Focus Areas, including any funding commitments from the Climate Change Reserve, as part of the annual Climate Change Strategy Report.



Hamilton

THANK YOU



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	April 5, 2023
SUBJECT/REPORT NO:	Corporate Strategic Growth Initiatives (CSGI) – Master Plan Updates and Development Charge By-law Approach (PED23084) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Heather Travis (905) 546-2424 Ext. 2978
SUBMITTED BY:	Tony Sergi Director and Senior Advisor of Strategic Growth Initiatives Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the following recommendations be referred to the Development Charges Stakeholders Sub-Committee for consideration:
- (i) That the City's new 2024 Development Charges (DC) By-law be prepared based on the 2031 growth forecast.
 - (ii) That, notwithstanding (i) above, the City's new 2024 Development Charges (DC) By-law may include growth allocations to facilitate DC considerations to 2041 / 2051 based on timing of completed Master Plan updates.
- (b) Pursuant to Procurement Policy #11 - Non-competitive Procurements, that Council approve the extension to Contract C11-05-17, for the provision of professional engineering consultant services required to complete the Water, Wastewater and Stormwater Master Plan, including an additional Development Charges (DC) By-law Update, for the upset limit of \$550,000, to be funded equally from capital project IDs #5141555264 (City Wide Water Master Plan), #5161555264 (City Wide Wastewater Master Plan) and #5181555422 (GRIDS 2 - Stormwater Master Plan), all which were approved to complete the proposed objective and with sufficient budget

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

SUBJECT: Corporate Strategic Growth Initiatives (CSGI) – Master Plan Updates and Development Charge By-law Approach (PED23084) (City Wide) - Page 2 of 13

available to accommodate this purchase order increase, and that the General Manager, Public Works Department be authorized to negotiate, enter into and execute the extension and any ancillary documents required to give effect thereto with GM BluePlan Engineering Limited (GMBP), in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

The Corporate Strategic Growth Initiatives (CSGI) Project was established in 2016 to ensure that all strategic growth-related projects are coordinated and completed in a timely and fiscally responsible manner. As per Council direction provided in 2016 through Report CM16013, updates related to CSGI and the component projects are to be provided annually to the General Issues Committee. This Report fulfils the annual reporting requirement.

This Report provides an update on the growth-related Master Plans that are included within the CSGI project, including the current status and underlying growth scenario used to inform the work completed to date. Given the provincial approval of Official Plan Amendment (OPA) 167 which has expanded the City's urban boundary by approximately 1,600 net ha, modifications to the growth scenario and allocations underlying the Master Plans may be required. It is anticipated that growth in the urban expansion areas may occur in the post-2041 time period. Updated growth scenario allocations for the post-2041 time period will be provided by Planning staff following additional analysis related to phasing and density of development, secondary planning and servicing strategies.

The growth-related Master Plans provide critical inputs into the City's DC Background Study and By-law. The current DC By-law will expire in June 2024, and work has commenced on the preparation of a new DC Bylaw to be adopted prior to the June 2024 expiration date. The critical deadlines required to be met to ensure legislated requirements are satisfied prior to adoption of the new By-law are outlined in this Report.

Given the tight deadlines that must be satisfied prior to the adoption of the new DC By-law, combined with unknowns related to the allocation of the City's growth to the year 2051, staff are recommending an approach to the City's new DC By-law which would see a new DC By-law passed in 2024 based on the City's existing 2031 growth forecast. This interim approach has the benefit of being feasible from a timing perspective to meet the critical deadlines and will ensure that the City is not in a position of being unable to collect DC's due to an expired DC By-law.

SUBJECT: Corporate Strategic Growth Initiatives (CSGI) – Master Plan Updates and Development Charge By-law Approach (PED23084) (City Wide) - Page 3 of 13

Further, following confirmation of growth allocations by Planning staff to the year 2041, it may be feasible for certain Master Plan teams to provide inputs to the DC Background Study based on the 2041 timeframe in advance of the critical deadlines. For these service categories, a new DC Bylaw based on the 2041 timeframe may be feasible. Finally, for the city-wide service of the water treatment plant, a 2051 timeframe may be appropriate given the plant upgrades are not dependent on the geographic distribution of growth.

Following the completion of updated Master Plans based on the ultimate 2051 growth allocations, the City can proceed to pass a new DC By-law based on an extended planning horizon for all areas.

This report is also requesting Council approval of a Purchase Order (PO) increase for the in-process Water, Wastewater and Stormwater Master Plan to address additional items out of scope of the original project terms of reference, and to ensure the Master Plan consultants can continue to provide services on this project including DC inputs.

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Report PED23084 is recommending that an additional \$550,000 be added to the existing Water, Wastewater and Stormwater Master Plan PO #86304 to cover the additional project scope and tasks beyond what was allotted in the original scope of work. The additional \$550,000 will be funded equally from capital project IDs #5141555264 (City Wide Water Master Plan), #5161555264 (City Wide Wastewater Master Plan) and #5181555422 (GRIDS 2 - Stormwater Master Plan), which were all approved to complete the proposed objective. There is a sufficient budget available in each of the capital project IDs to accommodate this PO increase. Council Approval is required as the total value of the Policy 11 - Non-competitive Procurements as a Single Source recommendation is greater than \$250,000. The City's Water, Wastewater and Stormwater Master Plan consultant is GM BluePlan Engineering Limited.

GM BluePlan Engineering Limited (GMBP) PO #86304 Summary:

Original GMBP PO (excluding contingency, not shown to the vendor)	\$1,327,758
General Manager Approved Policy #11 Expansion	\$247,360
Engineering Change Order Expansion from Contingency	\$78,219

SUBJECT: Corporate Strategic Growth Initiatives (CSGI) – Master Plan Updates and Development Charge By-law Approach (PED23084) (City Wide) - Page 4 of 13

Report PED23084 Recommended Expansion	<u>\$ 550,000</u>
TOTAL (excluding contingency, not shown to the vendor)	\$2,203,33

Staffing: N/A

Legal: The approach being recommending through Report PED23084 is being proposed in order to ensure that the City is not in a position of being unable to collect DCs due to an expired By-law.

HISTORICAL BACKGROUND

Corporate Strategic Growth Initiatives (CSGI)

The Corporate Strategic Growth Initiatives (CSGI) Project was established in 2016 to ensure that all strategic growth-related projects are coordinated and completed in a timely and fiscally responsible manner. There are a number of strategic growth-related Master Plans in various stages of completion that need to be finalized and provide input into the DC Background Study (see DC By-law Implications below). The growth-related projects included in CSGI are noted below and identified on Appendix “A” to Report PED23084 – Governance Structure.

It is important to note that the individual Departments and Divisions are responsible for the completion and delivery of the various growth-related Master Plan projects. The project teams maintain full ownership over their Master Plan exercise.

The role of the CSGI Project Team is to be responsible for tracking the progress of the CSGI projects, identifying risks and constraints to their completion, and reporting their status to the Growth and Economic Development SLT Working Group on a regular basis. In addition, and as per Council direction provided in 2016 through Report CM16013, updates related to CSGI and the component projects are to be provided annually to the General Issues Committee

DC By-law Implications

The City’s current DC By-law (By-law # 19-142) will expire on June 13, 2024.

The growth-related Master Plans will identify the required infrastructure investments and cost sharing policies which need to be included in the DC Background Study and the DC By-Law for adoption by June 2024, in coordination with Finance staff leading the DC By-law Update.

SUBJECT: Corporate Strategic Growth Initiatives (CSGI) – Master Plan Updates and Development Charge By-law Approach (PED23084) (City Wide) - Page 5 of 13

To meet the timelines and legislated requirements to ensure the new DC By-law is enacted prior to the June 13, 2024 expiration date, there are certain key milestones that must be achieved, attached as Appendix “B” to Report PED23084 (timeline). These milestones include:

- Sept 1, 2023: Provision of DC ‘inputs’ (projects and costing)
- Q1 2024: release of DC Background Study
- Q2 2024: public meeting held
- Q2 2024: adoption of new By-law
- June 12, 2024: latest effective date for new DC By-law

Approval of Official Plan Amendments (OPAs) 167 & 34 and impact on Master Plan work completed to date

In May 2022 Urban Hamilton Official Plan (UHOPA) No. 167 and Rural Hamilton Official Plan (RHOPA) No. 34 were adopted by City Council. These OPAs implemented the Council-approved No Urban Boundary Expansion growth scenario by planning to accommodate the City’s forecasted population and employment growth to the year 2051 within the existing urban boundary. The Council-adopted amendments were provided to the Province for review and approval in June 2022.

The growth-related Master Plans teams have been proceeding with analysis based on growth allocations provided by Planning. The chart below summarizes the current status, planning horizon and growth scenario (data) being utilized in the Master Plan processes. As is indicated in the chart, the Master Plan work completed to date has been based on a combination of the No Urban Expansion growth forecast and the Ambitious Density forecast, using population and employment data provided by Planning.

Master Plan	Status	Time Horizon	Growth Scenario
Water / Wastewater/ Stormwater	In process	30 years	Ambitious Density (1,300 net ha expansion) & No Urban Expansion
Transportation	In process	30 years	Ambitious Density (1,300 net ha expansion)
Parks	In process	30 years	No Urban Expansion
Recreation	Complete	30 years	No Urban Expansion
Paramedic Services	Complete	10 years	N/A

SUBJECT: Corporate Strategic Growth Initiatives (CSGI) – Master Plan Updates and Development Charge By-law Approach (PED23084) (City Wide) - Page 6 of 13

Master Plan	Status	Time Horizon	Growth Scenario
Fire	Complete (but updated annually)	10 years	N/A

In November 2022, the Province provided the City with its decision with respect to UHOPA No. 167 and RHOPA No. 34. The decision, amongst other policy and designation changes, included direction to amend mapping in both Official Plans to identify 2,200 gross hectares of land as “Urban Expansion Area – Neighbourhoods” and “Urban Expansion Area – Employment”. It is estimated that this adds approximately 1,600 net developable hectares to the urban area which had not been contemplated through OPA 167.

The Provincial modifications to OPA 167 has impacted the ongoing work on the growth-related Master Plans. With the Provincial modification to OPA 167, the Master Plan work completed to date may need to be updated to reflect the Provincially-approved growth scenario. The required updates to the Master Plans will have both financial and timing impacts. Further discussion of these impacts and on how and when the updates will occur is provided in the Analysis / Rationale for Recommendation section below.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Policy Direction

The requirement to complete infrastructure Master Plans is identified at the Provincial level through the Places to Grow Plan and within the City’s Urban and Rural Hamilton Official Plans.

Master Plan Legislated Requirements

The Infrastructure Master Plan process follows the Municipal Engineers Association (MEA) Class Environmental Assessment (EA) Master Plan Process consisting of a review of growth projections, servicing policies, design criteria and completion of public consultation and servicing strategy development and evaluation.

Development Charges Act, 1997

The *Development Charges Act, 1997 (DC Act)* provides Council with the authority to pass a By-law to impose DCs. This Act requires that a DC Background Study be completed. The Background study takes into account:

- A forecast of the amount, type and location of development and population

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- The historical level of capital service levels
- A review of future capital projects to provide for the expected development.

The *DC Act* also legislates matters related to the timing of the completion of the DC Background Study and public meeting, notice requirements, appeal rights and other matters. The critical dates noted in the section above are implementing the requirements of the *DC Act*.

RELEVANT CONSULTATION

Staff from Planning, Finance and Hamilton Water were consulted in the preparation of this report. Staff representatives from the CSGI Master Plan teams provided input into the report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. Growth Scenario Updates

The Master Plan teams rely on growth allocations provided by Planning staff which is in the form of projected population, dwelling units and jobs at the Traffic Zone level, provided by decade to the year 2051. The allocations are based on the forecasts for population, household and jobs in the UHOP approved through OPA 167, as shown in the following table.

Year	Population	Households	Employment (Jobs)
2021	584,000	222,500	238,000
2031	652,000	258,100	271,000
2041	733,000	295,200	310,000
2051	820,000	332,800	357,000
Change 2021 to 2051	236,000	110,300	119,000

As noted, Master Plan teams had previously been provided with two sets of growth allocations which reflected the No Urban Boundary Expansion growth scenario and the Ambitious Density growth scenario. These data sets have been used to form the basis of the Master Plan work completed to date, as previously noted.

Given the Provincial modifications through OPA 167, consideration as to how and when growth will be allocated to the urban expansion areas will be undertaken by Planning staff. As identified in Report PED21067(d) (March 2023), staff are considering that

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growth in the urban expansion areas may need to be allocated to the post 2041 timeframe, based on various reasons including the time required to complete secondary planning, the timing of servicing improvements, and the time required for development approvals. It will take some time before the lands become 'shovel ready' and units are constructed and become occupied. Further, there are significant development opportunities in the former urban area (existing greenfields and intensification potential) which can be explored first. Focusing growth within the former urban boundary to the year 2041 aligns with the City's Housing Pledge which notes that the City can accommodate growth within the pre-OPA 167 urban area by focusing on re-urbanization and intensification.

Further analysis is required to confirm the phasing and allocation of growth in the urban expansion areas during the post-2041 period, including consideration of appropriate planned density (to be confirmed through a future Official Plan Amendment), secondary planning and servicing strategies. As such, additional time is required to consider updated growth allocations at the Traffic Zone level for the post-2041 time period.

For the period between 2021 and 2041, the existing Traffic Zone growth allocations which formed the basis of the No Urban Boundary Expansion scenario are anticipated to remain applicable as all growth is identified within the former (pre-OPA 167) urban boundary, though this will be confirmed by Planning staff. These Traffic Zone allocations are consistent with the growth forecasts approved in the Urban Hamilton Official Plan through the Provincial approval of OPA 167.

2. Master Plan Updates

As noted, the growth-related Master Plans that form the CSGI project team have been progressing to varying stages of completion using available data (being the No Urban Expansion and / or the Ambitious Density growth scenarios). The Master Plan teams use the data to identify future infrastructure and programming requirements to meet required service standards and ultimately inform the DC Background Study and future capital budget submissions. Master Plans identify key City-wide growth-related infrastructure and form the basis of the growth-related capital program

For the time period between 2021 and 2041, the Master Plan teams that had been progressing based on the previous No Urban Boundary Expansion scenario may not be required to complete any changes to the analysis already undertaken, as the anticipated growth allocations for this period may not change from the previous No Urban Expansion allocations. These assumptions will be confirmed by Planning staff.

For the post-2041 time period, Planning staff will be providing further reporting on anticipated timing and phasing of growth in the expansion areas through future reports

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to Planning Committee. These reports will provide an indication of when revised growth data at the Traffic Zone level will be available for Master Plan teams to model and update their Master Planning work for the post-2041 timeframe. It is known that the amount of time required to update Master Planning work and provide DC inputs following receipt of updated data varies by Plan, and is summarized in the following table:

Master Plan	Additional Time Required to Provide DC Inputs Following Receipt of New Growth Data
Water / Wastewater / Stormwater	+ 8 to 10 months
Transportation	+ 6 to 8 months
Parks	+ 4 months
Recreation	+ 2 months
Paramedic Services	+ 1 to 2 months
Fire	+ 4 to 6 months

3. Development Charges By-law – Recommended Approach

As noted, the deadline for the provision of inputs into the DC Background Study is September 1, 2023. The September 1 deadline would facilitate the release of the DC Background Study in Q1 2024, the public meeting in Q1 / Q2 2024, and adoption of the new DC By-law by June 13, 2024.

Given the unknown timing of when updated growth allocations may be available for modelling and analysis, combined with the additional completion time required for each Master Plan identified in the above table, it becomes apparent that the required inputs into the DC Background Study based on Master Plans completed to the 2051 planning horizon are doubtful to be provided by the required deadline. With two exceptions, most of the Master Plan teams have identified a need for a minimum of 4 months to model and analyse a revised data set. To meet the September 1, 2023 DC deadline, the revised data set would be required by May 1, 2023 at the latest. Further, the Master Plan teams would be required to complete their modelling and analysis over the summer months, when staffing is stretched due to vacations and public meetings are generally not held, which may further extend the amount of time required to complete the modelling and analysis.

Staff are therefore recommending the following approach to the new DC By-law which would allow the City to pass a new DC By-law in advance of the existing DC By-law expiration date and meet the legislated requirements (note that the following is based on the anticipated intention of the City to pass multiple DC By-laws based on individual service categories):

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- The City's new 2024 Development Charges (DC) By-law be prepared based on the 2031 growth forecast. This approach was previously utilized in the adoption of the 2019 DC By-law. Master Plan teams would provide an update to the projects that are already identified in the existing DC Background Study by updating the project lists and the anticipated costing of the remaining projects. The 2031 update can be completed in a timely manner and is not dependent on the completion of new growth allocations or completed Master Plans.
- That, notwithstanding the above, the City's new 2024 DC By-law may include growth allocations to facilitate DC considerations to 2041 for certain service categories, based on timing of completed Master Plan updates. As noted above, upon confirmation from Planning of the growth allocations to 2041, some Master Plan teams may be in a position to provide DC inputs to the year 2041. For these service categories, a DC Bylaw with a growth forecast to 2041 may be utilized.
- For certain service categories, namely the water treatment plant, a 2051 planning horizon could be considered for the passage of the new DC Bylaw as any required treatment plant upgrades are not dependent on the geographic distribution of growth, but rather the overall growth quantum.

All service areas will be required to update to the 2051 planning horizon as data is available. Once available, the City may pass a new DC by-law for that service area. There is no requirement to pass updated DC By-laws for all service areas at the same time so the City can update the DC By-laws as the Master Plans are completed. As noted above, in order to accommodate this strategy, the City's 2024 DC By-law will not be a single By-law but will be several individual DC By-laws; one for each service.

Staff note that while this approach has the benefit of ensuring the City passes a new DC By-law prior to expiration of the existing By-law and therefore will continue to collect DCs, there is a financial risk that should be identified. As a result of the *More Homes Built Faster Act, 2022* (Bill 23) changes to the *DC Act*, there is a phase-in of rates each time a new DC By-law is passed. This rate phase in means the City does not collect full DCs until the fifth year of a new DC By-law being passed. The recommended approach could see a new DC By-law being passed shortly after the 2024 DC By-law which will result in the rate phase in being applied again. Finance will review the financial risk with subsequent DC By-laws and make a recommendation to Council regarding when to adopt. In the absence of known growth allocations to the year 2051, the recommended approach ensures that the City will be able to continue to collect DCs.

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4. Request to Increase PO #86304 – Water, Wastewater & Stormwater Master Plan

The Water, Wastewater and Stormwater Master Plan (Master Plan) is a growth-related Master Plan that is included within the CSGI initiative. The Master Plan project was commenced in June 2017 and awarded to GM BluePlan Engineering Limited partnered with Amec Foster Wheeler, DHI, and Watson and Associates through a competitive Request for Proposal (RFP) C11-05-17.

The Master Plan project, through normal procurement policy, has previously increased budgets to react to changes for supporting the Development Charges By-law review update in 2019. The project has also managed delays due to population planning horizon changes that affected the delivery of 2041 and 2051 population and employment growth data that the project depends on as the basis for infrastructure planning. More recently, in 2022, variability in City growth scenarios surrounding the urban boundary presented unexpected impacts that prevented work from moving forward.

These multiple changes and modifications have resulted in significant impacts on the City's ongoing Master Plan project, which have expanded the scope and schedule for this work. These changes were unanticipated in the project's original proposal. In addition to the potential for changing Master Plan components, it is noted that DC By-law update inputs are required in 2023 to meet the deadline to adopt a new DC By-law in 2024. In order to efficiently respond to these pending corporate decisions, additional financing is requested to increase the project PO #86304 by up to \$550,000. Once City Council approves this expansion, staff will negotiate, enter into, and execute the increase required to effect it with the consultant by following the City's Procurement Policy. This additional financing will provide resources necessary to respond to the above noted situations as well as accommodate the potential for new 2051 Master Plan infrastructure inputs into the DC By-law Update when corporate decisions are made later in 2023.

To-date, the consulting team and City staff have completed approximately 70% of the Master Plan project work, including the 2019 background study, existing infrastructure baseline conditions and constraints analysis, policy documents, and other tasks based on the previously developed growth scenarios. Any additional Master Planning related work beyond the original scope is recommended to be completed by the same Consulting Team and integrated with the current project results to achieve project completion and support the 2024 DC By-law. It should be noted that an expanded purchase order is not adequate for, or intended to, finalize Water, Wastewater and Stormwater Master Plans for more than one City Wide growth scenario.

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: Corporate Strategic Growth Initiatives (CSGI) – Master Plan Updates and Development Charge By-law Approach (PED23084) (City Wide) - Page 12 of 13

Additional background information on the Water, Wastewater and Stormwater Master Plan, including the work completed to date, can be found in Appendix “C” to Report PED23084.

ALTERNATIVES FOR CONSIDERATION

1. Do not endorse the recommended approach to pass a new DC By-law based on 2031 growth forecast – this alternative is not recommended as it runs the risk of the City being unable to collect DCs if a new DC By-law is not adopted prior to the existing DC By-law expiring. It is anticipated that not all service categories would be able to provide DC inputs to an extended 2041 or 2051 forecast in advance of the DC critical deadlines.
2. Do not approve the increase to PO #86304 and instead issue a new competitive procurement or a Roster assignment that includes the additional scope. This alternative carries a high risk of delay, increased costs, loss of technical continuity, and increased error potential. Given the amount of Master Plan work completed to-date and the previous 2031 Servicing Technical Review Task completion, switching the knowledge base and service delivery model from one consultant to another significantly challenges the project and, at a minimum, has the potential to delay the project. Switching subject matter experts at this point will also result in a loss of technical and process continuity, this could result in poor and/or conflicting decision-making as well as increased costs. Therefore, staff do not recommend this alternative.

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.

**SUBJECT: Corporate Strategic Growth Initiatives (CSGI) – Master Plan Updates
and Development Charge By-law Approach (PED23084) (City Wide) -
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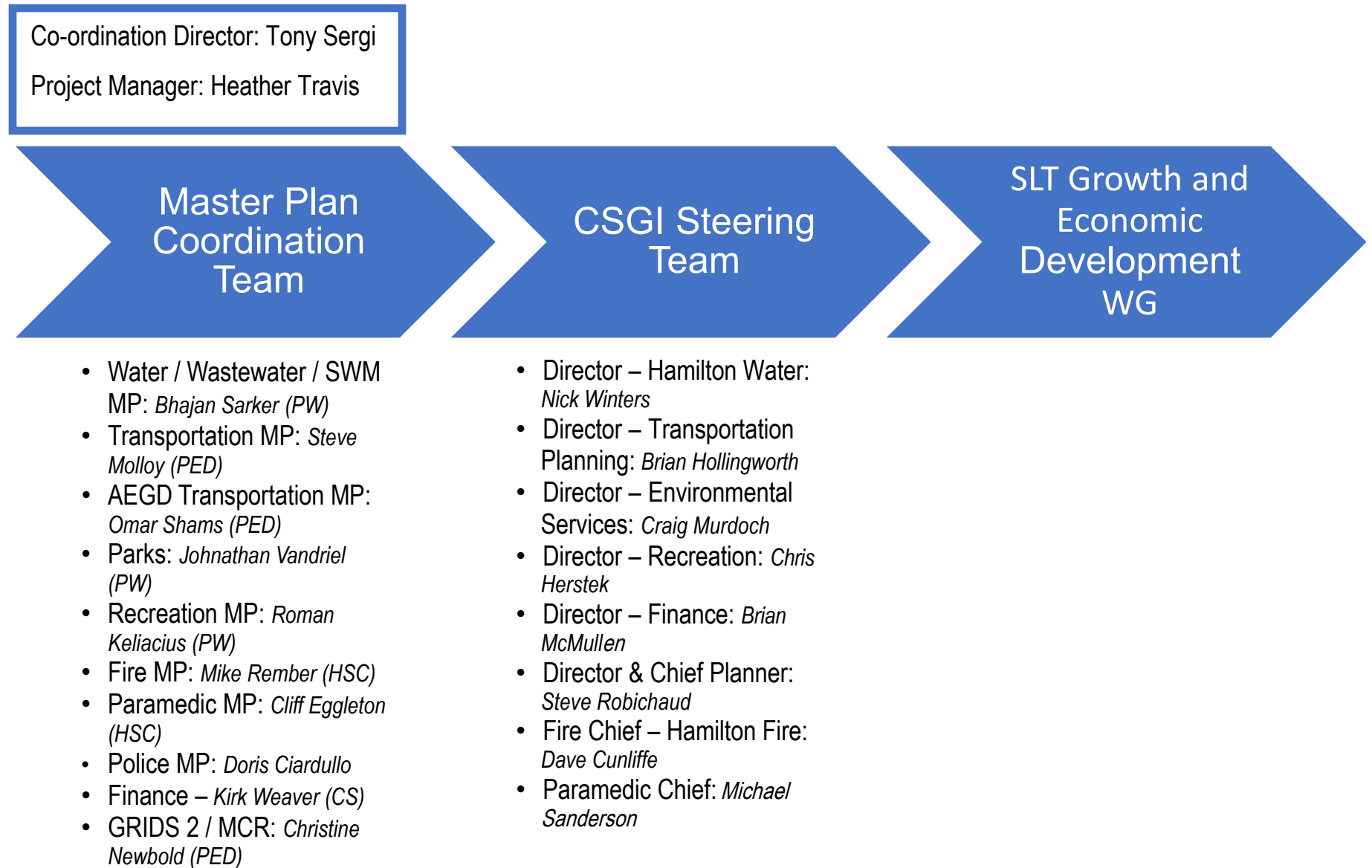
APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23084 – Updated Governance Structure

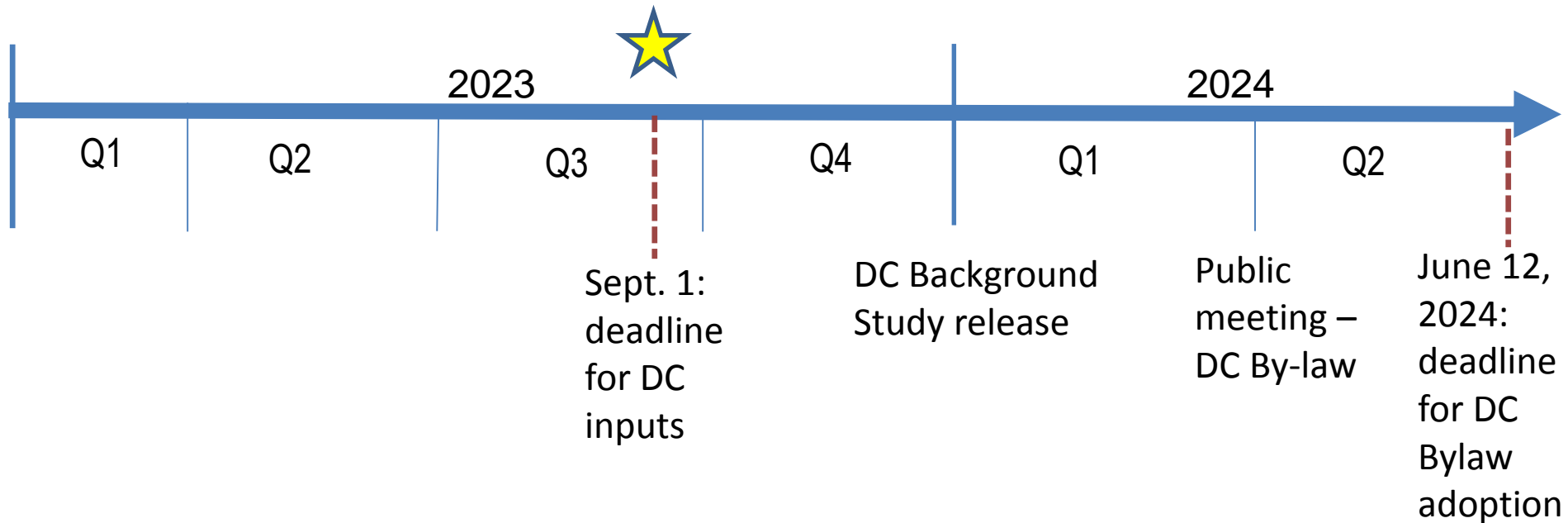
Appendix “B” to Report PED23084 – DC timeline, critical dates

Appendix “C” to Report PED23084 – Water, Wastewater and Stormwater Master Plan
background information

CSGI Updated Governance Structure



Timeline – new D.C. By-law June 2024



Water, Wastewater and Stormwater Master Plan

Historical Background

The Water, Wastewater and Stormwater Master Plans (Master Plan) are iteratively developed along with GRIDS 2. When complete, they will identify the preferred Water, Wastewater and Stormwater servicing strategy for the next 28 years, ensuring that the City meets its existing servicing commitments, accommodates future growth, and supports water quality improvements in Hamilton Harbour and the City's surrounding receiving waters.

Work on the current Master Plan is an update to the 2006 City of Hamilton Water and Wastewater Master Plan and the 2007 Stormwater Master Plan. This updated Master Plan consists of growth projections, servicing policies, design criteria, completion of public consultation, servicing strategy development and evaluation under the Municipal Engineers Association Class Environmental Assessment (Class EA) Master Plan Process. The Population and Employment projection inputs are developed by the Planning & Economic Development Department (P&ED) under the GRIDS 2 process and consist of population, employment, and density within the existing (infill and intensification) areas and greenfield growth to 2051.

The City of Hamilton retained the services of GM BluePlan Engineering Limited (GMBP) partnered with Amec Foster Wheeler, DHI, and Watson and Associates (Consulting Team) through a competitive RFP procurement process to assist with developing the Master Plan. The original project scope, schedule and cost depended mainly on receiving the 2041 Population and Employment growth forecast data and estimated completion of the project within 24 months after the project kick off. However, the 2041 Population and Employment growth forecast data dissemination was delayed due to the Provincial Growth Plan Amendment, which extended the planning horizon from 2041 to 2051. This Provincial Growth Plan Amendment necessitated revisions to the original project scopes.

In 2018, the 2031 Servicing Technical Review Task Study in support of the 2019 Development Charges Program was undertaken. This study was included in the Master Plan project scope and extended the contract cost through an approved single source (Policy #11 - Non-competitive) procurement process for the consulting assignment to maintain continuity and process efficiency.

Since 2018, the Master Plan project team has provided continuous support to P&ED to evaluate the growth planning scenarios and inform Council of the comparative analysis by identifying the potential areas of opportunity and constraint within the existing built and greenfield areas in the City.

On November 4, 2022, several Provincial decisions and proposed legislative changes were announced, which include Provincial decisions on OPAs 167 and 34 (Urban Boundary Expansion), the proposed legislative changes under Bill 23 (*More Homes Built Faster Act*), and the removal of lands from the Greenbelt Plan. The Provincial decision on OPAs 167 and 34 added approximately 2,200 ha of land to the City's urban area. The 2022 Provincial decisions to revise the Urban Area Expansion Growth Scenario and remove lands from the Greenbelt Plan impact the Master Plan scope, schedule, and estimated cost. This cost increase includes updating the hydrologic and hydraulic model development and the infrastructure upgrade requirements analysis based on a revised growth area directed by the Province.

Report PED23084 recommends extending the existing GMBP PO #86304 by increasing the total amount up to an additional \$550,000 for the consulting assignment. Once City Council approves this expansion, staff will negotiate, enter into, and execute the increase required to effect it with the consultant by following the City's Procurement Policy. It should be noted that this financial request does not cover effort necessary to fully evaluate and create Master Plans for multiple City-Wide growth scenarios.



Hamilton

CORPORATE STRATEGIC GROWTH INITIATIVES (CSGI) – MASTER PLAN UPDATES AND DEVELOPMENT CHARGE BY-LAW APPROACH

April 5, 2023

Purpose of Today's Report

Two primary objectives of today's report:

1. To outline a direction for the update to the Corporate Strategic Growth Initiatives (CSGI) Master Plans, which in turn will inform the City's new Development Charge (DC) Bylaw, set to expire in 2024
2. To request an update to the existing Purchase Order for the Water / Wastewater / Stormwater Master Plan

Corporate Strategic Growth Initiatives (CSGI) Overview

Established in 2016 to coordinate all strategic growth related projects and ensure coordination and completion for the Development Charges Background Study and By-law in June 2024

Key objectives include:

- Driving the outcomes of the projects included in CSGI, but not the technical work
- Maintaining overall time frame / critical path of CSGI projects in a collaborative manner
- Identify risks and gaps in process and process adjustments

As per Council direction provided in 2016 through Report CM16013, updates related to CSGI and the component projects are to be provided annually to the General Issues Committee.

CSGI Governance Structure

Co-ordination Director: Tony Sergi
Project Manager: Heather Travis

Master Plan Coordination Team

- Water / Wastewater / SWM MP: *Bhajan Sarker (PW)*
- Transportation MP: *Steve Molloy (PED)*
- AEGD Transportation MP: *Omar Shams (PED)*
- Parks: *Johnathan Vandriel (PW)*
- Recreation MP: *Roman Keliacius (PW)*
- Fire MP: *Mike Rember (HSC)*
- Paramedic MP: *Cliff Eggleton (HSC)*
- Finance – *Kirk Weaver (CS)*
- GRIDS 2 / MCR: *Christine Newbold (PED)*

CSGI Steering Team

- Director – Hamilton Water: *Nick Winters*
- Director – Transportation Planning: *Brian Hollingworth*
- Director – Environmental Services: *Craig Murdoch*
- Director – Recreation: *Chris Herstek*
- Director – Finance: *Brian McMullen*
- Director & Chief Planner: *Steve Robichaud*
- Fire Chief – Hamilton Fire: *Dave Cunliffe*
- Paramedic Chief: *Michael Sanderson*

SLT Growth and Economic Development WG

Master Plans – status updates

Master Plan	Status	Time Horizon	Growth Allocations
Water / Wastewater/ Stormwater	In process	30 years	Both Ambitious Density and No Urban Expansion
Transportation	In process	30 years	Ambitious Density
Parks	In process	30 years	No Urban Boundary Expansion
Recreation	Complete	30 years	No Urban Boundary Expansion
Paramedic	Complete	10 years	N/A
Fire	Complete, but being updated annually	10 years	N/A

Growth Allocations

- Planning staff are reviewing updates to the City's growth allocations in light of the Provincial decision on OPA 167 – urban boundary expansion.
- The growth allocations are based on the targets in the City's Official Plans:

Year	Population	Households	Employment (Jobs)
2021	584,000	222,500	238,000
2031	652,000	258,100	271,000
2041	733,000	295,200	310,000
2051	820,000	332,800	357,000
Change 2021 to 2051	236,000	110,300	119,000

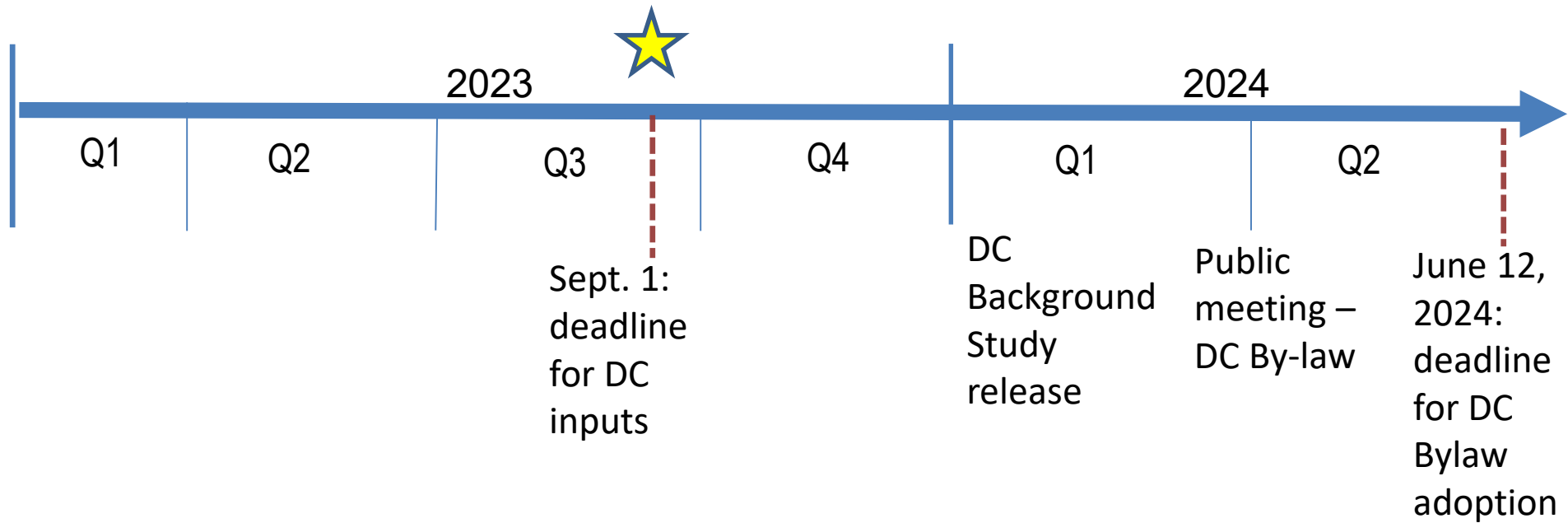
- Staff are considering that growth in the urban expansion areas will be allocated to the post 2041 timeframe

Master Plans Updates

The amount of time required to update Master Planning work and provide DC inputs following receipt of updated data varies by Plan, and is summarized in the following table:

Master Plan	Additional Time Required to Provide DC Inputs Following Receipt of New Growth Data
Water / Wastewater / Stormwater	+ 8 to 10 months
Transportation	+ 6 to 8 months
Parks	+ 4 months
Recreation	+ 2 months
Paramedic Services	+ 1 to 2 months
Fire	+ 4 to 6 months

DC By-law critical dates



DC Bylaw Approach - Recommendations

Recommending a two phase approach to adoption of new DC Bylaw, similar to process used in 2019:

- 1. The City's new 2024 Development Charges (DC) By-law be prepared based on the 2031 growth forecast.** Master Plan teams would provide an update to the projects that are already identified in the existing DC Background Study by updating the project lists and the anticipated costing of the remaining projects.
- 2. Notwithstanding the above, the City's new 2024 DC By-law may include growth allocations to facilitate DC considerations to 2041 for certain service categories, based on timing of completed Master Plan updates.** Some Master Plan teams may be in a position to provide DC inputs to the year 2041. For these service categories, a DC Bylaw with a growth forecast to 2041 may be utilized.

PO Increase – Water, Wastewater and Stormwater Master Plan



- Requesting an extension to Contract C11-05-17, for the provision of professional engineering consultant services required to complete the Water, Wastewater and Stormwater Master Plan, including an additional Development Charges (DC) By-law Update, for the upset limit of \$550,000
- Increase to be funded equally from capital project IDs #5141555264 (City Wide Water Master Plan), #5161555264 (City Wide Wastewater Master Plan) and #5181555422 (GRIDS 2 - Stormwater Master Plan), all which were approved to complete the proposed objective and with sufficient budget available to accommodate this purchase order increase

- Development Charges Stakeholders Sub-Committee April 13
- Planning to confirm growth allocations
- Master Plan teams to provide required DC inputs to Finance in time for DC critical deadlines



Hamilton

INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	April 5, 2023
SUBJECT/REPORT NO:	Red Hill Valley Parkway Inquiry Update (LS19036(r)/ PW23029) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Patricia D'Souza (905) 546-2424 Ext. 4637 Jackie Kennedy (905) 546- 2424 Ext. 1611
SUBMITTED BY:	Lisa Shields, City Solicitor Legal and Risk Management Services
SIGNATURE:	
SUBMITTED BY:	Carlyle Khan, General Manager Public Works
SIGNATURE:	

COUNCIL DIRECTION

On April 24, 2019, Council directed staff to provide regular updates on the costs to date of the judicial inquiry concerning the Red Hill Valley Parkway (the “**Inquiry**”), to be paid from the Tax Stabilization Reserve.

This report provides a high level summary of the background and procedural history of the Inquiry as well as a status update since the last report to Council on November 30, 2022 (LS19036(q)) and the conclusion of the hearing stage of the Inquiry on March 23, 2023.

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SUBJECT: RHVP Inquiry Update (LS19036(r)/PW23029) (City Wide) Page 2 of 14

BACKGROUND

1. Events Leading to Judicial Inquiry

In early 2019, City Council received information regarding a report by Tradewind Scientific Ltd. (“Tradewind”) related to friction testing conducted on the Red Hill Valley Parkway (the “Red Hill”) dated November 20, 2013 (“Tradewind Report”)

The Tradewind Report stated that the friction levels on the Red Hill were below the “investigatory” level based on guidelines from the United Kingdom and recommended further investigation and potential remedial work in the future.

Council was advised that the public and Council may have received inconsistent information regarding the Tradewind Report including in 2015 and 2017 in the face of speculations regarding slippery conditions on the Red Hill and its impact on collisions.

In 2019, Council considered a number of investigative procedures it could commence upon learning of the Tradewind Report under the *Municipal Act, 2001*, S.O. 2001, c. 5, including an investigation by the Ombudsman or the Auditor General and ultimately voted to proceed with a judicial inquiry.

The City chose to proceed with the Inquiry because of the public nature of the hearings and in the interest of accountability and transparency and to maintain the trust of the public. Specifically, the hearing stage of the Inquiry was live streamed on YouTube and all evidence received by the Commissioner, including recordings and transcripts of witness testimony, documentary evidence, and the closing submissions are available on the Inquiry website and readily accessible.

On April 24, 2019, the City passed a resolution requesting the Chief Justice of Ontario to appoint a Superior Court judge to investigate matters related to the disclosure of the friction report. With this resolution, the Inquiry was established.

The Honourable Mr. Justice Herman J. Wilton-Siegel was appointed to preside over the Inquiry in May 2019. The Commissioner retained Emily Lawrence and Andrew Lewis of Paliare Roland Rosenberg Rothstein LLP to act as counsel to the Commission (“Commission Counsel”). The City retained Lenczner Slaght LLP to act as counsel to the City in the Inquiry (“Inquiry Counsel”).

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2. What is a Judicial Inquiry?

Judicial inquiries or public inquiries are a public investigation into a specific issue or event that is ordered by a governmental body. There are different types of inquiries. This Inquiry was commenced pursuant to section 274(1)(b) of the *Municipal Act, 2001* to investigate “any matter connected with the good government of the municipality or the conduct of any part of its public business” and any related alleged misconduct.

A judicial inquiry does not give rise to criminal or civil liability but can lead to findings of misconduct that can result in significant reputational impacts. They serve a broader purpose – to promote transparency and accountability and to improve policy in areas of public importance.

There are six overlapping stages in the Inquiry: organizing logistics and staffing; document collection and production; witness interviews by Commission Counsel; determining the parties that have standing to appear at the hearing; the public hearing; and preparing and publishing the final report.

Judicial inquiries are governed by its “terms of reference”. A summary of the Terms of Reference in this case are provided below.

3. The Terms of Reference

City Council identified 24 questions in the Terms of Reference, which can be grouped into 5 categories:

Category 1: Disclosure of the Tradewind Report:

- Inquiries regarding the disclosure of the Tradewind Report or the information contained therein in 2014 and 2018, including who it was shared with and whether appropriate steps were taken to share the Tradewind Report once it was discovered.

Category 2: Good Governance/Policies:

- Inquiries regarding whether Council should have been aware of the Tradewind Report and whether any changes should occur to the City’s bylaws, policies and procedures to prevent any future non-disclosure of significant information to Council.

Category 3: Safety of the Red Hill:

- The friction standards in Ontario, if any.
- If the Tradewind Report contained findings or information that would have triggered Council to make safety changes on the Red Hill;

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- If the failure to disclose the Tradewind Report put users of the Red Hill at risk and/or contributed to accidents on the road; and
- The extent that other factors, including, but not limited to, driver behaviour, lighting and weather conditions, contribute to motor vehicle accidents when compared to the impact of friction levels on motor vehicle accidents on the Red Hill.

Category 4: Other Studies:

- Inquiries regarding whether any City staff requested, directed, or conducted any other friction test, asphalt assessment or general road safety reviews or assessments on the Red Hill.

Category 5: MTO Friction Testing:

- Inquiries regarding the friction testing conducted by the MTO on the Red Hill in 2007.
- Inquiries regarding the contents and disclosure of the MTO Report, its implications on the safety of the Red Hill, and any friction testing, asphalt testing, and general road safety review and assessments conducted on the Red Hill by the MTO.

4. Standing

The Commissioner held a standing hearing on January 10, 2020 to determine the parties that would have standing at the hearing to, among other things, examine witnesses and making closing submissions.

On February 12, 2020, the Commissioner granted standing to the following participants in addition to the City: Her Majesty the Queen in Right of Ontario (“MTO”), Dufferin Construction Company, and Golder & Associates Ltd. (“Golder”).

5. Document Collection and Production, and Privilege Motion

Once the Inquiry was commenced, the City spent considerable resources to collect, review, and produce documents in response to Commission Counsel’s request for information, which consists of nearly 50 categories of documents involving a timeframe that spans almost two decades and encompasses City operations from a number of divisions and departments. The City’s document production efforts included the following:

- collecting over 4.4 million documents from the City’s network drives, from approximately 140 former and current City employees (the “Custodians”) identified by Commission Counsel;

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- using the services of Deloitte LLP to: (1) host the documents in an electronic database; (2) review the potentially relevant data to identify documents that are responsive to the Commission Counsel's request for information; and, (3) produce the relevant documents in the format specified by Commission Counsel; and
- responding to requests for additional documents and information.

In total, the City submitted over 72,000 relevant documents in full to Commission Counsel and initially withheld or produced in redacted form approximately 1,000 documents on the basis that they are subject to legal privilege (the "Privileged Documents").

Inquiry Counsel worked with Commission Counsel to negotiate a resolution of the privileged issues which would allow Commission Counsel to have access to information relevant to the Terms of Reference.

As part of this process, the City waived privilege and produced the majority of the 1,000 Privileged Documents and maintained legal privilege over 43 documents. Commission Counsel demanded the City produce the remaining 43 documents. Following a privilege motion held in-camera before the Honourable Frank Marrocco, the City produced all except for eight of the 43 documents and produced 5 of these 43 documents in redacted form as Mr. Marrocco confirmed that the remaining documents sought by Commission Counsel were not relevant to the Terms of Inquiry

6. Witness Interviews

As part of the investigation stage, Commission Counsel conducted over 100 interviews, including 54 interviews of current and former City employees regarding matters related to the Terms of Reference, constituting over 300 hours of interview time.

In advance of each interview, Inquiry Counsel met with City witnesses to familiarize them with the documents and assisting with their preparation.

Following each interview, Commission Counsel prepared an interview summary, which City witnesses reviewed, corrected, and confirmed with the assistance of Inquiry Counsel.

Commission Counsel prepared statements of anticipated evidence based on the transcript summaries for the 38 City witnesses that were summonsed to give evidence at the hearing.

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Ensuring the accuracy of the interview summaries and the statements of anticipated evidence was a time-consuming process.

7. Costs and Timelines

The initial budget for the Inquiry was forecasted in 2019 to be between \$5,000,000 and \$7,000,000, revised to \$20,000,000 in December 2021.

The increased estimate reflected the time required to respond to the requests for document production from Commission Counsel, as well as the number of witness Commission Counsel wished to interview, further outlined above.

A further increase of the budget of up to \$26 million was approved on August 8, 2022, based on an updated estimate of Commission Counsel's legal fees from July 1, 2022 to the end of the inquiry (excluding taxes). This estimate did not include the costs associated with all of Commission Counsel's disbursements, including the cost of expert witnesses.

At the beginning of the Inquiry, public hearings were expected to begin in 2020. The onset of the COVID-19 pandemic caused a number of delays to the document collection efforts of the City. The realities of the COVID-19 pandemic also necessitated a shift to hosting the Hearing stages virtually, which created cost-savings with respect to renting and renovating a physical hearing space to accommodate the Inquiry.

8. The Hearing

The Hearing was divided into two phases. Phase One focused on fact evidence and was completed in early November 2022. Phase Two related to expert evidence and was completed in February 2023.

During Phase One, the Commissioner received evidence from 71 fact witnesses over the course of 85 hearing days:

No. of witnesses	Party	Description
2	Commission Counsel Expert Witnesses	Dr. Gerardo Flintsch and Russell Brownlee provided evidence regarding pavement design and friction.
43*	Current and former City employees	The City witnesses gave evidence on their involvement on various topics

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No. of witnesses	Party	Description
		related to the Red Hill, including the design and construction, friction testing, safety reviews and the resurfacing of the Red Hill. In addition, City witnesses also provided evidence regarding City processes, including the City's IT infrastructure and the improvements made to City policies since the commencement of the Inquiry.
11	Current and former employees of the Ministry of Transportation (MTO)	The MTO witnesses gave evidence on the friction testing completed on the Red Hill between 2007 and 2014 and the Province's friction management practices and policies.
3	Dufferin Construction	Dufferin Construction was engaged to pave the mainline of the Red Hill. These witnesses gave evidence regarding their involvement in the construction of the Red Hill.
1	Highway 407 ETR	The Vice President of Highway Operations for Highway 407 ETR, gave evidence regarding the friction management practises on Highway 407.
1	Norjohn Contracting	Norjohn Contracting, a consultant engaged during the resurfacing of the Red Hill, gave evidence regarding its consultations with the City.
4	Golder & Associates Ltd	Golder & Associates Ltd, the paving consultant for the Red Hill and the consultant engaged to conduct friction

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No. of witnesses	Party	Description
		and other performance testing on the Red Hill, gave evidence regarding the testing and its consultations with the City.
5	CIMA	CIMA, engaged by the City to conduct safety reviews of the Red Hill, gave evidence regarding these safety reviews and its consultations with the City.
1	Tradewind Scientific Ltd	Tradewind Scientific Ltd, the subcontractor engaged to complete the friction testing on the Red Hill in 2013, gave evidence regarding the friction testing and the subsequent report.
71	Total	

*Commission counsel interviewed 54 current and former City employees as part of the investigation stage, while only 42 of these individuals were called as witnesses at the hearing.

STATUS OF INQUIRY

1. Phase Two and Closings

Phase Two of the Hearing stage focused on expert testimony on how friction and other factors contributed to motor vehicle accidents on the RHVP and policy and governance issues.

The City submitted reports from two experts:

- David Hein, an expert on pavement friction and the only witness with expertise on Canadian friction management practices.
- Dewan Karim, an expert in transportation safety and Practice Lead of the Transportation Engineering and Safety Group at 30 Forensic Engineering.

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The Inquiry also received evidence from the following experts put forward by Commission Counsel and Golder:

- Dr. Gerardo Flintsch – Commission Counsel Expert on pavement friction;
- Russell Brownlee – Commission Counsel Expert on roadway design and safety;
- Dr. Hassan Baaj – Golder Expert on pavement aggregates; and
- Janice Baker – Commission Counsel Expert on municipal corporate governance.

As part of Phase Two, the City submitted an affidavit on behalf of City Manager Janette Smith outlining changes to the City policies and procedures that were implemented as part of the City's ongoing process improvement and may be relevant to the issues in the Inquiry.

Following the completion of Phase Two, the City and the other Participants to the Inquiry submitted written closing submissions on the key issues on the Inquiry. The parties also delivered oral closing submissions on March 22 and 24, 2023.

2. Costs up to February 28, 2023

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

To February 28, 2023	
City's Expenses (e.g. data collection, hosting)	\$764,279.85
City's External Legal Counsel Fees and Disbursements	\$9,767,008.48
Commission Counsel Fees and Disbursements	\$11,644,357.66
Other Expenses (e.g. consultants, website hosting)	\$1,418,653.46
Total (exclusive of HST)	\$23,594,299.45

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3. Outcome of Inquiry: The Report

The Commissioner will release his report in which he will summarize the evidence, make findings of fact and recommendations in response to the Terms of Reference. It is expected the Commissioner's report will be released by Fall 2023.

SUMMARY OF KEY EVIDENCE

Over the course of the Inquiry, the Commissioner heard evidence on a wide range of issues identified in the Terms of Reference.

Inquiry Counsel summarized the key evidence provided to the Inquiry in its written closing submissions with respect to three key issues: (1) the safety of the Red Hill; (2) the steps taken by the City to improve and maintain the Red Hill between 2007 and 2019; and (3) the various steps the City has taken since the commencement of this Inquiry in 2019 to improve its existing policies and procedures, both at the City-wide and at the Public Works levels, to enhance transparency, accountability, collaboration, and quality improvement.

In their submissions, Inquiry Counsel accepted that there was limited circulation of the Tradewind Report once it was received by the City in 2014, but put forward in their Closing submissions at the Inquiry that the evidence, particularly from the safety consultants at CIMA, indicated that it was unlikely that the Tradewind Report necessitated any additional remedial measures other than what had already been implemented on the Red Hill.

1. Safety of the Red Hill

The Inquiry received the following evidence regarding the design and construction of the Red Hill:

- the Red Hill was designed in accordance with the 1985 MTO Design Guide. No challenge was made to the design choices that were made by the planners involved in the design of the Red Hill.
- the Red Hill was constructed with a surface layer of Stone Mastic Asphalt ("SMA") and the mix design used was consistent with current mix design practices for SMA.
- technical data and testing conducted on the aggregate used on the Red Hill show that the aggregate had good technical properties and functional performance and was suitable for use on the Red Hill.

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- Pavement skid resistance depends on macrotexture and microtexture. Generally, macrotexture contributes to skid resistance at higher speeds and microtexture contributes to skid resistance at lower speeds. With respect to macrotexture, the values taken on the Red Hill even before resurfacing were appropriate. With respect to microtexture, the Canadian experts, Mr. Hein and Dr. Baaj, agree that the friction decline, which is expected for any aggregate, was normal. Dr. Flintsch, the American friction expert, opined that the decline in friction values was significant.

The Inquiry Counsel presented the following extensive evidence regarding the friction values on the Red Hill:

- The City shared friction testing information from the Tradewind Report with its safety consultant in 2015.
- The City was not advised of any safety concerns arising from the friction values of the Red Hill by the MTO or Golder. Golder confirmed that they were not safety experts and did not assert that they raised any safety concerns, although they did advise the City of potential ways to improve friction.
- Mr. Hein, the only expert with expertise in Canadian friction management practices, confirmed that the friction values on the Red Hill were consistent with similar roads in Ontario and further confirmed that the City appropriately focused on minimizing the excessive speeding on the Red Hill as opposed to increasing pavement friction. Dr. Flintsch opined that the friction results are relatively low. However, Mr. Hein opined that those guidelines were developed based on the local conditions of the United Kingdom and should not be applied here without further analysis. In his career spanning four decades, Mr. Hein has not seen those guidelines used as a reference to assess the frictional qualities of Canadian roads.
- The uncontested evidence from both friction experts was that friction is seldom the cause of collisions but can contribute to collisions in the face of other contributing factors, such as speeding or curvature. Importantly, because less friction is needed at lower driving speeds, the experts also agree that decreasing the demand for friction through speed enforcement or other countermeasures, would avoid collisions or reduce the severity of collisions.
- Increasing friction is not always necessary because pavement improvements may not reduce the occurrence of collisions and are often associated with significant costs. In Mr. Hein's view, other countermeasures can have a substantially higher impact on collisions than incremental improvements to pavement friction.

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SUBJECT: RHVP Inquiry Update (LS19036(r)/PW23029) (City Wide) Page 12 of 14**2. The City Took Steps to Maintain and Improve the Red Hill**

Inquiry Counsel presented extensive evidence on the various reports and studies completed on the Red Hill between 2013 and 2019, including two safety reviews completed by CIMA, the City's safety consultant, in 2013 and 2015.

As part of the 2013 CIMA Report, CIMA reviewed the operational and safety aspects of a segment of the Red Hill. Inquiry Counsel presented evidence stating that CIMA did not identify any urgent or significant safety issues during this review and concluded that overall the portion of the Red Hill reviewed for the study was operating safely. The City implemented CIMA's recommended countermeasures to improve the safety performance of the Red Hill in a staged manner consistent with industry best practices.

Inquiry counsel presented further evidence showing that, following CIMA's 2013 safety review, City staff monitored the collisions on the Red Hill, particularly as it related to wet weather collisions and by the end of 2014 determined that a review of the entire Red Hill would be prudent. Further, in 2015, CIMA completed a detailed safety review of the Red Hill. CIMA identified potential countermeasures to improve the safety performance of the Red Hill, the majority of which were implemented within a two-year period, notwithstanding that the timeline for completion was 0 to 5 years.

Regarding CIMA's conclusion that a combination of high speeds and wet surface may be the primary contributing factors to collisions on the Red Hill, the City implemented immediate measures to combat the excessive speeding on the Red Hill, including through signage and police enforcement, while investigating potential means to rehabilitate and resurface the Red Hill, which was ultimately done in 2019.

Inquiry Counsel also presented evidence regarding the City's focus on combating speeding. It was widely understood in the traffic safety industry that driver behaviour and speeding was a primary contributor to collisions, and both friction experts agreed that friction is seldom the cause of collisions but can contribute to collisions in the face of other contributing factors, such as speeding or curvature. Importantly, the experts also agree that in these circumstances, increasing the friction values or decreasing the demand for friction, through speed enforcement and/or other countermeasures, would avoid collisions or reduce the severity of collisions.

On the issue of whether CIMA would have changed its assessment regarding the role that pavement surface played in collisions in its 2015 report if CIMA had received a copy of the Tradewind Report, CIMA confirmed that it would not have recommended any changes to its recommendations, other than recommending aggressive speed enforcement as opposed to regular speed enforcement.

Mr. Malone of CIMA presented evidence that "the Tradewind Report is not the smoking

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gun of confirmation that pavement surface was the primary cause of collisions on the Red Hill.”

3. The City Took Steps to Improve Policies and Procedures

Inquiry Counsel presented evidence regarding the various steps the City has taken since the commencement of the Inquiry to improve its existing policies and procedures, both at the City-wide and at the Public Works levels, to enhance transparency, accountability, collaboration, and quality improvement.

The improvements are consistent with best practices in municipal governance and designed to achieve the following objectives:

- Consistent and accessible document management:

Creating consistent record and document management practices, enhancing accountability and sharing of information across multiple divisions and departments, including through establishing tracking and retention policies for consultant and staff reports, ensuring continuity and transparency.

- Consistent and transparent communication between City staff:

Ensuring effective communication between City staff, City Council and the public, including through identifying a clear process for the sharing of consultant reports which identify imminent risk to human health or safety with senior leaders and Council.

- Better coordination between groups for efficient project delivery:

Coordinating work across the City and various departments and divisions, including through improved project management processes, to provide leadership on the safe and efficient operation and maintenance of assets as well as address any fragmentation of the structures and systems involved by providing consistent coordination and oversight of roles and responsibilities, including within Public Works.

Janice Baker, Commission Counsel's expert on municipal corporate governance, confirmed that the improvements are consistent with best practices in municipal governance and are designed to achieve consistent and accessible document management systems and practices, consistent and transparent communications between and among City staff, Council, and the public, and better coordination between groups for efficient project delivery across City departments and divisions.

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RELEVANT CONSULTATION

- Eli Lederman and Delna Contractor – external legal counsel, Lenczner Slaght LLP
- Belinda Bain – external legal counsel, Gowling WLG (Canada) LLP

APPENDICES AND SCHEDULES ATTACHED

Not Applicable.

Red Hill Valley Parkway Judicial Inquiry

City of Hamilton – General Issues Committee Meeting

April 5, 2023



Location:

Hamilton, ON

Presented By:

Lenczner Slaght LLP

Background

The Tradewind Report

Nov 2013:

- ▶ Golder engaged to conduct friction testing on the Red Hill and the LINC.
- ▶ Golder subcontracts friction testing to Tradewind Scientific Ltd. (“Tradewind”).
- ▶ Tradewind performed friction testing using the GripTester.

Jan 2014:

- ▶ Mr. Moore received the Tradewind Report, appended to a draft report titled Performance Review after Six Years in Service, from Dr. Uzarowski of Golder.
- ▶ Report never finalized.

Background of Events Leading to the Judicial Inquiry

- Fall 2018: ➤ Gord McGuire finds a draft friction report by Tradewind dated November 20, 2013, in ProjectWise.
- Nov 8, 2018: ➤ Public Works receives FOI 18-189 – an FOI request from the Hamilton Spectator for all documents regarding Red Hill friction testing/results.
- Dec 18, 2018: ➤ Mayor advised City Staff regarding presenting the Tradewind Report to Council
- Jan 23, 2019: ➤ Closed session to advise Council of the Tradewind Report & FOI Request

Background of Events Leading to Judicial Inquiry

Feb 6, 2019: Staff present Tradewind Report to Council and a chronology of events. Following the meeting:

- ▶ Speed limit on the Red Hill reduced
- ▶ Apology issued by City Staff to City Council and Public about “how this matter has come to their attention”

Report to Council also included a Memo from CIMA to Mayor commenting on the draft 2014 Golder Report, including the Tradewind analysis, confirming that the Tradewind Report would not have substantively changed its recommendations, and it stands by its opinions provided in its previous safety analysis.

What is a Judicial Inquiry?



Promotes transparency and accountability and to improve policy in areas of public importance.



Does not give rise to criminal or civil liability.



Can lead to findings of misconduct that can result in significant reputational impacts.

Terms of Reference

The Terms of Reference

Each term of reference poses specific questions that the Inquiry is tasked with investigating. The 24 questions can be grouped into 5 broad categories:



Stages of the Inquiry

Stages of the Inquiry

Six overlapping stages:

1 Organizing Logistics and Staffing

4 Standing

2 Document Collection and Production

5 Public Hearing

3 Witness Interviews

Stage 2: Document Collection and Production

- ▶ City responded to Commissioner's Summons consisting of nearly 50 categories of documents involving a timeframe of nearly two decades
- ▶ City collected over 4.4 million documents from over 100 former and current City employees
- ▶ City responded to extensive requests for additional documents and information
- ▶ Over 72,000 relevant documents produced to Commission Counsel

Stage 2: Document Collection and Production

Privilege Claims and Privilege Motion

- ▶ The City initially withheld or produced in redacted form approximately 1,000 documents relevant to the Terms of Reference on the basis that they are privileged.
- ▶ September 8, 2021: Council instructed Inquiry Counsel to waive privilege over the majority of the privileged documents requested by Commission Counsel.
- ▶ 43 documents subject to a Privilege Motion on August 9, 2022
- ▶ Mr. Marrocco found the majority of the documents were protected by legal privilege, but that the City had waived privilege over the documents that are highly relevant to the Inquiry's Terms of Reference.

Stage 3: Witness Interviews

- ▶ Commission Counsel conducted over 100 interviews
- ▶ 54 interviews of current and former City employees
- ▶ City witness interviews took over 100 hours

Before the interview:

Inquiry Counsel met with City witnesses prior to the interviews to familiarize them with the documents and assist with their preparation.

Following each interview:

Commission Counsel prepared an interview summary, which were reviewed, corrected, and confirmed by each witness with the assistance of Inquiry Counsel.

Stage 5: Hearing

Phase One: Fact Witnesses

- ▶ Focused on fact evidence
- ▶ April 2022 – November 2022
- ▶ Commissioner received evidence from 71 fact witnesses over the course of 85 hearing days

No. of Witnesses	Party
2	Commission Counsel Expert Witnesses
43	Current and former City employees
11	Current and former employees of the Ministry of Transportation (MTO)
3	Dufferin Construction
1	Highway 407 ETR
1	NorJohn Contracting
4	Golder & Associates Ltd
5	CIMA
1	Tradewind Scientific Ltd

Stage 5: Hearing

Phase Two: Expert Witnesses

- ▶ February 16– 23, 2023
- ▶ Focused on expert testimony on how friction and other factors contributed to motor vehicle accidents on the RHVP and policy and governance issues
- ▶ The City submitted reports from:
 - Mr. David Hein:
 - Expert on pavement friction
 - Only expert witness with expertise on Canadian friction management practices
 - Mr. Dewan Karim: Expert in transportation Safety

Stage 5: Hearing

Phase Two: Expert Witnesses

- ▶ City also submitted the affidavit of City Manager, Janette Smith, outlining changes to City policies and procedures that were implemented as part of the City's ongoing process improvement.
- ▶ Inquiry also received evidence from the following experts:
 - Dr. Gerardo Flintsch- Commission Counsel Expert, Pavement Friction
 - Mr. Russell Brownlee- Commission Counsel Expert, Roadway Design and Safety
 - Ms. Janice Baker- Commission Counsel Expert, Municipal Corporate Governance
 - Dr. Hassan Baaj- Golder Expert, Pavement Aggregates

Stage 5: Hearing

Closing Submissions

- The Commissioner heard closing submissions by:
 - The City
 - Golder
 - The Ministry of Transportation
 - Dufferin Construction
- The Commissioner is expected to release his report by Fall 2023.

Summary of Key Evidence

Summary of Key Evidence

- 1 The safety of the Red Hill.
- 2 The steps taken by the City to improve and maintain the Red Hill between 2007 and 2019.
- 3 The various steps the City has taken since the commencement of this Inquiry in 2019 to improve its existing policies and procedures

The City's closing submissions:

- Accepted that there was limited circulation of the Tradewind Report once it was received by the City in 2014.
- Put forward that the evidence, particularly from the safety consultants, indicated that it was unlikely that the Tradewind Report necessitated any additional remedial measures, other than what had already been implemented on the Red Hill.

The Safety of the Red Hill

The Safety of the Red Hill

Design and Construction

- ▶ The Red Hill was designed in accordance with the 1985 MTO Design Guide.
- ▶ The Red Hill was constructed with a surface layer of Stone Mastic Asphalt, which was designed appropriately.
- ▶ The aggregate used had good technical properties and was suitable for use on the Red Hill.

The Safety of the Red Hill

Friction Values

- ▶ There was disagreement between the experts regarding the friction values:
 - **Mr. Hein:** friction values were appropriate and consistent with similar roads
 - **Dr. Flintsch:** friction values were relatively low under UK Guidelines
- ▶ The City was not advised of any safety concerns from the friction values taken by MTO.
- ▶ Golder advised the City of potential ways to improve friction but did not raise any safety concerns.

The Safety of the Red Hill

Friction Demand

- ▶ Friction is seldom the cause of collisions but can contribute to collisions in the face of other contributing factors, such as speeding or curvature.
- ▶ Less friction is needed at lower driving speeds. Countermeasures or speed enforcement which lower the demand for friction could avoid collisions or reduce the severity of collisions.
- ▶ Increasing friction is not always necessary because pavement improvements may not reduce the occurrence of collisions and are often associated with significant costs.

*The City Took Steps to Maintain and
Improve the Red Hill*

Safety Reviews and Studies by CIMA: The Safety Experts

2013 CIMA Report

- ▶ CIMA concluded that the Study Area was operating safely and identified countermeasures to improve safety performance of the Red Hill, including segments that could benefit from improvement.
- ▶ City implemented CIMA's recommendations in a manner that was consistent with the urgency, timelines and prioritization of the countermeasures and investigations prescribed by CIMA.

Safety Reviews and Studies by CIMA: The Safety Experts

The 2015 CIMA Report

- ▶ The 2015 CIMA Safety Review included:
 - a detailed review of all available collision data on the Red Hill, with a focus on median related collisions;
 - a high-level review of the illumination of the roadway; and
 - an assessment of potential countermeasures that could reduce the overall collisions and median related collisions on the Red Hill.

- ▶ Key conclusion: a combination of high speeds and wet surface may be the primary contributing factors to collisions on the Red Hill, particularly where small-radius horizontal curves are present.

Steps to Improve and Maintain the Red Hill

City's Focus on Combatting Speed

- ▶ The City took immediate steps to combat high-speeds including working with Hamilton Police Services to implement a comprehensive speed enforcement
- ▶ Friction experts agree that increasing friction values **or** decreasing the demand for friction would avoid collisions or reduce the severity of collisions
- ▶ There are also practical realities from an effectiveness and cost-efficiency standpoint which suggest decreasing the demand for friction is more effective

CIMA Would Not Have Changed its Recommendations

- ▶ Evidence confirms that the Tradewind Report would not have changed CIMA's:
 - Assessment of what was causing collisions on the Red Hill; or
 - Recommendations of potential remedial measures.
- ▶ CIMA may have recommended more aggressive speed enforcement on the Red Hill but would not have recommended pavement rehabilitation to improve friction.

“The Tradewind Report is not the smoking gun of confirmation that pavement surface was the primary cause of collisions on the Red Hill.”

*The City Took Steps to Improve Policies
and Procedures*

Highlighting Key Policies and Procedures

- ▶ Sharing of Consultant Reports with Identified Imminent Risks to Health or Human Safety Policy
- ▶ Council-Staff Relationship Policy
- ▶ Public Works Quality Management System
- ▶ Project Management Manual
- ▶ Parkway Management Committee

Janice Baker (Commission Counsel's municipal governance expert) confirmed that these improvements are consistent with best practices in municipal governance.

Thank You



Hamilton

**ADVISORY COMMITTEE FOR PERSONS WITH
DISABILITIES
REPORT 23-003**

4:00 p.m.

Tuesday, March 14, 2023

Room 264, 2nd Floor

Hamilton City Hall

71 Main Street West

Present: A. Mallett (Chair), J. Kemp (Vice-Chair),
S. Aaron, P. Cameron, M. Dent, L. Dingman,
A. Frisina, P. Kilburn, M. McNeil, T. Murphy,
K. Nolan, T. Nolan

Absent

with Regrets: Councillor M. Tadeson, J. Cardno,
L. Janosi, C. McBride, R. Semkow

Also Present: Councillor J.P. Danko

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 23-003 AND
RESPECTFULLY RECOMMENDS:**

**1. Reimbursement for the Purchase of Flowers for
Condolences on behalf of the Advisory
Committee for Persons with Disabilities (Item
12.1)**

That reimbursement to Aznive Mallett for purchasing flowers for condolences on behalf of the Advisory Committee for Persons with Disabilities, be approved as follows:

- (a) \$101.63, including HST, attached as Appendix “A” to ACPD Report 23-003, from Crescent Gardens Floral Ltd., Ridgeway, ON; and

- (b) \$126.50, including HST, attached as Appendix “B” to ACPD Report 23-003, from Fascination Flowers, Hamilton, ON.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

9. CONSENT ITEMS

9.4 Transportation Working Group Update

- 9.4(a) Transportation Working Group, Summary of Visioning Discussion respecting DARTS – January 24, 2023

The Agenda for the March 14, 2023, meeting of the Advisory Committee for Persons with Disabilities, be 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) February 14, 2023 (Item 4.1)**

The February 14, 2023, minutes of the Advisory Committee for Persons with Disabilities meeting, were approved, as presented.

(d) STAFF PRESENTATIONS (Item 8)**(i) Accessible Transportation Services Performance Review – Q4 2022 (Item 8.1)**

Michelle Martin, Manager of Accessible Transportation Services, provided a presentation respecting the Accessible Transportation Services Performance Review – Q4 2022, with the aid of a PowerPoint presentation.

The presentation from Michelle Martin, Manager of Accessible Transportation Services, respecting the Accessible Transportation Services Performance Review – Q4 2022, was received.

(e) 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 Meeting Notes - February 7, 2023 (Item 9.1(a))
- (2) Housing Issues Working Group Update (Item 9.2)

J. Kemp provided a verbal update respecting the Housing Issues Working Group.

- (3) Outreach Working Group Update (Item 9.3)
 - (a) Outreach Working Group Meeting Notes - February 21, 2023 (Item 9.3(a))
- (4) Transportation Working Group Update (Item 9.4)
 - (a) Transportation Working Group, Summary of Visioning Discussion Respecting DARTS - January 24, 2023 (Item 9.4(a))

J. Kemp requested that a correction be made to the Transportation Working Group, Summary of Visioning Discussion Respecting DARTS –

January 24, 2023 by striking out
“Wanted to include discussion regarding
HSR and”.

The corrected Notes will be circulated.

(5) Strategic Planning Working Group Update
(Item 9.5)

(a) Strategic Planning Working Group
Meeting Notes - February 9, 2023 (Item
9.5(a))

(6) Accessible Open Spaces and Parklands
Working Group Update (Item 9.6)

No update.

(f) MOTIONS (Item 12)

A. Mallett relinquished the Chair to J. Kemp in order
to introduce the following Motion:

**(i) Reimbursement for the Purchase of Flowers
for Condolences on behalf of the Advisory
Committee for Persons with Disabilities (Item
12.1)**

For disposition of this matter, refer to Item 1.

A. Mallett assumed the Chair for the remainder of the
meeting.

**(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)**

No update.

**(iv) Delegation to the Governance Review Sub-
Committee and the Audit, Finance and
Administration Committee respecting
Restructuring the Board of Health (Item 14.4)**

The following members be authorized to delegate at the Governance Sub-committee meeting of March 27, 2023 and the Audit, Finance and Administration Committee of April 6, 2023 on behalf of the Advisory Committee for Persons with Disabilities respecting the Restructuring of the Board of Health:

- (a) Aznive Mallett
- (b) Kim Nolan
- (c) James Kemp
- (d) Mark McNeil
- (e) Anthony Frisina

The Advisory Committee for Persons with Disabilities supports the consultative process approved by Council respecting the structure of the Board of Health and would like the consultative process to go forward prior to the approval of any changes to the structure of the Board of Health.

(h) ADJOURNMENT (Item 16)

There being no further business, the Advisory Committee for Persons with Disabilities, adjourned at 6:06 p.m.

Respectfully submitted,

Aznive Mallett, Chair
Advisory Committee for
Persons with Disabilities

Carrie McIntosh
Legislative Coordinator
Office of the City Clerk

Appendix "A" to Item 1 of Advisory Committee for Persons with Disabilities Report 23-003
Page 1 of 1

Here are the details of your order 157999.
Please do not reply to this e-mail - this is an outbound message only.

For questions, please email crescentgardens@cogeco.net
or call (905) 871-1900 and reference order 157999.

Thank you for shopping at Crescent Gardens!

Crescent Gardens Floral Ltd.
266 Ridge Road North
Ridgeway, ON
L0S 1N0
(905) 871-1900
GST/HST# 701763278-RTOOO1

INVOICE

Invoice No.: 157999
Invoice Date: 12/13/22

Sold To	Deliver To
WILLIAM MALLET [REDACTED]	Carrie McIntosh

Order Date: 12/12/22 Delivery Date: 12/13/22	Ordered By: Sales Clerk: KKE	 nbsp;nbsp;
---	---------------------------------	------------------

Merchandise	Quantity	Price
Roses 8 PALE PINK AND 4 WHITE ROSES WRAPPED	1	\$79.95
Enclosure Card Message: SORRY FOR YOU LOSS, THINKING OF YOU IN THIS DIFFICULT TIME. AZNIVE & ACPD	Delivery Charge	\$9.99
	Sub Total	\$89.94
	GST/HST	\$11.69
	TOTAL	\$101.63

PAID BY VISA [REDACTED] **** DO NOT PAY THIS INVOICE ****

This is an outbound-only message. You have received this e-mail from CRESCENT GARDENS in order to better serve you as a loyal customer. If you do not want to receive future e-mails on our specials and offers, [please go here.](#)

[One-Click Unsubscribe](#)

----- Forwarded message -----

From: **Fascination Flowers** <no-reply@floranext.com>

Date: Tue, 7 Mar 2023 at 15:58

Subject: Fascination Flowers: New Order # 100026569

To: Aznive Mallett [REDACTED]

Thank you for your order
from Fascination Flowers!

Order Placed On:
March 7, 2023
#100026569

	Qty	Subtotal
Item	1	CA\$100.00
peach, white and green in vase		
Product ID: takeorder		
Subtotal		CA\$100.00
Delivery Charge		CA\$11.95
Tax		CA\$14.55
Grand Total		CA\$126.50

Order Details

Sender Information

Aznive Mallett
[REDACTED]

[REDACTED]

Delivery To

Kim Manzuk

[REDACTED]

Delivery Date

March 08, 2023

Card Message

Our Sincerest Sympathies Tom will be missed. From Aznive for ACPD

Delivery Type

Delivery

Payment Method

Credit Card

Credit Card Type:

Credit Card Number:

[REDACTED]

Fascination Flowers

1104 Fennell Ave. E, Unit 12 Hamilton ON L8T1R9, 905/527-2881

info@fascinationflowers.com

Canada Tax ID: GST/HST 140369547RT0001

CITY OF HAMILTON

NOTICE OF MOTION

General Issues Committee: April 5, 2023

MOVED BY COUNCILLOR N. NANN.....

Investing in Beautiful Alleys (Ward 3)

WHEREAS, Ward 3 sees a significant amount of blown and dumped waste strewn throughout our public realm in alleys, laneways, right of ways, trails, staircases and greenspaces making these spaces less enjoyable, less safe and less usable for local residents and the community in general;

WHEREAS, every spring neighbours across Ward 3 roll up their sleeves and care for our communities by participating in clean ups that improve and beautify the Ward;

WHEREAS, the annual clean up events demonstrate resilience, foster a sense of community, and make our neighbourhoods more vibrant;

WHEREAS, the resident volunteers coordinate through Beautiful Alleys and other neighbourhood groups diligently in a variety of weather;

WHEREAS, this invaluable contribution from resident volunteers deserves recognition, appreciation and support; and

WHEREAS, Beautiful Alleys coordinators pay out of pocket to provide volunteers with refreshments and supplies to support their efforts.

THEREFORE, BE IT RESOLVED:

- (a) That \$250 be allocated annually in 2023, 2024, 2025, and 2026 from the Ward 3 Bell Tower Funds Non-Property Tax Revenue Account (3301609603) to Beautiful Alleys to ensure these provisions for volunteers; and
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor