



City of Hamilton

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REVISED

Meeting #: 23-005
Date: April 6, 2023
Time: 9:30 a.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

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

1. CEREMONIAL ACTIVITIES

2. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with *)

3. DECLARATIONS OF INTEREST

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 March 23, 2023

5. COMMUNICATIONS

5.1 Heather Platt, respecting Resignation from the Hamilton Women and Gender Equity Committee

Recommendation: Be received.

*5.2 Sjanita Harrison, respecting respecting Restructuring the Board of Health

Recommendation: Be received and referred to Item 9 of Governance Review Sub-Committee Report 23-001, March 27, 2023 (Item 10.4 on today's agenda)

6. DELEGATION REQUESTS

*6.1 Mark A. McNeil, Advisory Committee for Persons with Disabilities, respecting Motion to reorganize the Board of Health (for today's meeting) - WITHDRAWN

7. DELEGATIONS

8. STAFF PRESENTATIONS

- 8.1 Accessible Transit Services: DARTS Fleet Management and Vehicle Safety Audit (Report 50695) Management Action Plans (AUD22007(a)) (City Wide)

9. CONSENT ITEMS

- 9.1 2022 Fourth Quarter Emergency and Non-competitive Procurements Report (FCS22046(c)) (City Wide)
- 9.2 2022 Fourth Quarter Non-compliance with the Procurement Policy Report (FCS22047(c)) (City Wide)
- 9.3 2022 Fourth Quarter Request for Tenders and Proposals Report (FCS22048(c)) (City Wide)

10. DISCUSSION ITEMS

- 10.1 Indigenous Advisory Committee - Citizen Committee Report, respecting Revised Terms of Reference for the Indigenous Advisory Committee (IAC23001)
- 10.2 Private Water Service Line Leak Wastewater Bill Adjustment Policy (FCS23030) (City Wide) (Outstanding Business List Item)
- *10.3 HMRF-HWRF Pension Administration Sub-Committee Report 23-001, March 30, 2023
- *10.4 Governance Review Sub-Committee Report 23-001, March 27, 2023
 - *a. Revised Appendix C to Report FCS23034, as requested by Committee
- *10.5 Grants Sub-Committee Report 23-001, March 31, 2023

11. MOTIONS

- *11.1 Fair Wage Policy Review

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

- *13.1 Amendments to the Outstanding Business List
 - *a. Items Considered Completed and to be Removed

- *a. Use of External Services for Tax Assessment & Appeals

Item on the OBL: 21-Q

Addressed as Item 10.1 on the March 23, 2023 agenda

- *b. Delegated Authority to Staff Relating to Water Service Line Leaks

Item on OBL: 23-A

Addressed as Item 10.2 on today's agenda.

14. PRIVATE AND CONFIDENTIAL

14.1 Closed Session Minutes - March 23, 2023

Pursuant to Section 9.1, Sub-section (a) and (b) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (a) and (b) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to the security of the property of the municipality or local board and to personal matters about an identifiable individual, including City or local board employees.

*14.2 Committee Report Referral (FSC23051)

Pursuant to Section 9.1, Sub-section (a) and (b) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (a) and (b) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to the security of the property of the municipality or local board and to personal matters about an identifiable individual, including City or local board employees.

15. ADJOURNMENT



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 23-004

9:30 a.m.
March 23, 2023
Council Chambers
Hamilton City Hall

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

Absent with Regrets: Councillor Spadafora – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. **Fraud and Waste Hotline Pilot Program: Evaluation (AUD23005) (City Wide) (Item 8.2)**
 - (A. Wilson/Beattie)**
 - (a) That the Fraud and Waste Hotline Pilot Program be made permanent.
 - (b) That effective July 1, 2023, the Fraud and Waste Hotline be funded via the operating levy through the Office of the City Auditor's operating budget, first by exhausting any remaining funding that was previously approved by Council.
 - (c) That Council approve the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for the Fraud and Waste Hotline Intake Services, Case Management Software, and Support until July 31, 2028 and that the City Manager be authorized to negotiate, enter into and execute a Contract and any ancillary documents required to give effect thereto with Whistleblower Security Inc., in a form satisfactory to the City Solicitor.
 - (d) That the name of the Office of the City Auditor be amended to the Office of the Auditor General in all corporate systems, on the City's website, and within any City Policy that references that Office, including but not limited to the Fraud Policy and Protocol, the Code of Conduct for Employees and Schedule F of the Code of Conduct for Employees "Interacting with the Office of the City Auditor" so that the independent and objective nature of the work being performed is recognized, acknowledged, and more easily understood by the public and staff.

- (e) That the position City Auditor be known as the Auditor General and this be updated in all corporate systems, on the City's website, and within any City Policy that references that Office, including but not limited to the Fraud Policy and Protocol, the Code of Conduct for Employees and Schedule F of the Code of Conduct for Employees "Interacting with the Office of the City Auditor".
- (f) That the revised Audit Charter (Appendix "A" to Report AUD23005) be approved.
- (g) That Legal Services be directed to prepare a by-law to amend the City's Procedural By-law 21-021, as amended, to replace Schedule F1, with the revised Audit Charter, attached as Appendix "A" to Report AUD23005 and to update references made to the City Auditor and the Office of the City Auditor within the Procedural By-law 21-021 to Auditor General and the Office of the Auditor General and that notice of the proposed amendment be given pursuant to the City's Public Notice Policy By-law 07-351.
- (h) That a by-law to amend the City Auditor By-law 19-180, to reflect the change from Office of the City Auditor to Office of the Auditor General and City Auditor to Auditor General attached as Appendix "B" to Report AUD23005, be enacted by Council.
- (i) That a by-law to amend the Whistleblower By-law 19-181, to reflect the change from Office of the City Auditor to Office of the Auditor General and City Auditor to Auditor General and to extend protections from reprisals to include employees who are witnesses in whistleblower investigations attached as Appendix "C" to Report AUD23005, be enacted by Council.

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

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

2. Consent Items (Item 9)

(Clark/Hwang)

That the following Consent Items be received:

- (a) Fair Wage Policy and Fair Wage Schedule Complaints Annual Report (FCS23015) (City Wide) (Item 9.2)

- (b) Report of the 2022 Remuneration and Expenses as Required under Section 284 of the Municipal Act (FCS23018) (City Wide) (Item 9.3)
- (c) Annual Assessment Appeals as of December 31, 2022 (FCS23022) (City Wide) (Item 9.4)
- (d) Annual Tax Arrears as of December 31, 2022 (FCS23023) (City Wide) (Item 9.5)
- (e) COVID-19 Policy 10 Emergency Procurements Report (FCS23024) (City Wide) (Item 9.6)
- (f) Annual Occupational Injury & Illness Claims Report 2022 (HUR23003) (City Wide) (Item 9.7)
- (g) Annual Employee Attendance Report 2022(HUR23005) (City Wide) (Item 9.8)

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

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

**3. Use of External Services for Tax Assessment & Appeals
(FCS20005(b)/LS21047(a)) (Outstanding Business List Item) (City Wide) (Item 10.1)**

(A. Wilson/Hwang)

- (a) That costs for the use of external legal counsel, if required, to supplement internal legal resources and use of Assessment & Appraisal consultants / Expert Witnesses to actively participate in Assessment Appeals be funded from the existing Appeals operating budget (52108-252013);
- (b) That staff report on the financial impacts of the City of Hamilton's active participation in Assessment Appeals through the Annual Assessment Appeals Report; and
- (c) That as a result of this report, the item representing Use of External Services for Tax Assessment & Appeals will be considered complete and removed from the Audit, Finance and Administration Committee outstanding business list.

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

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

**4. Request to Extend Banking Services Agreement (FCS23036) (City Wide)
(Item 10.2)**

(Clark/A. Wilson)

- (a) That the General Manager, Finance and Corporate Services Department, or their designate, be authorized and directed to negotiate an extension to Contract C12-01-11 for Professional Banking Services for the City of Hamilton (City) for a period of no less than three years with the Royal Bank of Canada (RBC), pursuant to Procurement Policy #11 – Non-competitive Procurements; and
- (b) That staff be directed to report back with the results of the negotiations of the extension with RBC to the Audit, Finance and Administration Committee for approval.

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

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

5. Accounts Receivable Write-Offs for 2022 (FCS23017) (City Wide) (Item 10.3)

(Hwang/Tadeson)

- (a) That the Schedule of General Accounts Receivable Write-Offs less than \$1,000 in the amount of \$4,941.56 attached as Appendix “A” to Report FCS23017, be received for information;
- (b) That the General Manager of Finance and Corporate Services be authorized to write-off uncollectable General Accounts Receivable over \$1,000 in the amount of \$86,105.77 attached as Appendix “B” to Report FCS23017.

- (c) That the General Manager of Finance and Corporate Services be authorized to write-off uncollectible Hamilton Farmer's Market Accounts Receivables in the amount of \$55,127.28 attached as Appendix "C" to Report FCS23017.
- (d) That the General Manager of Finance and Corporate Services be authorized to write-off uncollectible Lodges Accounts Receivables in the amount of \$17,867.05 attached as Appendix "D" to Report FCS23017.

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

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

**6. City Auditor Reporting of Serious Matters to Council (Case #63146)
(AUD23006) (City Wide) (Item 14.1)**

(Beattie/Tadeson)

That Report AUD23006, respecting City Auditor Reporting of Serious Matters to Council (Case #63146) (City Wide), be received and remain confidential.

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

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

7. Committee Report (Added Item 14.2)

(A. Wilson/Clark)

- (a) That the direction provided to staff in Closed Session, be approved; and
- (b) That the Committee Report remain confidential.

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

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch

YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

8. STAFF PRESENTATIONS / PRESENTATIONS

8.3 Hamilton Mundialization Committee – Annual Report
To be considered following Item 8.1.

9. CONSENT ITEMS

9.1(a) Committee Against Racism Minutes – January 10, 2023 -
WITHDRAWN

9.1(c) Hamilton Women and Gender Equity Committee Minutes –
January 26, 2023 - **WITHDRAWN**

12. NOTICES OF MOTION

12.1 Fair Wage Policy Review

14. PRIVATE AND CONFIDENTIAL

14.2 Committee Report

(Hwang/A. Wilson)

That the agenda for the February 16, 2023 Audit, Finance and Administration
Committee meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) February 16, 2023 (Item 4.1)

(Tadeson/Hwang)

That the Minutes of the February 16, 2023 meeting of the Audit, Finance and Administration Committee be approved, as presented.

CARRIED

(d) STAFF PRESENTATIONS / PRESENTATIONS (Item 8)

(i) Advisory Committee for Immigrants and Refugees – Annual Report (Item 8.1)

Jennie Hamilton, Chair, Advisory Committee for Immigrants and Refugees, addressed the Committee respecting the Advisory Committee for Immigrants and Refugees Annual Report.

(Tadeson/Hwang)

That the presentation from Jennie Hamilton, Chair, Advisory Committee for Immigrants and Refugees respecting the Advisory Committee for Immigrants and Refugees Annual Report, be received.

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

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

(ii) Hamilton Mundialization Committee - Annual Report (Added Item 8.3)

Anthony Macaluso, Chair, Hamilton Mundialization Committee, addressed the Committee respecting the Hamilton Mundialization Committee Annual Report.

(A. Wilson/Hwang)

That the presentation from Anthony Macaluso, Chair, Hamilton Mundialization Committee respecting the Hamilton Mundialization Committee Annual Report, be received.

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

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

YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

(iii) Fraud and Waste Hotline Pilot Program: Evaluation (AUD23005) (City Wide) (Item 8.2)

Charles Brown, City Auditor, addressed Committee respecting the Fraud and Waste Hotline Pilot Program: Evaluation, with the aid of a presentation.

(A. Wilson/Hwang)

That the presentation from Charles Brown, City Auditor, respecting the Fraud and Waste Hotline Pilot Program: Evaluation, be received.

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

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

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

(e) CONSENT ITEMS (Item 9)

(i) Committee Against Racism Minutes - February 6, 2023 (Item 9.1(a))

(Beattie/Clark)

That the Committee Against Racism Minutes of February 6, 2023, be received.

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

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

YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

(f) MOTIONS (Item 11)

Councillor Kroetsch relinquished the Chair to Councillor Hwang to introduce the following Motion and Notice of Motion:

(i) Feasibility of a Bring Your Own Device Policy (Item 11.1)

(Kroetsch/M. Wilson)

WHEREAS, the Council-approved *City of Hamilton E-mail, Internet, and Computer Acceptable Use Policy* and *IT Security Policy* strictly prohibit the use of personal devices in any form to conduct City of Hamilton business;

WHEREAS, the ability to use a range of technology, including software, to accommodate social media and graphic design would enable Councillors and their staff to optimize their office work;

THEREFORE, BE IT RESOLVED:

That Information Technology staff investigate the feasibility of implementing a bring-your-own-device policy that would allow Councillors and their staff to use personal computers, mobile phones and other personal devices to conduct City of Hamilton business and report back to the Audit, Finance and Administration Committee on the following:

- (a) the risks, operational impacts, and cost implications of implementing a bring-your-own-device policy;
- (b) the possible implementation of a pilot for a bring-your-own-device policy, that shall be limited to Councillors and their administrative staff; and
- (c) an investigation of other direct paths to allow Councillors and their staff to use a range of personal technology to meet their individual needs.

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

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

YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

(g) NOTICES OF MOTION (Item 12)

Councillor Kroetsch introduced the following Notice of Motion:

(i) Fair Wage Policy Review (Added Item 12.1)

WHEREAS, the Fair Wage Policy has not been updated recently, especially in light of the serious changes to the industry as a result of the COVID-19 pandemic;

WHEREAS, there are record-level investments in building and a renewed interest in health, hygiene, and safety on job sites; and

WHEREAS, the City and other employers are contending with an underground economy which is destabilizing the associated job markets.

THEREFORE, BE IT RESOLVED:

- (a) That Human Resources and Finance and Corporate Services staff be directed to engage in a review of the Fair Wage Policy and any related schedules through stakeholder meetings for report back to the Audit, Finance and Administration Committee by the end of Q3 2023 with recommendations; based on stakeholder feedback;
- (b) That the following stakeholder groups be included in the consulted: Christian Labour Association Canada; Electrical Construction Association Hamilton; Hamilton Brantford Ontario Building & Construction Trades Council; Golden Horseshoe General Contractors Association; Greater Hamilton & Niagara Construction Association; Hamilton Halton Construction Association; Mechanical Contractors Association Hamilton Niagara; Labourers' International Union of North America; and Merit OpenShop Contributors Association of Ontario;
- (b) That there be two stakeholder meetings, inviting all stakeholders to each, at the beginning of Q3 2023; and
- (c) That members of City Council be permitted to attend as guests to hear stakeholder feedback directly.

(h) GENERAL INFORMATION / OTHER BUSINESS (Item 15)

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

(Beattie/A. Wilson)

That the following amendments to the Outstanding Business List, be approved:

- (a) Items Considered Complete and to be Removed
 - 1. Use of External Services for Tax Assessment & Appeals
Item on OBL: 21-Q
Addressed as Item 10.1 on today's agenda

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

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

(h) PRIVATE AND CONFIDENTIAL (Item 14)

(Beattie/A. Wilson)

That the Audit, Finance and Administration Committee move into Closed Session respecting Item 14.1 and 14.2, pursuant to Section 9.3, Sub-sections (a) and (b) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (a) and (b) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to the security of the property of the City or a local board and to personal matters about an identifiable individual, including City or local board employees.

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

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
ABSENT - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

(i) City Auditor Reporting of Serious Matters to Council (Case #63146) (AUD23006) (City Wide) (Item 14.1)

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

(ii) Committee Report (Added Item 14.2)

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

(i) **ADJOURNMENT (Item 15)**

(Tadeson/A. Wilson)

That, there being no further business, the Audit, Finance and Administration Committee, be adjourned at 1:03 p.m.

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

YES - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
ABSENT - Ward 14 Councillor Mike Spadafora

Respectfully submitted,

Councillor Cameron Kroetsch, Chair
Audit, Finance and Administration
Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk

Bates, Tamara

Subject: FW: Women and Gender Equity Advisory Committee Meeting

From: Heather P. < >

Sent: Thursday, March 16, 2023 10:38 AM

To: >

Cc: Strutt, Jocelyn <Jocelyn.Strutt@hamilton.ca>; Stahl, Morgan <Morgan.Stahl@hamilton.ca>

Subject: Re: Women and Gender Equity Advisory Committee Meeting

Hello,

Unfortunately, I will be resigning from the committee effective immediately as I no longer live in the Hamilton region.

Good luck with all your current and future work advocating for women and gender equity in Hamilton.

Best regards,
Heather Platt

Bates, Tamara

Subject: FW: I just signed Hamilton Centre for Civic Inclusion's petition #HealthEquityHamOnt**From:** Sjanita Harrison < >**Sent:** March 27, 2023 4:59 PM**To:** clerk@hamilton.ca**Subject:** I just signed Hamilton Centre for Civic Inclusion's petition #HealthEquityHamOnt

Dear Clerk Clerks Office ,

I am a concerned resident, residing at:

I am writing to you to support the local call to restructure Hamilton's Board of Health to include members of the public and health leaders from the following equity-seeking groups, including but not limited to; women, people with (in)visible disabilities, Indigenous peoples, low-income communities, Black and Racialized communities, 2SLGBTQ+ and newcomer communities.

I support the motion by Councillor Kroetsch to restructure the Board of Health. By adopting this systemic change to the Board of Health, we will ensure better health outcomes for residents particularly the most vulnerable.

Thank you for your time.

Sincerely,
Sjanita Harrison

Hamilton Centre for Civic Inclusion will keep Sjanita and your constituents informed about your position on this issue.

▫

Bates, Tamara

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

From: City of Hamilton <hello@hamilton.ca>

Sent: April 5, 2023 10:30 AM

To: clerk@hamilton.ca

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

Submitted on Wed, 04/05/2023 - 10:30

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee

Audit, Finance & Administration Committee

Will you be delegating in-person or virtually?

Virtually

Will you be delegating via a pre-recorded video?

No

Requestor Information

Requestor Information

Mark A. McNeil

ACPD

Preferred Pronoun

he/him

Reason(s) for delegation request

Delegation with respect to the Motion to reorganize the Board of Health.

Will you be requesting funds from the City?


No

Will you be submitting a formal presentation?

No



CITY OF HAMILTON
OFFICE OF THE AUDITOR GENERAL

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	April 6, 2023
SUBJECT/REPORT NO:	Accessible Transit Services: DARTS Fleet Management and Vehicle Safety Audit (Report #50695) Management Action Plans (AUD22007(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Brigitte Minard, CPA, CA, CIA, CGAP (905) 546-2424 Ext. 3107
SUBMITTED BY:	Charles Brown, CPA, CA Auditor General Office of the Auditor General
SIGNATURE:	

RECOMMENDATION

- (a) That the Management Action Plans, as detailed in Appendix “A” of Report AUD22007(a) be approved; and,
- (b) That the General Manager of Public Works be directed to implement the Management Action Plans (attached as Appendix “A” to Report AUD22007(a) and report back to the Audit, Finance and Administration Committee by October 2023 on the nature and status of actions taken in response to the audit report.

EXECUTIVE SUMMARY

An audit of Accessible Transit Services: DARTS Fleet Management and Vehicle Safety was completed in September 2022. Disabled and Aged Regional Transportation System (“DARTS”) is an external organization that provides accessible transit services in Hamilton under contract with the City.

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: Accessible Transit Services: DARTS Fleet Management and Vehicle Safety Audit (Report #50695) Management Action Plans (City Wide)
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The overall objective of the audit was to assess the maintenance and inspection activities employed by DARTS and its sub-contractors, with a view to concluding on the effectiveness of these processes in ensuring the safety of vehicles placed into service.

The audit was initiated as a result of a confidential Fraud and Waste report, expressing safety concerns with respect to the management of fleet, the Office of the Auditor General (OAG) initiated an audit of DARTS' vehicle maintenance and fleet inspection practices. DARTS is an external organization that provides accessible transit services in Hamilton under contract with the City.

A total of 73 recommendations were made in September 2022 (Report AUD22007). At that time an overall management response was provided, with Council direction to Public Works to provide detailed management action plans to the OAG by January 2023.

This report presents these management action plans Committee as Report AUD22007(a) so that direction to staff can be provided regarding implementation of the action plans.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

Legal: None.

HISTORICAL BACKGROUND

The Office of the City Auditor Work Plan 2019 to 2022 (AUD19007) included the completion of a DARTS Audit, noting that the audit was pending the completion of a revised Master Operating Agreement (MOA) between the City and DARTS. A revised MOA has not been completed, however an audit was initiated as a result of a confidential Fraud and Waste report, expressing safety concerns with respect to the management of fleet.

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On March 24, 2022 this issue was reported by the City Auditor as a “Serious Matter” to Council, per the “City Auditor Reporting of Serious Matters to Council” policy. The two criteria being applied were that there was a situation that could threaten public safety and could have a significant adverse impact on the City’s vulnerable populations. The OCA informed Council that a comprehensive audit was being completed.

The results of that audit were reported in September 2022 as Report AUD22007.

Council provided direction to staff regarding Report AUD22007:

- (a) That the General Manager of Public Works be directed to report back to the Office of the City Auditor by January 2023 with a detailed management action plan, which will then be reported to the Audit, Finance and Administration Committee for approval.

The OAG (previously known as the Office of the City Auditor) received the management action plans in early February 2023. We reviewed the management action plans, ultimately found them to be adequate and are presenting them to Committee as Report AUD22007(a) so that direction to staff can be provided regarding implementation.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

None.

RELEVANT CONSULTATION

Appendix “A” to Report AUD22007(a) includes management action plans from management responsible for overseeing accessible transit services within the City’s Transit Division of the Public Works Department.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Audit Process and Findings (September 2022)

The OAG used the services of Fleet Challenge Canada (FCC) to conduct the main parts of the audit. FCC specializes in fleet compliance to complete a thorough review of the inspection, maintenance and fleet management activities performed on DARTS operated vehicles with a view to identifying any control weaknesses or compliance

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issues that may impact public safety. This work included vehicle inspections completed by licensed Automotive Service Technicians and/or Truck and Coach Technicians.

The primary tool used to evaluate the current state of inspection and maintenance practices of DARTS was a planned sample of 40 (39 actual) vehicles during the first week of the review. The results were unequivocally poor. We found that 46% of the vehicles failed the independently conducted inspections.

According to FCC, this level of failure is “exceptionally high” and a decision was made to continue with further inspections of the entire fleet. The fail rates showed some improvement over time, mainly during the last weeks of the inspection process. The overall fail rate for first inspections, was 32%. For a commercial operation that serves a vulnerable population, we found this to be unacceptable, indicating an inadequate level of inspection and maintenance rigour that is systemic.

The audit found numerous issues relating to safety, and many opportunities for improvement. Issues were found with brakes, tires, exhaust systems, steering and suspension systems, including a “singular matter of urgency” – that being defective and/or seized emergency brakes which bear “rollaway” risk.

In terms of processes, we found various weaknesses related to inspection processes, quality assurance, safety awareness and training, contract oversight, qualifications, data management, and minimum standards requirements.

Perhaps most concerning to OCA was that the DARTS subcontractors were seemingly incapable of maintaining their fleets to the standards of safety required. These concerns are only magnified with the observation by FCC that some vehicles were taken out of service and retired permanently, shortly after the start of the vehicle inspection campaign.

OCA also had several additional audit findings related to contract management and oversight.

Management agreed with 70 recommendations and three recommendations were agreed in part. Management committed to providing a comprehensive management action plan to the OCA by January 2023. These were received by the OAG in early February 2023. We reviewed these responses and ultimately found that they adequately address the audit recommendations and are submitted to this Committee for approval and to direct Management to implement these action plans. The recommendations and management action plans can be found in Appendix “A” to Report AUD22007(a).

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ALTERNATIVES FOR CONSIDERATION

Not applicable.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report AUD22007(a) – Recommendations and Management Action Plans

[Report AUD22007 Accessible Transit Services DARTS Fleet Management and Vehicle Safety Audit](#)

[Appendix "A" to Report AUD22007 \(Audit Report\)](#)

[Appendix "B" to Report AUD22007 \(Fleet Challenge Canada Report\)](#)

[Appendix "C" to Report AUD22007 \(Recommendations and Management Response\)](#)

[Appendix "D" to Report AUD22007 \(Infographic\)](#)



**Accessible Transit Services:
DARTS Fleet Management and Vehicle
Safety Audit (Report #50695)**

**Recommendations
and
Management Action Plans**

April 6, 2023

**Office of the Auditor General
Brigitte Minard, Deputy Auditor General
Domenic Pellegrini, Senior Auditor
Charles Brown, Auditor General**

Introduction

As a result of the audit completed by the Office of the Auditor General (OAG) with support from Fleet Challenge Canada (FCC), many significant opportunities for improvement were identified and a total of 73 (nine from the OAG and 64 from FCC) recommendations were made.

The Office of the Auditor General requested one high-level management response from management in the Transit Division in Q3 2022, with direction received from Council to report back to the OAG by January 2023 with a detailed management action plan, which were then to be reported to the Audit, Finance and Administration Committee for approval. The detailed management action plans were received by the OAG and are included below.

FCC Recommendations-Key Highlights

The FCC recommendations covered a broad range of themes including:

- DARTS Driver Communications
- DARTS Safety Practices
- Recommendations for Accessible Transit Services (ATS)
- Recommendations for DARTS
- Recommendations for DARTS Regarding its Subcontractors
- Insurance
- Contracts-Memorandum of Agreement (MOA)
- Contracts-Subcontractor Service Agreements

Broadly speaking, many recommendations related to vehicle safety and how to ensure that service is delivered to residents-that is providing them with a trip in a safe vehicle that is properly insured, and are driven by a driver that is properly trained with an adequate safety and training record.

The many recommendations that related to contracts and insurance ultimately support the safe delivery of accessible transit services, while achieving value for money in service delivery (primary focus being effectiveness of service delivery).

Recommendations

Office of the Auditor General Recommendations

Recommendation 1

We recommend that the existing Memorandum of Agreement (MOA) be substantially redesigned with a view to ensuring safe and efficient operations, clear standards, and effective remedies and contingencies. The MOA is dated, and lacks many critical areas of contract language such as driver training, vehicle safety, remedies for non-performance or conformance, penalties for non-compliance, vehicle specifications and standards, etc. A new, modern legal document that meets the City's requirements is needed.

Management Response

Agree.

ATS acknowledges that the existing contract between the parties is insufficient. The overall approach to arrive at a new agreement will be undertaken in two parts:

- For existing terms which require minor updates or revisions, the Transit Division will work with internal legal counsel to issue an amending agreement to the existing contract between the parties, where it is practical to do so to cover interim matters pending the preparation of a new agreement. (In progress)
- For areas which require either substantive changes or new requirements, the Director of Transit will define business terms through discussions with the contractor. Legal counsel will thereafter prepare the appropriate terms and conditions for inclusion in a new agreement for the parties to execute. (Not yet started)

Anticipated completion: Q2 2023 (amending agreements), Q4 (new Agreement).

Recommendation 2

We recommend that the Transit Division set standards for contractor and sub-contractor vehicle safety inspection results and include this language in future contract updates to ensure public safety risks are properly addressed. When assessing inspection results, the City should exercise contractual rights to penalize contractors failing to meet the safety standards to the fullest extent

possible, and it should have intervention mechanisms that are effective and timely.

Management Response

Agree.

Best practices in contracting provide clauses which escalate dependent on the severity of the incident and incorporate corrective measures and cancellation and/or termination clauses which are more robust in nature than in the existing document between the parties.

Anticipated completion: Q2 2023 (amending agreements) Q4 (new Agreement). See also response below to themed recommendations 44-50.

Recommendation 3

We recommend that a single, accurate, and complete list of DARTS and Subcontractor vehicles be maintained by the contractor and be available to the Transit Division. The list should be up to date in real time and revised whenever there are changes proposed by the contractor. This should be part of any updated contract related to the provision of accessible transit services.

In order to properly identify each unique vehicle, this list should include the vehicle number, the license plate number, the VIN number, and proof of insurance. It should also reflect whether the vehicle is active or inactive. The accuracy and completeness of this list should be tested and verified at least annually. Consideration should also be given to defining key terms relating to the above in future contract updates.

Management Response

Agree.

The City will establish a rolling fleet inventory report with specified requirements and timelines to be completed by the Contractor/subcontractors. This will be set out as an Appendix in the revised Master Operating Agreement (MOA). Contract Management (CM) criteria will be established for verifying the vehicles. The City will establish this on a shared Fleet Management Information System to which the parties can have real-time access.

Anticipated completion: Q2 2023 (amending agreements) Q4 (new Agreement) Q2 2023 (Fleet Management Information System).

Recommendation 4

We recommend that Transit's contract management practices be improved to ensure adequate contract management documentation is maintained by the City, including for amendments, non-conformances, and penalties, ensuring that contract management administrative requirements are strictly adhered to, maintaining appropriate contractor boundaries, and formal communications with them are timely, effective, and sufficient.

Management Response

Agree.

ATS service is delivered through contracted services and the audit findings highlight the need for stronger oversight of the contractor/subcontractors given the performance concerns. A Contract Management (CM) program will be embedded into future agreements between the parties based on the new terms.

While ATS has improved its contract management practices over the past two years, there is more work to be done. Currently, responsibility for contract management on the DARTS file is a shared responsibility between the Manager and a Senior Project Manager whose portfolio also includes other divisional contracts.

A review will be conducted to assess the need for a dedicated Contract Manager position with sole responsibility for managing ATS contracts/subcontractor activity.

Anticipated completion: Q4 2023 (following Agreement completion) for new contract management framework. Q3 2023 (business case for dedicated Contract Manager for 2024 budget submission).

Recommendation 5

We recommend that Transit's process for approving subcontractors be improved and replaced with a consistent, formalized process and criteria that will ensure appropriate due diligence and provide the City with assurances that any proposed subcontractors are being properly vetted prior to being considered for approval. It should be the City's sole discretion if any sub-contractors are to be utilized or not.

Management Response

Agree.

ATS will include subcontractor approvals as part of the assessment set out in Recommendation 4 (above) regarding a dedicated Contract Manager.

Anticipated completion: Q2 2023 (amending agreements) Q4 (new Agreement); Q3 2023 (business case for dedicated Contract Manager).

Recommendation 6

We recommend that the Trapeze application and the service data be under the control of the City. The Transit Division needs access to all the Trapeze functionalities and captured data, and this should be a critical requirement of the terms that form part the next agreement with a contractor. Consideration should also be given to having future contracts include some level of authority over routing decisions by the City.

Management Response

Agree.

Trapeze should be returned to the control of the City, with contractor staff receiving restricted access based on job functions. ATS will discuss with Information Technology to determine a work plan to return that functionality back to City control.

A number of years ago, the City gave control to the contractor for reservations and routing, which necessitated the contractor having control of the software (Report PW11093).

ATS will conduct a study to determine if reservations and routing should be brought back within the control of the City not only for greater oversight of routing decisions, but also for effectiveness and efficiency reasons, including the delivery of a successful integrated transit pilot (see also Appendix "A" to Report PW21055 - Review of ATS Eligibility Determination Process and Services, and PW19083(a)/FCS18048(b) Investing in Canada Infrastructure Program, Public Transit Stream - Allocation of Funding Balance).

Anticipated completion: Q3 2023 (workplan for return of Trapeze database to City control, with implementation to follow); Q4 2023 (business case for return of scheduling and reservations decisions to ATS).

Recommendation 7

We recommend that contractor performance for the accessible transit services contracts be tracked and evaluated using a consistent and robust process.

Management Response

Agree.

ATS will develop a new Contract Management (CM) framework based on the terms of a modified or new Agreement between the parties. The CM program will include site inspections, document review and reporting requirements, at a minimum.

Anticipated completion: Q2 2023 (amending agreements) Q4 (new Agreement), Q3 2023 (business case for dedicated Contract Manager).

Recommendation 8

We recommend that contract management training be provided to Transit Division staff to ensure the City's rights under contract are protected and timely remedies can be implemented during the contract management process.

Management Response

Agree.

ATS will ensure that staff receive updated Contract Management training from the City of Hamilton as available.

Anticipated completion: Q3 2023.

Recommendation 9

We recommend that Transit develop contingency plans that can be executed should the need arise to replace and/or cancel a contract with a contractor/subcontractor.

Management Response

Agree.

ATS agrees that contingency planning is important, however, noting the specialized equipment in use on this type of contract, it is not operationally feasible to switch to a different provider in an emergent situation under a sole contract.

Future contingency planning will require consideration of more than one contract for similar work to ensure there are alternative service options.

Anticipated completion: Q3 2023 (contingency workplan).

Fleet Challenge Canada Recommendations

Theme A: Recommendations Regarding DARTS Driver Communications

Recommendation 1

DARTS drivers, whether employed by DARTS or its subcontractors, should have a mechanism for freely reporting their concerns and complaints without fear of reprisal.

Management Response

Agree.

The contractor has an Incident Management System in place available to it and its subcontractor drivers. The system has feedback loop capabilities and tiered access rights, and covers mechanical, scheduling, health and safety, and passenger issues.

Anticipated completion: Complete (incident management reporting system); Q2 2023 (Quality Management System database for anonymous and transparent non-conformance and resolution reporting).

Recommendation 2

DARTS drivers filing a complaint or concern should be given the option of anonymity if that is their choice.

Management Response

Agree.

The contractor advised they have an employee suggestion process available to staff. The contractor will implement a Non-Conformance Reporting (NCR) process for drivers through a Quality Management System (QMS) database.

The contractor advised they will include an anonymous reporting feature on their web site for employee use, and issue resolution will be posted online for their employees and those of their subcontractors.

ATS is working with City staff to explore a QMS database solution for the contractor that aligns with City processes.

Anticipated completion: Complete (Incident Management Reporting System); Q2 2023 (Quality Management System database for anonymous and transparent non-conformance and resolution reporting).

Recommendation 3

DARTS should appoint a designate to receive driver concerns and complaints. The designate should be a senior-level representative, sufficiently empowered and accountable for taking reasonable and appropriate corrective actions to address the driver's complaints/concerns once validated.

Management Response

Agree.

The contractor advised they have an employee suggestion process available to staff and will implement a Non-Conformance Reporting (NCR) process for drivers through a Quality Management System database.

The contractor will include an anonymous reporting feature on their web site for employee use, and issue resolution will be posted online for DARTS and subcontractor employees.

Anticipated completion: Complete (Incident Management Reporting System); Q2 2023 (Quality Management System database for anonymous and transparent non-conformance and resolution reporting).

Recommendation 4

Complaints and comments by DARTS drivers should be documented and time-stamped, and an action plan prepared to address the driver's issue(s) by the DARTS designate selected to receive driver concerns and complaints.

Management Response

Agree.

The contractor advised they have an employee suggestion process available to staff and will be implementing a Non-Conformance Reporting (NCR) process for drivers through a Quality Management System database.

The contractor will include an anonymous reporting feature on their web site for employee use, and issue resolution will be posted online for their employees and those of their subcontractors.

Anticipated completion: Complete (Incident Management Reporting System); Q2 2023 (Quality Management System database for anonymous and transparent non-conformance and resolution reporting).

Recommendation 5

The DARTS designate should ensure that there is a follow-up process in place to advise the complainant of the actions taken by DARTS to correct the issue.

Management Response

Agree.

The contractor advised they have an employee suggestion process available to staff and will be implementing a Non-Conformance Reporting (NCR) process for drivers through a Quality Management System database.

The contractor will include an anonymous reporting feature on their web site for employee use, and issue resolution will be posted online for their employees and those of their subcontractors.

Anticipated completion: Complete (Incident Management Reporting System); Q2 2023 (Quality Management System database for anonymous and transparent non-conformance and resolution reporting).

Recommendation 6

The DARTS designate should be required to prepare a monthly report to DARTS senior management and the ATS of all complaints/concerns and corrective actions taken.

Management Response

Agree

This will be incorporated into a Monthly Report from the contractor to ATS in an agreed-upon format, to include customer complaints and a summary of the incident management system referenced above. Customer complaints and Operator incident reports are currently followed up individually.

Anticipated completion: Q2 2023 (finalize monthly report format).

Theme B: Recommendations Regarding DARTS Safety Practices

Recommendation 7

DARTS should take immediate actions to ensure its vehicles, and those of its subcontractors always meet MTO safety standards, not just when inspections are completed.

Management Response

Agree.

The contractor immediately implemented a 6-month safety check process for all ambulatory vehicles (all accessible vehicles are already required to have a safety inspection ever 6 months under MTO regulation). The contractor hired a new Clerk to perform data entry for subcontractors, licence management, vehicle oversight, etc.

The contractor has been notified that ATS expects internal inspections to be completed monthly (at a minimum) for all vehicles used to provide service. Sample records are now audited by ATS, and ATS flags vehicles each month for third party inspections at an MVIS location beginning with the minimum random selection of five (5) percent of each fleet and adding more vehicles as is judged to be prudent, based on review of available records and previous inspection outcomes. The contractor and subcontractors have been compliant with the third-party inspection process as communicated by ATS.

Based on the above process, ATS currently selects vehicles for inspection each month, and will continue to do so until it is satisfied that any residual vehicle issues are resolved. Expectations regarding the ongoing oversight and audit of contractor and subcontractor vehicle maintenance will be set in the revised contractor Agreement.

Anticipated completion: Ongoing (ATS third party inspections); Q2 2023 (refine and document expectations as part of amending agreement to existing contract).

Recommendation 8

Safety inspections of the DARTS fleet, and its subcontractors should be conducted in accordance with applicable Ministry of Transportation of Ontario (MTO) Safety Standards Inspection (SSI) protocol and guidelines.

(For further details please see the section of this report that deals with DARTS and DARTS subcontractor's practices).

Management Response

Agree.

The contractor has been notified that ATS expects internal inspections to be completed at least monthly for all vehicles used to provide service: sample records are now audited by ATS each month and ATS flags vehicles each month for third party inspections at an MVIS location based on random selection as well as available records. The contractor and its subcontractors have been compliant with the third-party inspection process as communicated by ATS.

Anticipated completion: Complete (process in place for ATS third party vehicle inspections, ATS records inspections, and ATS expectations communicated). Q2 2023 (refine and document expectations as part of amending agreement to existing contract).

Recommendation 9

DARTS should provide drivers instruction on the use of emergency brakes and required to deploy their emergency brakes whenever their vehicle is stopped.

Management Response

Agree.

The contractor advised the topic has been included in its Driver Refresher Training Workshops. Sessions are scheduled for once a year, in groups of 2-3 (so as not to impact service) and are 4 hours in length.

These workshops are designed to provide refresher opportunities and current issues of the day based on trends. Recent topics include Q-Strait securement techniques and the new circle check process in response to recent complaints and audit findings. Subcontractors will be providing the same training to their drivers and will share the curriculum and content expectations. Attendees will sign off on participation and filed in their employee records. The contractor has implemented electronic reminders on driver tablets and notices in driver mailboxes for safety bulletins.

Anticipated completion: Complete.

Recommendation 10

DARTS should ensure that emergency brakes are inspected, tested and functional at all times.

Management Response

Agree.

The contractor has added Emergency brakes to the revised vehicle Circle Check used by drivers and have been included for checking every time vehicle is in for other repair under the revised procedures.

Anticipated completion: Complete.

Recommendation 11

DARTS should provide drivers with additional training and regular refresher on completing driver's daily inspections.

Management Response

Agree.

The contractor has advised the topic has been included in Driver Refresher Training Workshops described above.

Anticipated completion: Complete.

Theme C: Recommendations for ATS

Recommendation 12

ATS should conduct random MTO safety compliance inspections of Contractor (DARTS) and Subcontractor in-service vehicles.

Management Response

Agree.

ATS has put a robust process in place for inspecting contractor and subcontractor vehicles:

ATS immediately began inspecting vehicles based on repair history up until October 21; as these inspections wrapped up, we directed the contractor as of November 16 that we expected safety inspections to be completed internally at minimum monthly, in addition to regularly scheduled MTO inspections and operator circle checks.

ATS has begun randomly selecting five (5) percent of vehicles monthly from each provider, starting in December, for third party safety inspection and on-site records inspection, with additional vehicles as deemed prudent based on ATS review of available vehicle records and previous inspection outcomes. This will be embedded into the Contract Management program.

Anticipated completion: Complete.

Recommendation 13

Regarding contract language in the current MOA requiring DARTS vehicles to be "certified mechanically fit and safe" and "meet the requirements of the Ministry of Transportation" (MTO), the ATS should ensure that contract language is amended to apply the correct terminology and applicable requirements of the MTO (For further details please see section of this report dealing with Contracts)

Management Response

Agree.

These terms will be modified through an amending agreement between the parties.

Anticipated completion: Q2 2023 (amending agreements) Q4 (new Agreement).

Recommendation 14

ATS should have real-time online access into a new DARTS fleet maintenance information system (FMIS) that would be managed and maintained by DARTS. This would enable ATS to verify the status of all DARTS MTO safety inspections and vehicle histories at any time while saving ATS time and administrative effort (as opposed to the ATS' current practice of laboriously tracking Vehicle Inspection Records (VIRs) in Excel after-the-fact). (For further details please see recommendations for DARTS later in this report.)

Management Response

Agree.

After consideration and consultation with City of Hamilton Information Technology division and Enterprise Asset Management team, ATS has decided to work with staff to develop an interim FMIS solution that the contractor will use.

Anticipated completion: Q2 2023.

Recommendation 15

DARTS and DARTS subcontractor's driver's daily inspections should be in electronic format (as opposed to paper-based as they are now). ATS should have real-time access to drivers' inspection electronic records. Driver's electronic daily reports should be integrated into a fleet maintenance information system (FMIS) managed by DARTS. ATS should always have online access to the system to confirm actions are being taken by DARTS and subcontractors when defects are reported by drivers.

Management Response

Agree in part.

ATS is now regularly conducting on-site inspections of DARTS and subcontractor vehicle records, including driver's daily inspections. ATS also requests additional records based on repair history or third-party inspection outcomes, as it deems necessary. The contractor has advised its current paper-based form has been updated to include more focus on undercarriage, tire check, visible fluids on ground. Proper completion of circle checks is part of new driver training. The process for driver reporting for major defect going into service aligns with industry norms. There are few known technologies for electronic pre-trip checks. The contractor is not acting on this recommendation at this time.

ATS notes that some of this functionality for electronic access to records will be addressed in the response to Recommendation 14.

Anticipated completion: Not Applicable.

Recommendation 16

Vehicle inspection worksheets prepared to guide technicians in completing DARTS and subcontractor vehicle safety inspections should be reviewed by the ATS to confirm full compliance with applicable MTO Safety Standards Inspection guidelines (see previous point).

Management Response

Agree.

Working with the HSR Manager of Fleet Maintenance, ATS has reviewed monthly inspection forms in use by the contractor to provide direction for improvement and sample forms to use to ensure MTO compliance. The contractor is working with its subcontractors and with ATS to ensure all recommended amendments are clearly applied.

Anticipated completion: Complete (review and direction from ATS).

Recommendation 17

ATS should review and ensure that vehicle inspection worksheets prepared to guide technicians in completing DARTS and subcontractor vehicle safety inspections must be signed by the licenced mechanic completing the inspections.

Management Response

Agree.

Working with the HSR Manager of Fleet Maintenance, ATS has reviewed monthly inspection forms in use by DARTS and provided direction for improvement and sample forms to use to ensure MTO compliance. The contractor is working with its subcontractors and with ATS to ensure all recommended amendments are clearly applied. Mechanic's name, signature and license number are now added to all vehicle inspection worksheets.

Anticipated completion: Complete (review and direction from ATS).

Recommendation 18

DARTS and DARTS subcontractors should provide ATS with current copies of the trade licences for their technicians/mechanics engaged in completing their MTO safety inspections and advise the ATS in the event of mechanic's trade certificate suspensions.

Management Response

Agree.

All DARTS and DARTS subcontractor mechanic's license numbers have been provided to ATS for verification in the Skilled Trades Ontario public register. Expectations regarding updates to ATS in the event of license suspensions will be set in the revised contractor Agreement.

Anticipated completion: Complete (review of DARTS and subcontractor mechanic's licenses); Q2 2023 (refine and document expectations as part of amending agreement to existing contract).

Recommendation 19

Major portions of the DARTS Master Operating Agreement (MOA) are no longer relevant. A new MOA is needed, ideally prepared with a clean slate approach. (Please see Contracts section of this report.)

Management Response

Agree.

ATS acknowledges that the existing contract between the parties is insufficient. The overall approach to arrive at a new agreement will be undertaken in two parts:

- For existing terms which require minor updates or revisions, the Transit Division will work with internal legal counsel to issue an amending agreement to the existing contract between the parties, where it is practical to do so to cover interim matters pending the preparation of a new agreement. (In progress)
- For areas which require either substantive changes or new requirements, the Director of Transit will define business terms through discussions with the contractor. Legal counsel will thereafter prepare the appropriate terms and conditions for inclusion in a new agreement for the parties to execute. (Not yet started)

Anticipated completion: Q2 2023 (amending agreements); Q4 (new Agreement).

Recommendation 20

An approval process and protocol to be followed by DARTS and ATS should be in place in the MOA regarding fuel rates and upcharges, weekend rates and in general, all relevant pricing and rate structures. (Please see Contracts section of this report.)

Management Response

Agree.

ATS acknowledges that the existing contract between the parties is insufficient. The overall approach to arrive at a new agreement will be undertaken in two parts:

- For existing terms which require minor updates or revisions, the Transit Division will work with internal legal counsel to issue an amending agreement to the existing contract between the parties, where it is practical to do so to cover interim matters pending the preparation of a new agreement. (In progress)
- For areas which require either substantive changes or new requirements, the Director of Transit will define business terms through discussions with the contractor. Legal counsel will thereafter prepare the appropriate terms

and conditions for inclusion in a new agreement for the parties to execute.
(Not yet started)

Anticipated completion: Q2 2023 (amending agreements); Q4 2023 (new Agreement).

Recommendation 21

Language in the DARTS subcontractors Service Agreements regarding Validated Registered Drivers should be reviewed to include pre-hire driver abstracts, and follow-up abstracts after hire. (Please see Contracts section of this report.)

Management Response

Agree.

DARTS will include language from its contract into those of their subcontractors for consistency.

Anticipated completion: Q4 2023.

Recommendation 22

Language in the DARTS subcontractors Service Agreements regarding Validated Registered Drivers should be reviewed to define the minimum standards for drivers and include a maximum demerit point threshold. (Please see Contracts section of this report.)

Management Response

Agree.

DARTS will include language from its contract into those of their subcontractors for consistency.

Anticipated completion: Q4 2023.

Recommendation 23

Language in the DARTS subcontractors Service Agreements should include a commitment to professional driver improvement courses (PDIC) or remedial training, rather than taking a punitive approach when driver complaints are received, as is the current practice. (Please see Contracts section of this report.)

Management Response

Agree.

Agreed. DARTS will include language from its contract into those of their subcontractors for consistency.

Anticipated completion: Q4 2023.

Theme D: Recommendations for DARTS

Recommendation 24

DARTS should practice vigilance regarding the contractual vehicle safety inspection requirements and maintenance procedures of its subcontractors to prevent a recurrence of unsafe subcontractor vehicles being operated in the DARTS fleet.

Management Response

Agree.

DARTS reports it has directed all sub-contractors vehicles to subject vehicles to monthly inspections and forward the paperwork to DARTS to monitor vehicle repairs; random selections for inspection by DARTS are now in effect in addition to the 6-month safety inspections in place.

Anticipated completion: Ongoing (DARTS implementation of internal monthly inspections process); Complete (6-month safety inspections implemented).

Recommendation 25

DARTS preventive maintenance (PM) inspections should be increased in intensity and frequency to reduce or eliminate safety defects – how much they need to increase would be determined by a new fleet maintenance information system (FMIS) (See point #28 below regarding fleet maintenance systems) based on "uptime" tracking functionalities of the FMIS.

Management Response

Agree.

After consideration and consultation with City of Hamilton Information Technology division and Enterprise Asset Management team, ATS has decided

to work with staff to develop an interim FMIS in that will align with City of Hamilton practices.

ATS notified DARTS that it should be completing internal inspections at least monthly for all vehicles used to provide service. ATS audits sample records and then flags vehicles each month for third party inspections at an MVIS location based on both a minimum random selection, and on available records and previous inspection outcomes.

DARTS and subcontractors have been compliant with the third-party inspection process as communicated by ATS. DARTS reports it has implemented monthly vehicle inspection process for their fleet and that of their subcontractors, but ATS notes this has not yet been fully realized.

Anticipated completion: Complete (ATS third-party vehicle and ATS records inspections process implemented); Q2 2023 (FMIS); ongoing (DARTS internal monthly inspections process implemented).

Recommendation 26

The requirement for subcontractors' drivers to complete daily vehicle circle checks, and the processes of managing the checks, and in particular, defects reported by drivers, should be defined in the subcontractor's service agreements (SAs).

Management Response

Agree.

DARTS reports that all defect paperwork and maintenance checks for operators and subcontractors are being updated; DARTS will set expectations for subcontractors in updated subcontractor service agreements.

Anticipated completion: Q4 2023.

Recommendation 27

DARTS should immediately implement quality assurance measures. In its current preventive maintenance practices, there are no quality assurance processes in place at DARTS. We feel this is likely the root cause of the high rate of safety inspection failures during the recent safety inspection campaign.

The DARTS Maintenance/Driver Supervisor is not a licenced mechanic and therefore not in possession of the skills and accreditations required to confirm that the work of the mechanics is satisfactory.

As one option, DARTS should consider a new Lead Mechanic job classification, in which a licensed mechanic would be given responsibility for final inspection of work completed by DARTS mechanics thusly assuring quality and increasing adherence to safety protocols.

Management Response

Agree.

DARTS advised it has restructured its Maintenance area, hiring a shop assistant, three technicians (mechanics) and recruited a Lead Mechanic. Additionally, one of its existing technicians has been promoted to a Supervisor position. ATS is working with City staff to explore a QMS database solution for DARTS that aligns with City processes, but DARTS will be required to have their own internal QMS.

DARTS reports they continue to use various software programs with tiered access according to position responsibilities; DARTS is currently investigating International Organization for Standardization (ISO) 9001 quality management training for the DARTS Supervisor of Quality Assurance, to be pursued in 2023.

Anticipated completion: Complete (licensed supervising mechanic and shop assistant); Q2 2023 (Quality Management System database); Q4 2023 (DARTS staff QMS training).

Recommendation 28

DARTS should invest in a proper fleet maintenance information system (FMIS) to replace the current whiteboard. The fleet maintenance scheduling and management functionalities of the current program, which was developed in-house, are far inadequate for the needs of a modern fleet.

Management Response

Agree.

After consideration and consultation with City of Hamilton Information Technology division and Enterprise Asset Management team, ATS has decided to work with staff to develop an interim FMIS in that will align with City of Hamilton practices.

Anticipated completion: Q2 2023.

Recommendation 29

The recommended FMIS (see above) should be capable of multi-criteria preventive maintenance (PM) scheduling, tracking DARTS and subcontractor maintenance and safety inspection histories (now tracked by ATS externally in Excel), enable complex cost-analysis, track fuel usage and driver profiles, abstracts and a myriad of other functions required by a modern fleet. Electronic drivers' daily inspections should be connected to the FMIS to replace paper-based records now in place.

Management Response

Agree.

After consideration and consultation with City of Hamilton Information Technology division and Enterprise Asset Management team, ATS has decided to work with staff to develop an interim FMIS in that will align with City of Hamilton practices.

Anticipated completion: Q2 2023.

Recommendation 30

In the long-term, and once quality assurance processes are in place and the issue of safety inspections failures has been fully addressed in a manner that is acceptable to the ATS, DARTS should consider re-applying to become a licenced, accredited Ministry of Transportation (MTO) Motor Vehicle Inspection Station (MVIS).

If successful in becoming an MVIS, it would lower costs and increase efficiencies by eliminating the dependency on third-party garages for performing its MTO safety inspections.

That stated, without having quality assurance processes in place, as is the situation now, it would be risky if DARTS was able to complete its own MTO safety inspections given the results (~26% fail rate) from our independent safety inspections. At this time, a licenced, independent third-party MTO Motor Vehicle Inspection Station (MVIS) of the City's choosing would be a more prudent choice.

Management Response

Agree in part.

The DARTS location is unsuitable as an MVIS station as DARTS does not hold a lease to occupy its operating location at a facility that is shared by several different City divisions. To ensure our absolute confidence in MTO inspection

outcomes, ATS has arranged a location for external third party MTO-grade inspections, as the prudent choice outlined in Recommendation 30 (above).

Anticipated completion: Not Applicable (Contractor as MVIS); Complete (process in place for third party MVIS inspections).

Recommendation 31

Under the terms of the MOA, there is a contractual requirement for DARTS use of subcontractors to be approved by the General Manager of Public Works. DARTS management should immediately seek this approval for existing and future subcontractors and ensure that documentation of the approval(s) is available at all times.

Management Response

Agree.

There are currently 3 subcontractors that DARTS utilizes to provide shared ride specialized transit service. DARTS reports all subcontractor contracts are currently with DARTS legal, and changes are being applied as requested by the City in response to Audit recommendations. DARTS anticipates completion of the sub-contractor contract drafts by March 2023, for submission to the City for review, noting that the drafts will be more fully informed by the terms in the new City and DARTS Agreement.

ATS notes that since September of 2022, challenges with subcontractors have continued.

Anticipated completion: Q2 2023 (DARTS draft revised subcontractor agreements).

Recommendation 32

DARTS should conduct a detailed financial review to compare the cost of subcontractor vehicles versus similar vehicles being obtained by DARTS through leases, rentals, or purchases. The latter options may be more cost-effective than previously expected. Consider issuing an RFQ/Q for the provision options (i.e., buy, rent or lease) for acquisition of light-duty vans now being provided by its subcontractors.

Management Response

Agree.

DARTS has committed to undertaking this assessment, however, note that their current rented location at 330 Wentworth cannot house additional vehicles if expansion was considered. DARTS will perform this cost analysis and report back to ATS by Q2 2023.

Anticipated completion: Q2 2023.

Theme E: Recommendations for DARTS Regarding its Subcontractors

Recommendation 33

DARTS should take a vigilant approach in managing its subcontractors as far as their vehicle safety inspections and quality standards. For example, DARTS should require that annual MTO Safety Standards Inspections and 6-month accessible vehicle MTO Safety Standards Inspections required under the subcontractor Service Agreements to be carried out at MTO licenced Motor Vehicle Inspection Stations (MVIS') of DARTS choice, not the subcontractors.

Management Response

Agree.

DARTS reports all subcontractors have been contacted with dates for 6-month safety inspections at the MVIS station of DARTS' choice.

In the intermission, ATS is reviewing subcontractor vehicle information with DARTS and sending vehicles for third party assessment when required. ATS can advise that challenges with the subcontractors has not resolved since October of 2022.

Anticipated completion: Ongoing.

Recommendation 34

DARTS should re-investigate its dependency on outsourced subcontractors. Cost-effective alternatives may include in-sourcing the services now outsourced to the sub-contractors.

Management Response

Agree.

DARTS has committed to undertaking this assessment, however, note that their current rented location at 330 Wentworth cannot house additional vehicles if expansion was considered.

ATS also notes that if subcontractors are no longer used, there is a risk of having no alternatives for service. DARTS will perform this cost analysis and report back to ATS by Q2 2023. ATS will also consider other alternatives.

Anticipated completion: Q2 2023.

Recommendation 35

DARTS should complete comprehensive business case analysis to revisit the lowest cost options between insourcing or outsourcing to subcontractors.

Management Response

Agree.

DARTS has committed to undertaking this assessment, however, note that their current rented location at 330 Wentworth cannot house additional vehicles if expansion was considered.

ATS also notes that if subcontractors are no longer used, there is a risk of having no alternatives for service. DARTS will perform this cost analysis and report back to ATS by Q22023. ATS will also consider other alternatives.

Anticipated completion: Q2 2023.

Recommendation 36

For vehicles now provided and driven by DARTS subcontractors, DARTS should consider a hybrid business model in which DARTS would provide and maintain the vehicles while drivers would be provided and managed by contracted driver pool service-provider(s).

Management Response

Agree in part.

ATS agrees with the investigation of alternative service models. Our immediate priority is public safety and the above suggestion would add management and oversight complexity.

DARTS reports its current location cannot accommodate housing and maintaining the vehicles currently housed on two subcontractor lots, and one

subcontractor employs unionized staff who are allowed to bring their vehicles directly home at the end of their shift, as part of their collective bargaining agreement.

Anticipated completion: Not Applicable.

Recommendation 37

DARTS subcontractor Service Agreements should set a limit regarding the maximum age and total kilometres for subcontractor vehicles. As a starting point, we recommend vehicles should be no older than five model years and 200,000 total kilometres, but these thresholds should be confirmed through historical operating data and safety inspection failure rate analysis.

Management Response

Agree.

This is a material change in existing agreements. ATS will work directly with DARTS to review repair and inspection history of vehicles with more than 200,000 total kilometres and older than 10 model years to determine if this should be adjusted in the subcontractor agreements.

DARTS reports it has directed subcontractors to retire vehicles after 10 model years but have not applied a cap to kilometres.

Anticipated completion: Q2 2023 (amending agreements).

Theme F: Recommendations – Insurance

Recommendation 38

DARTS should require subcontractors to obtain insurance coverage that applies to all vehicles owned or operated by the insured (as opposed to insurance coverage for specific vehicles identified by their vehicle identifications numbers, fleet unit numbers, makes/model/year of units or other methods).

Management Response

Agree.

ATS is requesting copies of Certificate of Insurance (COI) for all vehicles owned and operated, as COIs are renewed. The type of policy used to cover all owned and operated vehicles is dependent on insurance policies obtained by subcontractors under the current DARTS MOA and subcontractor service

agreements. COIs are reviewed for compliance under these agreements and sent for review by the City of Hamilton Legal and Risk Management Service. Contract language governing insurance in both the DARTS MOA and subcontractor service agreements will be reviewed to include the requirement for vehicle coverage that applies to "all owned or leased" as opposed to vehicle-specific "as described" coverage, to avoid the extra administrative work necessary to track coverage for individual vehicles added or removed from service. There may be circumstances wherein subcontractors are only able to procure "as described" coverage. In these instances, Risk Management Services will review the coverage to ensure compliance.

Anticipated completion: Q4 2023 (revised subcontractor service agreement).

Recommendation 39

DARTS and ATS, as additional named insureds, on subcontractor's insurance policies should be provided legally notarized copies of the subcontractor's certificates of insurance (COIs).

Management Response

Agree.

An alternative and more vigilant approach as determined in consultation with the subject matter experts in Legal and Risk Management Services is to be implemented. Insurance documents from DARTS and/or their subcontractors should be submitted to ATS directly from the insurers, and then provided to Risk Management for a fulsome review, with a reserved right to request additional information and/ or notarized copies as needed to satisfy the City. Subject matter experts in Risk Management will reach directly out to these insurers as required. ATS has provided this direction to DARTS in a letter reviewed by Legal and Risk Management Services.

Anticipated completion: Q3 2023 (last subcontractor renewal due).

Recommendation 40

In subcontractor COIs, DARTS and ATS should be provided full details including Declarations (e.g., at minimum the risks that are covered, policy limits, and deductibles), Insuring Agreements (e.g., policy conditions, exclusions and special limits, risks that are covered, policy limits, and deductibles, other insureds, a list of form numbers and endorsements that add to or alter the policy, losses covered, the subject matter of the insurance and description of the property covered, the perils insured against and circumstances when the insured may receive the proceeds of the insurance), Policy Conditions and Exclusions and Special Limits.

Management Response

Agree.

An alternative and more vigilant approach as determined in consultation with the subject matter experts in Legal and Risk Management Services is to be implemented. Insurance documents from DARTS and/or their subcontractors should be submitted to ATS directly from the insurers, and then provided to Risk Management for a fulsome review, with a reserved right to request additional information and/ or notarized copies as needed to satisfy the City. Subject matter experts in Risk Management will reach directly out to these insurers as required. ATS has provided this direction to DARTS in a letter reviewed by Legal and Risk Management Services.

Anticipated completion: Q3 2023 (last subcontractor renewal due).

Recommendation 41

DARTS and ATS should be provided legally notarized subcontractor insurance COIs at least annually, any time changes are made to the policies, whenever a vehicle is added to the subcontractor's fleet, or any time a vehicle is returned to active DARTS service.

Management Response

Agree.

An alternative and more vigilant approach as determined in consultation with the subject matter experts in Legal and Risk Management Services is to be implemented. Insurance documents from DARTS and/or their subcontractors should be submitted to ATS directly from the insurers, and then provided to Risk Management for a fulsome review, with a reserved right to request additional information and/ or notarized copies as needed to satisfy the City. Subject matter experts in Risk Management will reach directly out to these insurers as required. ATS has provided this direction to DARTS in a letter reviewed by Legal and Risk Management Services.

Anticipated completion: Q3 2023 (last subcontractor renewal due).

Recommendation 42

City of Hamilton Risk Management should review and approve in writing to DARTS and ATS management, the legally notarized COIs provided by each subcontractor's insurers before vehicles are put into active service in the DARTS operation.

Management Response

Agree.

An alternative and more vigilant approach as determined in consultation with the subject matter experts in Legal and Risk Management Services is to be implemented. Insurance documents from DARTS and/or their subcontractors should be submitted to ATS directly from the insurers, and then provided to Risk Management for a fulsome review, with a reserved right to request additional information and/ or notarized copies as needed to satisfy the City. Subject matter experts in Risk Management will reach directly out to these insurers as required. ATS has provided this direction to DARTS in a letter reviewed by Legal and Risk Management Services.

Anticipated completion: Q3 2023 (last subcontractor renewal due).

Recommendation 43

City of Hamilton Risk Management should review subcontractor insurance requirements at least annually.

Management Response

Agree.

City of Hamilton Risk Management reviews all COI's upon renewal and requests amendments where any deficiencies are noted.

Anticipated completion: Complete (all COIs and any amendments as required are submitted by ATS to Risk Management for review).

Theme G: Recommendations – Contracts – the MOA

Recommendation 44

The DARTS Master Operating Agreement (MOA) should be re-written or replaced in its entirety. Although DARTS business structure has changed significantly over the years the MOA was executed almost ten years ago and has remained much the same:

- MOA Schedule A is irrelevant as it relates to vehicles and buses, they (the City) leased to DARTS, however there are no buses leased to the City as of last year

- MOA Schedule B relates to IT Services and has been stricken as DARTS procure their own servers and licences
- MOA Schedule C relates to City-owned land, offices & parking used by DARTS
- ATS no longer handles reservations – now DARTS manages

Recommendation 45

The terminology used in the MOA section 3.3.13 c): "Certificate of Mechanical Fitness" should be referred to as the Ministry of Transportation (MTO) Safety Standards Inspection (SSI) program.

Recommendation 46

The MOA should define requirements of accessible vehicles that must receive MTO accessible vehicle safety inspections every 6-months.

Recommendation 47

The MOA should be re-worded to require the Contractor (DARTS) to keep records of vehicle maintenance (it now refers to Schedule A regarding leased City-owned vehicles).

Recommendation 48

The MOA should define the requirement for driver's daily pre-trip inspections and the processes for managing documentation of, and actions resulting from these inspections.

Recommendation 49

The MOA should set out the requirements regarding driver screening and driver's abstracts, both pre-hire and during employment.

Recommendation 50

The MOA contract language should define the minimum standards as far as DARTS driver's demerit point status.

Management Response for Themed Recommendations 44-50

Agree.

ATS acknowledges that the existing contract between the parties is insufficient. The overall approach to arrive at a new agreement will be undertaken in two parts:

- For existing terms which require minor updates or revisions, the Transit Division will work with internal legal counsel to issue an amending agreement to the existing contract between the parties, where it is practical to do so to cover interim matters pending the preparation of a new agreement. (In progress)
- For areas which require either substantive changes or new requirements, the Director of Transit will define business terms through discussions with the contractor. Legal counsel will thereafter prepare the appropriate terms and conditions for inclusion in a new agreement for the parties to execute. (Not yet started)

Anticipated completion: Q2 2023 (amending agreements) Q4 (new Agreement).

Theme H: Recommendations – Contracts - Subcontractor Service Agreements (SAs)

Recommendation 51

Subcontractor Service Agreements (SAs) should be aligned with the DARTS MOA contractual obligations to the City.

Recommendation 52

Contract language throughout the subcontractor SAs including current references to "Certificate of Mechanical Fitness", should be updated to correctly refer to the Ministry of Transportation (MTO) Safety Standards Inspection (SSI) program.

Recommendation 53

The SAs should define requirements for accessible vehicles to receive MTO accessible vehicle safety inspections every 6-months.

Recommendation 54

The SAs should be re-worded to require the subcontractors to keep records of vehicle maintenance and promptly provide such records to DARTS.

Recommendation 55

The SAs should define minimum acceptable vehicle safety and preventive maintenance (PM) standards consistent with MTO safety standards.

Recommendation 56

The SAs should set out the consequence of non-compliance with MTO safety standards.

Recommendation 57

The SAs should define the consequence of non-compliance with MTO safety and PM standards, up to and including cancellation of their SA contracts.

Recommendation 58

The SAs should define the requirement for driver's daily pre-trip inspections, the processes for managing documentation of, and corrective actions resulting from these inspections.

Recommendation 59

The SAs should set out the requirements regarding driver screening and driver's abstracts, both pre-hire and during employment.

Recommendation 60

The SAs contract language should define the minimum standards as far as driver's demerit point status.

Recommendation 61

The SAs should include specific language requiring subcontractor vehicles to conform to safety requirements for the modification and construction of accessible vehicles.

Recommendation 62

Language in the SAs regarding Validated Registered Drivers should be reviewed to include pre-hire driver abstracts, and follow-up abstracts after hire.

Recommendation 63

Language in the SAs regarding Validated Registered Drivers should be reviewed to define the minimum standards for drivers and a maximum demerit point threshold.

Recommendation 64

Language in the SAs should include remedial measures such as professional driver improvement courses (PDIC) or training, rather than taking a punitive approach when driver complaints are received.

Management Response for Themed Recommendations 51-64

Agree.

ATS acknowledges that the existing contract between the parties is insufficient. The overall approach to arrive at a new agreement will be undertaken in two parts:

- For existing terms which require minor updates or revisions, the Transit Division will work with internal legal counsel to issue an amending agreement to the existing contract between the parties, where it is practical to do so to cover interim matters pending the preparation of a new agreement. (In progress)
- For areas which require either substantive changes or new requirements, the Director of Transit will define business terms through discussions with the contractor. Legal counsel will thereafter prepare the appropriate terms and conditions for inclusion in a new agreement for the parties to execute. (Not yet started)

Anticipated completion: Q2 2023 (amending agreements) Q4 (new Agreement).



Dodge Caravan

MV1

Promaster

Toyota Sienna

ACCESSIBLE TRANSIT SERVICES:

DARTS FLEET MANAGEMENT AND VEHICLE SAFETY AUDIT (MANAGEMENT RESPONSES)

Charles Brown, Auditor General

APRIL 6, 2023



Hamilton

Office of the Auditor General

- The overall objective of the audit was to assess maintenance and inspection activities employed by DARTS and its 3 subcontractors with a view to concluding on the effectiveness of these processes in ensuring the safety of vehicles placed into service.
- OCA sourced an external firm (Fleet Challenge Canada, “FCC”) to perform independent vehicle inspections and complete a review of the maintenance and fleet management practices performed by all 4 parties in order to identify weaknesses or compliance issues that may impact public safety.
- The primary tool used to evaluate the state of inspection and maintenance practices of DARTS was a planned sample of 40 (39 actual) vehicles during the first week of the review.

- The results of the initial inspections were unequivocally poor with an inspection failure rate of 46%.
- This level of failure was noted as “exceptionally high” and a decision was made to continue with further inspections of the entire fleet.
- Upon learning of these initial results, Council directed that no vehicle be placed into service until passing an independent inspection arranged by the audit team and FCC.
- A total of 202 vehicle inspections were carried out over 10 weeks. Some vehicles failed on re-inspection so they were inspected multiple times. 3

	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Weeks 7-10
Total Passes	21	17	63	19	10	6	6
Total Fails	18	7	24	8	2	1	0
Total	39	24	87	27	12	7	6
Percentage Fails (average weekly)	46%	29%	28%	30%	17%	14%	0%
Overall 30%							

- Overall results improved through the course of the 10 week period. However they were still disappointing and included multiple failures on re-inspection. Overall failure rate 30%.
- While some failures were “technical” in nature there were many that were compromising of safety.
- Issues found included defects with brakes, tires, exhaust systems, steering and suspension systems.
- FCC pointed to a “singular matter of urgency” with respect to incidents of defective emergency brakes. 4

First Inspection Fail Rate - DARTS vs Subcontractors			
DARTS	H-Rising	VanKleef	City Marvel
26%	34%	35%	47%
Overall 32%			

- Overall first inspection rates of failure was 32% (note: the desired goal would be to reduce fail rates on first inspection to low or negligible numbers in order to have the utmost confidence in vehicle safety).
- FCC expressed concerns that the subcontractors were seemingly incapable of maintaining their fleets to the standards of safety required.

- FCC prepared an extensive report on operational issues/weaknesses of DARTS and its Subs, and also cited improvements needed to contract language and oversight.
- They pointed to various weaknesses in inspection processes, quality assurance, safety awareness and training, qualifications, data management, insurance requirements oversight, and minimum standards requirements.
- FCC made 64 recommendations to improve operation of vehicle maintenance and inspection activities.

- With one of the subcontractors there was a related party relationship with the garage used to certify vehicles which could be considered a conflict of interest.
- Evidence found that a principal of one of the subs faced prior charges related to fraudulent insurance and safety certificates and was convicted of forgery in 2018.
- After Council directed that all vehicles had to pass the audit inspection process before being placed into service we found 42 instances of non-compliance with that directive as well as instances of passenger runs by vehicles without an identifier.

Additional Findings

- Found limited oversight and management of the DARTS contract – for example Transit (ATS) did not conduct regular, independent, unannounced site visits or inspections.
- Transit needs more functional access to Trapeze.
- There are no contingency plans to deal with situations where the City may choose to cancel a contract for non-performance.
- These additional observations led to an additional 9 recommendations to ATS. (73 in total)

Conclusion

- Detailed management responses have been received by the OAG.
- Management agreed with 70 recommendations and three recommendations were agreed in part.
- OAG finds the management responses to be adequate.
- OAG requests that Public Works be directed to report back to the AF&A Committee by October 2023 on the nature and status of actions taken in response to the audit report.



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	April 06, 2023
SUBJECT/REPORT NO:	2022 Fourth Quarter Emergency and Non-competitive Procurements Report (FCS22046(c)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Patricia Vasquez (905) 546-2424 Ext. 5972
SUBMITTED BY:	Shelley Hesmer Acting Director, Financial Services and Taxation Corporate Services
SIGNATURE:	

COUNCIL DIRECTION

Council has directed Procurement to report on the use of Sections 4.10 and 4.11 of the Procurement Policy on a quarterly basis.

INFORMATION

This Report is issued quarterly in accordance with the Procurement Policy. The report details the procurement of goods and/or services during emergency situations and those detailed in Section 4.11 – Non-competitive Procurements for the fourth quarter of 2022.

The Policy for Non-competitive Procurements is used in narrowly defined circumstances where it is justified that the policies for the general acquisition process could not be followed. The “Emergency Procurement/Non-competitive Procurement Form” is completed by the Client Department and approved by the General Manager.

During the fourth quarter of 2022, there were 65 purchases totalling \$7,417,827.32 (Canadian dollars) and \$172,800.00 (US dollars), which were processed through the

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SUBJECT: 2022 Fourth Quarter Emergency and Non-competitive Procurements Report (FCS22046(c)) (City Wide) - Page 2 of 4

use of an approved Policy 10 or 11. These are summarized in Appendix “A” to Report FCS22046(c).

The breakdown are as follows:

- 6 purchases totalling \$3,605,695.91 (Canadian dollars) were issued under Policy 10, as “Emergency” purchases, whereby goods and services were acquired by the most expedient and economical means. The following purchases represent the largest dollar amounts in this category:
 - Purchase Order 100790 for \$3,248,709.00 was issued to Maple Reinders Constructors Ltd. for emergency works to digester 3 at the Woodward Avenue Wastewater Treatment Plant. As a result of 50,000 litres of primary sludge escaping from the digester through a damaged roof cover, emergency repairs were required to return the digester back to service including structural welding repairs, coatings/insulation and Technical Standards and Safety Authority (TSSA) testing and commissioning assistance. An information report to Council will be forthcoming.
 - Purchase Order 100678 for \$251,641.79 was issued to CIMA Canada Inc. for engineering services to digester 3 at the Woodward Avenue Wastewater Treatment Plant. As a result of 50,000 litres of primary sludge escaping from the digester through a damaged roof cover, a structural investigation was required to determine the damage, provide recommendations to repair the digester roof cover and provide contract administrative and site inspection services during construction. An information report to Council will be forthcoming.
- 10 purchases totalling \$1,332,665.97 (Canadian dollars) represent short-term “Extensions” of current contracts which have expired, and unforeseeable circumstances have caused a delay in awarding a new contract. The following purchases represent the largest dollar amounts in this category:
 - Purchase Order 100310 for \$685,000.00 was issued to SNF Canada Ltd. for the supply, delivery and inventory management of digested sludge dewatering polymer at Woodward Avenue Wastewater Treatment Plant. This extension was required in order to maintain services and provide sufficient time to complete the procurement process and award a new contract.
 - Purchase Order 101024 for \$245,000.00 was issued to Henry Schein Canada Inc. for the supply and delivery of dental equipment, supplies and maintenance services. This extension was required in order to maintain the required supplies while a review of current equipment and warranty requirements are carried out.

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SUBJECT: 2022 Fourth Quarter Emergency and Non-competitive Procurements Report (FCS22046(c)) (City Wide) - Page 3 of 4

It is the intention to obtain Council approval in Q2 of 2023 to standardize products prior to a new Request for Tenders being issued in the summer of 2023.

- PO 86805 for \$241,456.00 was issued to Power Property Contracting Inc. for property maintenance services for various City of Hamilton properties. This extension was required in order to maintain services until the award of a new contract.
- 49 purchases totalling \$2,479,465.44 (Canadian dollars) and \$172,800.00 (US dollars) were identified as “Single Source” purchases whereby a particular vendor was recommended because it was more cost-effective or beneficial to the City. The following purchases represent the largest dollar amounts in this category:
 - Purchase Order 100870 for \$240,000.00 was issued to Flycast Partners Inc. (“Flycast”) for the supply, training and professional services of the Ivanti IT Asset Management Module. It was in the best interest of the City to purchase the module from Flycast since they are familiar with the City’s system having provided similar support services including the Ivanti IT Service Management platform.
 - Purchase Order 101148 for \$220,892.00 was issued to Mohawk Ford Sales (1996) Ltd. (“Mohawk”) for the supply and delivery of four 2023 Ford Interceptor Utility Hybrid replacement vehicles for Paramedic Services. Paramedic Services was able to utilize the Police Cooperative Purchasing Group pricing for these emergency response vehicles ordered through Ford dealers. Due to the short timelines to order and receive allocation for the 2023 fleet, it was in the best interest of the City to purchase the vehicles from Mohawk to secure a place in the 2023 build schedule and leverage the best pricing available.
 - Purchase Order 100879 for \$172,800.00 (USD) was issued to Fishbowl Solutions Inc. (“Fishbowl”) to upgrade the WebCenter automated invoice system to the latest version. It was in the best interest of the City to have Fishbowl complete the upgrade since they have knowledge of the system having implemented the original system in 2016 and performed the previous upgrade in 2018.
 - Purchase Order 100330 for \$170,000.00 was issued to 1904452 Ontario Ltd. for the provision of IT consulting services on Active Directory project support, M365 Adoption/Enablement project support and Exchange project review. It was in the best interest of the City to have the vendor provide the service since they have experience on similar projects completed at other organizations and their capabilities are a direct match to the City’s needs.

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**SUBJECT: 2022 Fourth Quarter Emergency and Non-competitive Procurements
Report (FCS22046(c)) (City Wide) - Page 4 of 4**

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS22046(c) – Fourth Quarter Emergency and Non-Competitive Procurements Report.

PV/dw

2022 Fourth Quarter Emergency and Non-competitive Procurement Report


PO No.	Type	Amount	Supplier	Division	Ward No.
City Manager's Office					
97277	SGLE	\$23,350.00	Rizing Solutions Canada Inc.	Human Resources	All Wards
101125	SGLE	\$30,000.00	Pivotal Learning Inc.	Human Resources	All Wards
101002	SGLE	\$34,000.00	Mick Walker Consulting	Human Resources	All Wards
100840	SGLE	\$150,000.00	Maclean Media Systems Inc.	Communication & Strategic Initiatives	Ward 2
Corporate Services					
101176	SGLE	\$16,536.06	directworx	City Clerk	All Wards
No PO	SGLE	\$19,333.19	Spicers Canada ULC	City Clerk	All Wards
100929	SGLE	\$35,000.00	Hamilton Waterfront Trust	Financial Planning, Administration and Policy	Ward 2
100869	SGLE	\$62,500.00	KPMG LLP	Financial Services and Taxation	All Wards
100760	SGLE	\$65,000.00	F.H. Black & Company Inc.	Financial Services and Taxation	All Wards
101195	SGLE	\$112,091.00	Gartner Canada Co.	Information Technology	All Wards
100330	SGLE	\$170,000.00	1904452 Ontario Ltd.	Information Technology	All Wards
100879	SGLE	\$172,800.00 (USD)	Fishbowl Solutions Inc.	Information Technology	All Wards
100870	SGLE	\$240,000.00	Flycast Partners Inc.	Information Technology	All Wards
Healthy and Safe Communities					
101065	SGLE	\$18,000.00	Candian Cancer Society	Medical Officer of Health	All Wards
100815	EMER	\$23,895.00	WM Groves Ltd.	Recreation	All Wards
100896	SGLE	\$24,663.12	HGlobal Technologies Inc.	Hamilton Paramedic Services	All Wards
100897	SGLE	\$35,000.00	The Hospital For Sick Children	Medical Officer of Health	All Wards
101064	SGLE	\$39,217.00	Mckesson Canada Corp.	Medical Officer of Health	All Wards
101059	SGLE	\$42,775.00	Arjo Canada Inc.	Lodges	Ward 13
101068	SGLE	\$72,224.60	Arjo Canada Inc.	Lodges	Ward 7
101148	SGLE	\$220,892.00	Mohawk Ford Sales (1996) Ltd.	Hamilton Paramedic Services	All Wards
101024	EXTN	\$245,000.00	Henry Schein Canada Inc.	Medical Officer of Health	All Wards
Library					
100625	SGLE	\$12,820.00	ABCorp CA Ltd.	Library	All Wards
Planning and Economic Development					
100924	SGLE	\$251.75	Supreme Demolition Inc.	Tourism and Culture	Ward 2
94691	SGLE	\$9,500.00	WSP Canada Inc.	Transportation Planning and Parking	All wards
100824	SGLE	\$10,750.00	Servicemaster Contract Services dba Dougord Ltd.	Transportation Planning and Parking	All Wards
99150	SGLE	\$19,500.00	George Robb Architect	Tourism and Culture	Ward 3
100844	SGLE	\$35,000.00	Gary Barwin	Tourism and Culture	Ward 1
100997	SGLE	\$38,651.20	Antec Appraisal Group Inc.	Economic Development	Ward 2
101172	SGLE	\$53,460.00	Senate Flooring Inc.	Tourism and Culture	Ward 2
86805	EXTN	\$241,456.00	Power Property Contracting Inc.	Building	All Wards
Police					
100377	EXTN	\$167.24	Teknion Ltd.	Police	All Wards
100841	EXTN	\$741.52	Teknion Ltd.	Police	All Wards

2022 Fourth Quarter Emergency and Non-competitive Procurement Report

PO No.	Type	Amount	Supplier	Division	Ward No.
100260	EXTN	\$5,000.00	Hamilton Fire Control Ltd.	Police	All Wards
100234	SGLE	\$15,000.00	Graphic Associates	Police	All Wards
94975	SGLE	\$17,000.00	IBI Group Professional Services (Canada) Inc.	Police	Ward 5
101192	EXTN	\$20,301.21	Teknion Ltd.	Police	All Wards
101168	SGLE	\$20,996.36	CMI Inc.	Police	All Wards
101032	SGLE	\$41,600.00	Seven Meadows Equine Services	Police	All Wards
Public Works					
100747	EMER	\$4,782.04	Servicemaster Restore of Hamilton oa/ 918877 Ontario Inc.	Energy, Fleet and Facilities Management	Ward 2
100628	SGLE	\$5,220.00	Intelex Technologies Inc.	Public Works Admin	All Wards
100907	SGLE	\$8,250.00	Stonhard Inc.	Energy, Fleet and Facilities Management	Ward 3
100723	SGLE	\$10,000.00	Glaser Manufacturing Inc.	Hamilton Water	All Wards
101046	SGLE	\$14,156.00	WSP Canada Inc.	Energy, Fleet and Facilities Management	Ward 3
100777	EMER	\$18,980.00	Binbrook Plumbing & Heating (1997) Ltd.	Energy, Fleet and Facilities Management	Ward 2
99052	SGLE	\$19,220.00	Airon HVAC and Control Ltd.	Energy, Fleet and Facilities Management	Ward 7
100728	SGLE	\$20,000.00	Colville Consulting Inc.	Environmental Services	Ward 9
99629	EXTN	\$25,000.00	Top-Line Roofing and Sheet Metal Inc.	Energy, Fleet and Facilities Management	All Wards
97882	SGLE	\$29,981.00	Dillon Consulting Ltd.	Environmental Services	Ward 10
100761	SGLE	\$30,000.00	2216910 Ontario Inc. o/a Active Green & Ross	Transit	All Wards
100813	SGLE	\$50,000.00	Mark It Locates Inc.	Environmental Services	All Wards
100927	SGLE	\$50,000.00	Quality Seeds Ltd.	Environmental Services	All Wards
101045	SGLE	\$50,000.00	Waste Management of Canada Corp.	Environmental Services	All Wards
101161	EXTN	\$50,000.00	Compass Mechanical Group Ltd.	Energy, Fleet and Facilities Management	All Wards
95745	SGLE	\$54,815.30	Strasman Architects Inc.	Energy, Fleet and Facilities Management	Ward 2
101181	EMER	\$57,688.08	AECOM Canada Ltd.	Hamilton Water	Ward 1
101141	SGLE	\$58,200.00	Airon HVAC and Control Ltd.	Energy, Fleet and Facilities Management	Ward 2
100974	SGLE	\$58,602.86	Fisher Scientific Co. Ltd.	Hamilton Water	Ward 4
99442	EXTN	\$60,000.00	QM LP o/a QM Environmental	Hamilton Water	All Wards
101051	SGLE	\$89,994.00	Vanpark Imported Automobiles Inc.	Energy, Fleet and Facilities Management	All Wards
97877	SGLE	\$95,915.00	R V Anderson Associates Ltd.	Engineering Services	Ward 2
101050	SGLE	\$150,000.00	Commercial Truck Equipment Co.	Energy, Fleet and Facilities Management	All Wards
100678	EMER	\$251,641.79	CIMA Canada Inc.	Hamilton Water	Ward 4
100310	EXTN	\$685,000.00	SNF Canada Ltd.	Hamilton Water	All Wards
100790	EMER	\$3,248,709.00	Maple Reinders Constructors Ltd.	Hamilton Water	Ward 4



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	April 06, 2023
SUBJECT/REPORT NO:	2022 Fourth Quarter Non-compliance with the Procurement Policy Report (FCS22047(c)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Patricia Vasquez (905) 546-2424 Ext. 5972
SUBMITTED BY:	Shelley Hesmer Acting Director, Financial Services and Taxation Corporate Services
SIGNATURE:	

COUNCIL DIRECTION

Procurement Policy, Section 4.19, Item (3) requires a quarterly report be prepared and presented to Council to report the use of all Procurement Policy Non-Compliance Forms.

INFORMATION

This Report is issued quarterly in accordance with the Procurement Policy. This report details the use of all Procurement Policy Non-Compliance Forms for the fourth quarter of 2022.

Procurements that are non-compliant with the Procurement Policy can be identified at any time during the procurement process. Procurements are deemed to be non-compliant with the Procurement Policy when the applicable Policy (Policies) and published procedure(s) are not followed. Under Policy 19, the General Manager is responsible for reviewing each incident and determines the appropriate level of disciplinary action to be taken.

During the fourth quarter of 2022, there were seven (7) instances relating to the use of Policy 19, totalling \$489,540.70. The instances are summarized in Appendix "A" to Report FCS22047(c).

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: 2022 Fourth Quarter Non-compliance with the Procurement Policy
Report (FCS22047(c)) (City Wide) - Page 2 of 2**

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS22047(c) – 2022 Fourth Quarter Non-compliance with the Procurement Policy Report

2022 Fourth Quarter Non-compliance with the Procurement Policy Report

PO No.	Amount	Name	Division	Ward	Comments
City Managers Office					
No PO	\$320.52	4imprint Inc.	Digital and Innovation Office	All Wards	<u>Description of Goods/Services:</u> Purchase of 300 branded pens for CityLAB <u>Rational for non-compliance:</u> Per the Procurement Policy, client departments shall utilize all applicable City Contracts. (Corporate Contract C17-07-19 - RFP for supply and delivery of Office and School Supplies)
Councillor's Office					
No PO	\$350.30	F&M Signs Ltd.	Councillor's Office	Ward 10	<u>Description of Goods/Services:</u> Printing services of three signs for the Santa Clause Parade. <u>Rational for non-compliance:</u> Per the Procurement Policy, client departments shall utilize all applicable City Contracts. (Corporate Contract C12-02-22 - RFP for various Print Services)
No PO	\$2,221.58	Structube Ltee.	Councillor's Office	Ward 1	<u>Description of Goods/Services:</u> Purchase of office furniture (2 desks, 1 conference table, 1 filing credenza) <u>Rational for non-compliance:</u> Per the Procurement Policy, client departments shall utilize all applicable City Contracts. (Corporate Contract C11-19-09 - RFP for Office Furniture)
No PO	\$5,163.30	Pinnacle Litho Inc.	Councillor's Office	Ward 4	<u>Description of Goods/Services:</u> Postcard printing and mailout services <u>Rational for non-compliance:</u> Per the Procurement Policy, client departments shall utilize all applicable City Contracts. (Corporate Contract C12-02-22 - RFP for various Print Services)
Library					
101056	\$34,485.00	H. I. Security Corp.	Library	Ward 9	<u>Description of Goods/Services:</u> Purchase of CCTV Cameras for Valley Park Library <u>Rational for non-compliance:</u> The purchase and install of the goods and services required GM approval to proceed with a Policy 11 - Non-competitive procurement which was not obtained.
Public Works					

PO No.	Amount	Name	Division	Ward	Comments
101139	\$25,000.00	Alternate Solutions Inc.	Energy, Fleet and Facilities Management	All Wards	<p><u>Description of Goods/Services:</u> Purchase of Fuel Station Software and Hardware Maintenance to replace old and obsolete equipment</p> <p><u>Procurement comment:</u> The procurement was an upgrade of hardware/software purchased to replace old/obsolete equipment. Upgrades of computer hardware and software do not fall under Schedule B - Exemptions of the Procurement By-law.</p> <p>In addition, GM approval (through the P11 Single Source process) was not obtained prior to completing the work. Per the Procurement Policy, the client department shall obtain the approval of their GM prior to City staff entering into any discussions with any vendor regarding the purchase of the good/service.</p>
99683	\$422,000.00	Viking Security Corp.	Energy, Fleet and Facilities Management	All Wards	<p><u>Description of Goods/Services:</u> Provision of Special Events Security Guard Services</p> <p><u>Rational for non-compliance:</u> The client had issued a Request for Quotations to obtain security services for special events. The services procured under the RFQ exceeded the dollar threshold allowed under Policy #5.2 - Request for Quotations.</p>



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	April 06, 2023
SUBJECT/REPORT NO:	2022 Fourth Quarter Request for Tenders and Proposals Report (FCS22048(c)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Patricia Vasquez (905) 546-2424 Ext. 5972
SUBMITTED BY:	Shelley Hesmer Acting Director, Financial Services and Taxation Corporate Services
SIGNATURE:	

COUNCIL DIRECTION

Procurement Policy, Section 4.2 – Approval Authority, Item (6) requires a quarterly status report for Request for Tenders and Request for Proposals be prepared and presented to Council.

INFORMATION

This Report provides an update on the status of active Request for Tenders and Request for Proposals and Cooperative Procurements for the fourth quarter of 2022.

Request for Tenders and Request for Proposals have been issued and awarded in accordance with the City of Hamilton Procurement Policy. Those items with a status of “Under Review” will remain on the Report until such time an award is made. Request for Tenders and Request for Proposals listed under the “Cooperative Procurements” section was entered by the City of Hamilton (City) via a Cooperative Procurement in accordance with the City’s Procurement Policy, Section 4.12 – Cooperative Procurements.

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**SUBJECT: 2022 Fourth Quarter Request for Tenders and Proposals Report
(FCS22048(c)) (City Wide) - Page 2 of 2**

Appendix "A" to Report FCS22048(c) details all Request for Tenders and Request for Proposals documents issued by the City or entered into by the City through a Cooperative Procurement. Award information is current as of December 31, 2022.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS22048(c) – 2022 Fourth Quarter Request for Tenders and Proposals Report

PV/dw

CITY OF HAMILTON
 Summary of Tenders and Proposals Issued – October 1, 2022 – December 31, 2022

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
C11-13-22	Proposal for Supply and Delivery of Digested Sludge Dewatering Polymer for Woodward Avenue Wastewater Treatment Plant	03/15/2022	SNF Canada Ltd.	1 year + 4 options	\$2,493,491.00	All Wards
C13-17-22	Tender for Main and King Combined Sewer Overflow (CSO) Outstation Rehabilitation	04/27/2022	Defaveri Group Contracting Inc.	Project Specific	\$1,155,643.11	Ward 1
C11-36-22	Proposal for Professional Engineering Consultant Services Required for the Ainslie Wood Neighbourhood Creek Separation from the Municipal Combined Sewer System Municipal Class Environmental Assessment & Conceptual Design	05/12/2022	Resilient Consulting Corp.	Project Specific	\$236,892.00	Ward 1
C1-01-22	Proposal for Digital Services Modernization Review	06/16/2022	Deloitte LLP	Project Specific	\$230,000.00	All Wards

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
C11-25-22	Proposal for Supply and Delivery of Traffic Signal Controllers and Cabinets	06/16/2022	Electromega Ltd.	1 year + 4 options	\$7,630,445.73	All Wards
C11-16-22	Proposal for Special Event Security Guard Services	06/21/2022	Lowell Security Inc. o/a Sword Management	1 year + 4 options	\$3,558,366.00	Ward 3
C12-02-22	Proposal for Supply and Delivery of Various Print Services for the City of Hamilton	07/06/2022	723318 Ontario Inc. o/a Athens Printing Art Swiaty Investments Inc. o/a Minuteman Press M&T Printing Group	2 years + 4 options	\$58,512.50 \$111,700.00 \$157,900.00	All Wards
C11-59-22	Proposal for Property Maintenance Services for Various City of Hamilton Facilities	07/12/2022	Power Property Contracting Inc.	1 year + 4 options	\$1,143,878.48	All Wards
C11-40-22	Proposal for Provision of Third Party Functional Assessment for Accessible Transit Services	07/14/2022	Bayshore HealthCare Ltd.	1 year + 4 options	\$1,115,211.08	All Wards

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
C11-63-22	Tender for the Supply and Delivery of Plow Parts for Vehicles and Equipment	07/29/2022	Viking Cives Ltd.	1 year + 4 options	\$1,483,404.98	All Wards
C11-69-22	Tender for Independent Testing Agency Required for Sewer and Watermain Cured in Place Pipe Sample Testing	08/03/2022	1211609 Ontario Ltd. o/a Paragon Systems	1 year + 4 options	\$1,083,832.04	All Wards
C11-45-22	Tender for Winter Roadway Maintenance Services	08/10/2022	KMCR Inc. Finesse Contract Ltd. Chlan's Landscaping Ltd. 1778263 Ontario Inc. Francesco Dicamillo o/a Frankie's Property Maintenance Palm Enterprises Inc.	2 years	Unit Price Contract	All Wards
C3-07-22	Proposal for City of Hamilton Workforce Strategy Review	08/15/2022	Deloitte LLP	Project Specific	\$77,495.00	All Wards

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
C11-32-22	Tender for Supply and Delivery of Liquid Sodium Chloride (Salt Brine)	08/16/2022	Eco Solutions (Milton) Inc.	1 year + 4 options	\$306,000.00	All Wards
C12-11-22	Proposal for Supply and Delivery of Business Cards, Envelopes and Letterhead	08/17/2022	M&T Printing Group	2 years + 4 options	\$5,281,817.40	All Wards
C11-42-22	Tender for Supply and Delivery of Aftermarket Small Equipment Mower Parts, Reel Mower Assembly and Rotary Blade Sharpening and Grinding	08/23/2022	Slack Reel Services Inc.	1 year + 4 options	\$477,087.41	All Wards
C18-12-22	Tender for Contractor Required for Foundation Wall and Patio Repairs at 50 Congress Crescent for CityHousing Hamilton	08/24/2022	Rainforces Ltd.	Project Specific	\$1,008,936.00	Ward 5
C11-10-22	Tender for Soil Sampling per O.Reg. 406/19	08/29/2022	Engtec Consulting Inc.	1 year + 4 options	\$195,635.50	All Wards
C13-34-22	Tender for Contractor Required to Remove Existing and Install New Play Structures at Five City Parks	09/08/2022	1312772 Ontario Inc. o/a Alpine Green Contracting	Project Specific	\$742,859.00	Wards 5, 7, 10,12, 15

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
C15-70-22 SL	Tender for Homestead Drive - Streetlighting Upgrades	09/12/2022	Fairway Electrical Services Inc.	Project Specific	\$135,585.00	Ward 11
C11-34-22	Tender for Automatic Door Operator and Mechanical Door Closure Repair and Replacement Services	09/13/2022	Royal Security Solutions Inc.	1 year + 4 options	\$606,000.00	All Wards
C18-09-22	Proposal for Repair Services for Automatic Doors for CityHousing Hamilton Properties	09/14/2022	A City Glass (1989) Inc.	1 year + 3 options	\$111,386.46	All Wards
C18-20-22	Tender for Contractor Required for Preventative Maintenance and Inspection Program, On Demand and Emergency Repair Services and Replacement of Gas Fired Furnaces for CityHousing Hamilton Properties	09/14/2022	Lancaster Group Inc.	1 year + 4 options	\$2,664,832.70	All Wards
C18-16-22	Tender for Contractor Required for Electrical Emergency Power System Modifications at 226 Rebecca St. Hamilton for CityHousing Hamilton	09/15/2022	Supply Point Inc.	Project Specific	\$488,000.00	Ward 2

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
C11-75-22	Tender for Supply and Delivery of Graco Paint Machine Parts	09/19/2022	Core Equipment Inc.	1 year + 1 option	\$154,227.00	All Wards
C11-56-22	Tender for the Supply and Delivery or Pickup of Cold Patch Asphalt Mix	09/22/2022	Black Armour Asphalt Products Inc.	1 year + 2 options	\$300,000.00	All Wards
C13-35-22	Tender for Resetting or Adjusting of Water and Wastewater Utility Structures in the City of Hamilton	09/22/2022	714794 Ontario Ltd. o/a LM Enterprises	1 year + 4 options	\$4,710,625.00	All Wards
C11-73-22	Tender for Supply and Delivery of Industrial Vacuum Truck Service and Power Wash Service	09/28/2022	Pipetek Infrastructure Services Inc. (Primary) GFL Environmental Inc. (Secondary)	1 year + 4 options	\$1,167,490.00 \$1,189,294.00	All Wards
C15-72-22 SL	Tender for Supply and Install New Streetlight Standards	09/30/2022	Hastings Utilities Contracting Ltd.	Project Specific	\$303,150.00	Ward 12
C15-73-22 SL	Tender for Streetlighting Upgrades for Three Locations	10/06/2022	Fairway Electrical Services Inc.	Project Specific	\$190,898.50	Wards 1, 6, 11

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
C3-09-22	<p>Proposal for Supply and Delivery of Yard Maintenance and Property Standards Services for the Licensing and By-law Services Division</p> <p>Section 1: Yard Maintenance</p> <p>Section 2: Property Maintenance</p>	10/11/2022	<p>Harper's Property Maintenance Corp.</p> <p>2803169 Ontario Inc. o/a JW Landscaping</p> <p>Oakridge Group Inc.</p> <p>2803169 Ontario Inc. o/a JW Landscaping</p>	1 year + 2 options	Unit Price Contract	All Wards
C15-75-22 M	Tender for Maintenance and Repairs of Various Retaining Walls as Required	10/14/2022	Oakridge Group Inc.	1 year + 2 options	\$195,566.33	All Wards
C18-21-22	Tender for Contractor Required to Overclad North and East Masonry Walls of the Mechanical Penthouse at 395 Mohawk Road East, Hamilton for CityHousing Hamilton	10/18/2022	Cabcon Contracting Ltd.	Project Specific	\$71,490.00	Ward 7

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
C11-89-22	Tender for Supply and Delivery of Two Cabover Dump Trucks	10/26/2022	PTG Mississauga Enterprises Limited Partnership o/a Premier Truck Group	Project Specific	\$285,056.00	All Wards
C12-10-22	Tender for the Supply of Preparation Services of Unaddressed and Addressed Ad-mail and other Mailing Related Services	10/27/2022	Pegasus Direct Mail Worx Inc.	2 years + 4 options	\$1,714,536.00	All Wards
C13-50-22	Tender for Stoney Creek Municipal Service Centre Cooling Tower Replacement	11/01/2022	Black & McDonald Ltd.	Project Specific	\$340,900.00	Ward 10
C5-10-22	Tender for the Supply and Delivery of Cheverlot Tahoe Special Service Vehicles	11/07/2022	Rowland Emergency Vehicle Products Inc.	Project Specific	\$396,000.00	All Wards
C15-20-22 BR	Tender for Bridge #294 Rousseaux Street Rehabilitation	11/07/2022	Urbanlink Civil Ltd.	Project Specific	\$497,500.00	Ward 12
C15-53-22 AM	Tender for Structural Repairs of the Wellington Street North Storm Sewer Outfall	11/07/2022	Lancoa Contracting Inc.	Project Specific	\$1,083,378.60	Ward 3
C11-70-22	Tender for Supply and Installation of Portable Variable Message Signs	11/08/2022	ATS Traffic Ltd.	1 year + 3 options	\$208,440.00	All Wards

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
C13-44-22	Tender for General Contracting Services for the Hamilton Children's Museum Expansion	11/18/2022	STF Construction Ltd.	Project Specific	\$5,298,245.00	Ward 3
C9-08-22	Tender for General Contractor Required for the Emergency Generator Diesel Fuel Supply Upgrades at Station 20 for Hamilton Police Services	11/23/2022	Comco Canada Ltd.	Project Specific	\$140,920.00	Ward 5
C18-13-22	Tender for Inspection and Maintenance of Fire Protection Equipment for CityHousing Hamilton	12/02/2022	Vipond Inc.	2 years + 3 options	\$1,519,484.00	All Wards
C13-54-22	Tender for Prequalified Contractor for Roof Replacement at Brampton Yard at 2200 Brampton Street in Hamilton	12/08/2022	George Roque Roofing Corp.	Project Specific	\$154,000.00	Ward 4

Contracts Cancelled

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Reason for Cancellation	Ward
C11-43-22	Tender for Supply and Delivery of Mowers of Various Configurations	05/26/2022	The open for acceptance period (the period in which bid submission pricing remains firm) of the Request for Tenders expired. A new Request for Tenders was reissued under C11-12-23 and closed on February 28, 2023	All Wards
C15-77-22 M	Tender for Remove and Replace Signs on the Lincoln Alexander Parkway	09/21/2022	All bids received were over budget. A new Request for Tenders with revised specifications will be issued in June 2023.	Ward 8
C11-94-22	Tender for Supply and Delivery of Traffic Cable and Wire	11/01/2022	No bids were received. The client department intends to issue Request for Quotations for the next year until prices stop fluctuating given the current market conditions.	All Wards
C11-71-22	Proposal for Prime Consultant Services for the Diesel Fuel Tank Upgrades at 30 Outstations	11/02/2022	Single proposal received in response to the Request for Proposals and did not meet the mandatory benchmark score. A new Request for Proposals will be issued in Q1 of 2023	Ward 4
C9-07-22	Proposal for a 2S&LGBTQIA Facilitator	11/21/2022	No bids were received. A Policy # 11 – Non-competitive Procurement was approved to single source the services.	All Wards

Contracts Pending Award

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status	Ward
C11-37-21*	Proposal for Supply and Delivery of Waste Activated Sludge Thickening and Tertiary Treatment Polymers for Woodward Avenue Wastewater Treatment Plant	01/31/2022	Closed and Under Review	All Wards
C3-03-22	Proposal for Supply and Installation of a Parking Access and Revenue Control System (PARCS)	05/04/2022	Closed and Under Review	Ward 2
C11-47-22	Proposal for Prime Consultant Services for the Low Voltage Electrical Upgrades at the Woodward Avenue Water Treatment Plant	07/20/2022	Closed and Under Review	Ward 4
C5-05-22	Proposal for Provision of Data Management Services for OSCAR Software	09/02/2022	Closed and Under Review	All Wards
C3-08-22	Proposal for Visioning and Designing New Interpretive Visitor Experiences for the Hamilton Children's Museum	09/16/2022	Closed and Under Review	Ward 3
C11-61-22	Proposal for Audio Visual Specialist for Livestreaming of Council and Sub-Committee Meetings and Equipment Support at Hamilton City Hall	09/16/2022	Closed and Under Review	Ward 2
C5-09-22	Proposal for Consultant to Coordinate the Development of a Multi-year Plan to Build Safer Communities	10/13/2022	Closed and Under Review	All Wards

Contracts Pending Award

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status	Ward
C11-72-22	Proposal for Prime Consultant Services Required for the Pre-Treatment Isolation Valves and Raw Water Control Valve Flowmeter at the Woodward Avenue Water Treatment Plant	10/13/2022	Closed and Under Review	Ward 4
C11-79-22	Tender for Triaxle Hauling for Snow Removal	10/14/2022	Closed and Under Review	All Wards
C13-10-22	Proposal for Contractor Required for the Rehabilitation of the Kenilworth Trunk Watermain	10/19/2022	Closed and Under Review	Ward 4
C13-40-22	Proposal for Supply and Installation of Commercial In Duct Air Treatment Systems in Various City of Hamilton Buildings	10/20/2022	Closed and Under Review	All Wards
C12-09-22	Revenue Generating Tender for the Removal of Scrap Metals at Various City Owned Locations	10/21/2022	Closed and Under Review	All Wards
C11-60-22	Proposal for Prime Consultant Services for the Lynden (FDL01) Well Upgrade and Other Minor Upgrades to the Lynden (HD05B) Station	10/25/2022	Closed and Under Review	Ward 12

Contracts Pending Award

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status	Ward
C1-03-22	Proposal for Equity, Diversity and Inclusion e-Learning and Experiential Training Series for staff	11/02/2022	Closed and Under Review	All Wards
C11-74-22	Tender for Supply and Delivery of One (1) Single Axle Dump Truck and One (1) Tandem Axle Dump Truck	11/09/2022	Closed and Under Review	All Wards
C11-68-22	Proposal for Glass, Mirror and Window Repair Services for City of Hamilton and CityHousing Hamilton	11/15/2022	Closed and Under Review	All Wards
C15-01-22 P	Tender for Mountain Brow Trail Initiative #4	11/17/2022	Closed and Under Review	Ward 14
C13-45-22	Tender for General Contractor Required for the Removal and Replacement of Existing Play Structure at Father Sean O'Sullivan Memorial Park	11/18/2022	Closed and Under Review	Ward 5
C11-66-22	Proposal for Prime Consultant Services Required for a New Fire and Police Station Located in Waterdown	11/23/2022	Closed and Under Review	Ward 15
C15-76-22 TR	Tender for Post and Sign Installation	11/23/2022	Closed and Under Review	All Wards

Contracts Pending Award

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status	Ward
C13-48-22	Tender for Lighting Upgrade at 330 Wentworth Street Operations	11/25/2022	Closed and Under Review	Ward 3
C15-42-22 TR	Tender for Construction of New Traffic Control and Transportation Infrastructure	11/25/2022	Closed and Under Review	Wards 1, 3, 5, 10
C12-15-22	Proposal for Supply, Delivery and Installation of Case Good Furniture	11/30/2022	Closed and Under Review	All Wards
C13-12-22	Tender for Prequalified Contractor Required for the Real Time Control Implementation – Phase 2	11/30/2022	Closed and Under Review	All Wards
C11-96-22	Tender for Supply and Delivery of Large Caliper Trees	12/13/2022	Closed and Under Review	All Wards
C11-99-22	Tender for Supply and Delivery of One Gallon and Two Gallon Container Trees	12/13/2022	Closed and Under Review	All Wards
C13-47-22	Tender for Prequalified Contractor for Metal Roof Retrofit Project at Emergency Medical Services Station #30 at 489 Victoria Avenue North in Hamilton	12/15/2022	Closed and Under Review	Ward 3

Contracts Pending Award

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status	Ward
C11-81-22	Proposal for Prime Consultant Services for the Woodward Avenue Wastewater Treatment Plant Primary Clarifiers (Galleries 1- 8) and Scum Building Upgrades	12/19/2022	Closed and Under Review	Ward 4
C11-88-22	Tender for Supply and Delivery of Single and Tandem Axle Cab and Chassis with Combination Dump Bodies of Various Configurations As and When Required	12/20/2022	Closed and Under Review	All Wards
C13-57-22	Tender for the Wentworth Operations Centre Uninterruptible Power Supply (UPS) Replacement	12/20/2022	Closed and Under Review	Ward 3
C15-68-22 W	Tender for Large Valve Replacements at Fennel Avenue and Upper Ottawa	12/20/2022	Closed and Under Review	Ward 7
C11-77-22	Tender for Supply and Delivery of Culvert Pipes and Couplers	12/21/2022	Closed and Under Review	All Wards
C13-51-22	Tender for General Contractor Required for Bullocks Corners Park Tennis Court Reconstruction	12/21/2022	Closed and Under Review	Ward 13
C13-58-22	Tender for Glanbrook Town Hall Heating, Ventilation and Air Conditioning (HVAC) Unit Replacement	12/22/2022	Closed and Under Review	Ward 11

Contracts Pending Award

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status	Ward
C11-100-22	Tender for Supply and Delivery of Vehicle Mounted Aerial and Crane Device Inspections and Repairs	01/05/2023	Not closed as of January 1, 2023	All Wards
C11-46-22	Proposal for Supply and Installation of a Computer-Aided Dispatch / Automatic Vehicle Location (CAD/AVL) System	01/10/2023	Not closed as of January 1, 2023	All Wards
C11-104-22	Tender for Roll-Off Waste Bin Services Required for Various Locations in the City of Hamilton	01/10/2023	Not closed as of January 1, 2023	All Wards
C11-106-22	Tender for Supply and Delivery of Electrical Service Panels for Traffic Operations	01/10/2023	Not closed as of January 1, 2023	All Wards
C11-91-22	Tender for Catch Basin Cleaning Services Required for the City of Hamilton	01/11/2023	Not closed as of January 1, 2023	All Wards
C15-18-22 M	Tender for Installation of Roadside Protection Devices and Fencing as Required	01/11/2023	Not closed as of January 1, 2023	All Wards
C13-52-22	Tender for LED Lighting Upgrade at Dundas Town Hall and Fire Station 5	01/12/2023	Not closed as of January 1, 2023	Wards 6, 13

Contracts Pending Award

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status	Ward
C13-46-22	Tender for Contractor required for Phase 1 and Phase 2 of Metal Roof Replacement at Mohawk 4 Ice Centre	01/13/2023	Not closed as of January 1, 2023	Ward 6
C15-34-22 HW	Tender for Mountain Park Avenue Reconstruction	01/16/2023	Not closed as of January 1, 2023	Ward 7
C15-74-22 TR	Tender for Installation of Traffic Signal Railway Interconnects	01/17/2023	Not closed as of January 1, 2023	All Wards
C13-06-22	Proposal for Condition Assessment of Large Diameter Pre-Stressed Concrete Cylinder Pipe (PCCP) and Metallic Watermains in the City of Hamilton	01/18/2023	Not closed as of January 1, 2023	All Wards
C15-71-22 H	Tender for Kenilworth Avenue Rockfall Drapery Mesh Installation	01/18/2023	Not closed as of January 1, 2023	Wards 3, 4, 6
C9-09-22	Tender for the Upgrade of Boiler Units at 2825 King Street East Police Station 20	01/19/2023	Not closed as of January 1, 2023	Ward 5
C13-53-22	Tender for City Hall Garage Repairs	01/19/2023	Not closed as of January 1, 2023	Ward 2

Contracts Pending Award

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status	Ward
C5-01-22	Proposal for Supply and Delivery of Pharmaceutical Services for Macassa and Wentworth Lodge	01/20/2023	Not closed as of January 1, 2023	Wards 7, 13
C11-65-22	Tender for Supply and Delivery of Two-Wheel Drive (2WD) and All-Wheel Drive (AWD) Electric Sport Utility Vehicles (SUV's)	01/20/2023	Not closed as of January 1, 2023	All Wards
C15-82-22 P	Tender for Victoria Park Improvements - Spray Pad and Sun Shelter	01/20/2023	Not closed as of January 1, 2023	Ward 1
C13-60-22	Tender for Roof Top Units (RTUs) Replacement at Fire Prevention Administration Building & Fire Station 4	01/25/2023	Not closed as of January 1, 2023	Wards 2, 7

*C11-37-21 was incorrectly reported as 'Awarded' to Northland Chemical Inc. in the second quarter (Report FCS22048(a)). This report reflects the corrected information as "Pending Award".

Cooperative Procurements

City Contract Reference	Contract Title	Cooperative Group	Effective Date (mm/dd/yyyy)	Vendor	Term	Estimated City Spend	Ward
C17-08-22	Next Day or Best Available Courier Services	Ontario Shared Services	11/01/2022	Purolator Courier Ltd.	3 years + 2 options	\$256,000.00	All Wards
C17-10-22	Curbside, Multi-Residential and Depot Waste Composition Studies	Stewardship Ontario and Continuous Improvement Fund	11/01/2022	AET Group Inc.	1 year	\$24,825.00	All Wards



Hamilton

CITY OF HAMILTON

Vision

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

HAMILTON INDIGENOUS ADVISORY COMMITTEE Terms of Reference¹

Preamble: This document uses the format and content typically used by the City of Hamilton for its advisory committees, but this Committee’s work should be understood to have vital cultural traditions and teachings at its core. These may not be obvious in this document, but they are part of this Committee’s approach and philosophy and how it pursues an effective path and a meaningful future through its work. The Committee respects a whole-world view that recognizes each individual’s interconnectedness and also their contributions to the collective wellbeing of the whole. Balance, harmony, peace and justice are valued concepts within this philosophy.

COMMITTEE MANDATE

The Indigenous Advisory Committee assists the City of Hamilton to honour and engage its Indigenous citizens in the pursuit of the City’s vision by providing advice and/or recommendations, through the appropriate Standing Committee of Council, that enhance the wellbeing of Indigenous people and/or resolve municipal issues.

The Committee supports the City of Hamilton’s Urban Indigenous Strategy and the successful and meaningful implementation of its Strategic Actions.

The Committee envisions a future where Hamilton is an inclusive and culturally-aware community, where issues of importance to Indigenous peoples living here are addressed proactively, effectively and respectfully on the municipal agenda.

COMMITTEE OBJECTIVES

- to assist the City in achieving and demonstrating progress or positive change in support of the equitable economic, social, health and overall wellbeing of Indigenous citizens;
- to provide a forum and mechanism for coordinated dialogue and consultation between and among Indigenous leaders and other stakeholders, acting as a catalyst for the

¹ The Terms of Reference for the Hamilton Indigenous Advisory Committee were approved by Council on September 22, 2014. The Selection Process and Composition sections were amended on July 10, 2015; and further amended on September 5, 2019. The committee name and terminology were revised February 23, 2022.

development of positive relationships and open, transparent dialogue between and among the City and these stakeholders; and,

- to offer input, advice and recommendations, through the Audit, Finance & Administration Committee, informed by stakeholder consultation, to support the City in determining effective municipal strategies and/or policies on issues of importance to Indigenous peoples.

COMMITTEE VALUES

In fulfilling our mandate, members of the Committee uphold the following values of collective and individual importance: trust, respect, unity, truthfulness, inclusiveness, pride and empowerment. In our collective work with the City and with Indigenous stakeholders, members of the Committee seek relationships that are sustained by mutual respect and flexibility and that lead to constructive solutions, productive outcomes and improved opportunities for Indigenous peoples. We value increased visibility and recognition of the importance of Indigenous peoples and cultures, as a means to eliminating stereotypes.

SELECTION PROCESS

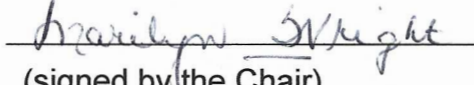
The selection process for the Indigenous Advisory Committee is to include the local Hamilton Indigenous Community, which will recommend to Council the appointment of residents from the Hamilton Indigenous community, to sit on the Hamilton Indigenous Advisory Committee.

COMPOSITION

The Advisory Committee will be comprised of seven (7) to nine (9) citizen appointees from the urban Indigenous community in Hamilton.



CITIZEN COMMITTEE REPORT

TO:	Chair and Members Audit, Finance and Administration Committee	
From:	Marilyn Wright Indigenous Advisory Committee	 (signed by the Chair)
Date:	March 23, 2023	
Re:	Revised Terms of Reference for the Indigenous Advisory Committee (IAC23001)	

Recommendation:

That the Indigenous Advisory Committee revised Terms of Reference attached as Appendix "A" to Report IAC23001 be approved.

Background:

The Indigenous Advisory Committee (IAC) was established to work in collaboration with the City of Hamilton on issues affecting the local Indigenous community. The committee's Terms of Reference was last updated in 2022 (with minor revisions to terminology) and approved by Council.

During the September 1, 2022 and February 2, 2023 meetings, the IAC reviewed its Terms of Reference and recommend the following changes:

- add a statement to the mandate that more clearly connects the work of the committee to furthering the Urban Indigenous Strategy (UIS)
- refine the composition of committee membership to representatives of the Indigenous community in Hamilton

Analysis/Rationale:

In accordance with the need for volunteer advisory committees to review their terms of reference annually, the September 2022 and February 2023 meetings incorporated a discussion of the current IAC mandate and structure.

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POLICY TITLE: Private Water Service Line Leak Wastewater Bill Adjustment Policy

POLICY NO: PP-015

LAST REVISION DATE: N/A

EFFECTIVE DATE: May 1, 2023

MANAGER REVIEWED: Kirk Weaver

TO BE REVIEWED: May 2028

MAINTENANCE RESPONSIBILITY: Financial Planning, Administration and Policy Division

I GENERAL

The City of Hamilton's Private Water Service Line Leak Wastewater Bill Adjustment Policy (Policy) provides customers who utilize City water services the opportunity to request adjustments of wastewater bills and associated fees, penalties and interest accrued, when wastewater / storm billings increase significantly, as a result of private watermain / service line leak(s), where the leak(s) are downstream of the property's water meter. An adjustment would only occur where Hamilton Water determines that the leaking water from the private watermain / service line leak(s) likely did not enter the City's sanitary sewer, storm sewer or combined sewer system.

II BACKGROUND

As outlined by the City's Waterworks By-law, the City's ownership and maintenance obligations for the water distribution system includes the public watermains and the portion of the water service line up to and including the water curb stop located at the property line. The water meter is owned and maintained by the City.

The property owner is responsible for the private watermain / service line from the water curb stop to the structure, as well as, the premise plumbing and fixtures. It is the customer's responsibility to keep their water lines and plumbing system in good working order. However, the City recognizes that water leaks do occur from time to time. Water leaks that occur downstream of a property's water meter will affect the property's water bills. Water meters may be located at the property line typically in underground chambers for some multi-residential and industrial, commercial and institutional (ICI) properties.

The Policy sets out specific eligibility criteria that a customer must meet in order to qualify for a billing adjustment due to increased wastewater / storm billings related to downstream private watermain / service line leaks. As wastewater / storm billings are based on potable water usage, the Policy aims to ensure that fundamental user fee principles related to Water/Wastewater services are maintained.

III POLICY

PURPOSE

To provide staff with the delegated authority to make decisions on bill adjustments related to private watermain / service line leaks supporting the principle of a user-pay water and wastewater / storm system. A user fee is a charge imposed by the City for the primary purpose of covering the cost of providing a service, directly raising funds from those who benefit from the public good or service being provided. The Policy recognizes that water from private watermain / service line breaks may not enter into the City's sanitary sewer, storm sewer or combined sewer system and therefore, should not be subject to wastewater treatment charges.

DEFINITIONS

For the purposes of this Policy, the following definitions apply:

abnormally high water usage: Water and wastewater / storm billing for a City of Hamilton customer where the recorded metered water consumption for the customer is two (2) or more times greater than the historical daily average consumption of that customer for the same property and for a similar time period from the previous year.

leak: An unintentional water loss caused by broken and / or malfunctioning plumbing fixtures and / or pipes within a residence or building. A leak occurs when there is a failure of the plumbing system to do what it was designed to do.

vacant: Regardless of the presence of furnishings, a vacant dwelling and / or building means the occupants have moved out with no intent to return. A newly constructed dwelling and / or building is also considered to be vacant after it is completed and before the occupants move in. A dwelling and / or building is also vacant when the occupants move out and before any new occupant moves in.

REQUIREMENTS FOR WASTEWATER / STORM BILLING ADJUSTMENTS

Under this Policy, a credit adjustment may be available up to a maximum of twelve (12) months and \$100 K to qualifying City wastewater / storm customers who experience a private watermain / service line leak when determined by the City that the water did not enter the City's sanitary sewer, storm sewer or combined sewer system. Adjustments for amounts exceeding \$100 K are to be brought forward for the consideration of the Audit, Finance and Administration (AFA) Committee.

Adjustment Amount (Credit) – The customer's wastewater / storm billings may be adjusted based on the amount of water associated with the private watermain / service line leak(s) costed at the applicable year's wastewater rates.

To qualify for such determination:

- It is the property owner's responsibility to keep the private watermain / service line and their plumbing system in good working order.

- To qualify for a service line leak adjustment, the eligible watermain / service line leak(s) must generate a minimum additional charge of at least two (2) times the average of the past twelve (12) months' bills.
- An adjustment would only occur where Hamilton Water determines that the leaking water from private watermain / service line leak(s) likely did not enter the City's sanitary sewer, storm sewer or combined sewer system.
- The customer agrees to permit City personnel to access the customer's property to conduct inspections and determine that the leakage did not enter the City's sanitary sewer, storm sewer or combined sewer system.
- Upon receipt of an abnormally high water bill, the customer has actively attempted to address the leakage in a reasonable timeframe. The claim must be accompanied by proof that the leak(s) has been repaired before an adjustment will be made (i.e. copy of invoice for materials, contractor invoice).

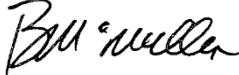
OTHER CONDITIONS / EXCLUSIONS

- Water loss due to theft, vandalism or construction damage is not eligible for relief under this Policy. Resolving these issues is the responsibility of the customer.
- Leaks associated with structures that have been left or abandoned. In accordance with the Waterworks By-law, for all long-term vacant properties, the water service should be shut off at the property line.
- Leaks on irrigation systems or irrigation lines.
- Filling of water features, fountains or fish ponds, or leaks associated with water features.
- Filling of or leaks associated with and / or general water usage associated with outdoor recreational activities such as, but not limited to, hot tubs, pools, slip-n-slides and sprinklers.
- Watering of lawns or gardens and washing or pressure-washing driveways, cars, windows or siding of any structure.
- Water loss due to theft, vandalism or construction damage.

The Customer is required to keep their water and wastewater / storm account current with payment in full or establish a payment arrangement pending consideration in order to be eligible for billing adjustments under this Policy. Any unpaid amounts under appeal will be treated in the same manner as all other unpaid accounts so that collection activity continues as per the City's Water and Wastewater / Storm Arrears Policy.



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

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	April 6, 2023
SUBJECT/REPORT NO:	Private Water Service Line Leak Wastewater Bill Adjustment Policy (FCS23030) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Katie Black (905) 546-2424 Ext. 6415 John Savoia (905) 546-2424 Ext. 7298
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the Private Water Service Line Leak Wastewater Bill Adjustment Policy, effective May 1, 2023, attached as Appendix "A" to Report FCS23030, be approved;
- (b) That the subject matter respecting the development of a policy to provide staff delegated authority to make decisions on bill adjustments related to private watermain / service line leak(s), be identified as complete and removed from the Audit, Finance and Administration Committee Outstanding Business List.

EXECUTIVE SUMMARY

The Audit, Finance and Administration (AFA) Committee, at its meeting on January 19, 2023, received a presentation from Wentworth Condominium Corporation (WCC) #128 regarding watermain / service line leaks that had occurred at 860 Rymal Road East, Hamilton which resulted in significant water and wastewater / storm charges. Staff has been directed to report back to the AFA Committee on the development of policy for staff to address such circumstances in the future.

**SUBJECT: Private Water Service Line Leak Wastewater Bill Adjustment Policy
(FCS23030) (City Wide) – Page 2 of 5**

The City of Hamilton's (City's) Private Water Service Line Leak Wastewater Billing Adjustment Policy (Policy) is submitted for Council's consideration. The Policy provides customers who utilize City water services the opportunity to request adjustments of wastewater / storm bills and associated fees, penalties and interest accrued, when wastewater / storm billings increase significantly, as a result of private watermain / service line leak(s), where the leak(s) are downstream of the property's water meter. An adjustment would only occur where Hamilton Water determines that the leaking water from private watermain / service line leaks likely did not enter the City's sanitary sewer, storm sewer or combined sewer system.

The recommended Policy attached as Appendix "A" to Report FCS23030 is premised on user fee principles. A user fee is a charge imposed by the City for the primary purpose of covering the cost of providing a service, directly raising funds from those who benefit from the public good or service being provided. The Policy recognizes that water arising from private watermain / service line breaks may not enter into the City's sanitary sewer, storm sewer or combined sewer system and, therefore, should not be subject to wastewater treatment charges.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Given the limited number of properties with the water meter located at the property line (approximately 1,300 of a total 158,000 metered accounts), it is not expected that there will be a significant impact to the City's wastewater revenues.

Staffing: No anticipated impact.

Legal: N/A

HISTORICAL BACKGROUND

As outlined by the City's Waterworks By-law, the City's ownership and maintenance obligations for the water distribution system includes the public watermains and the portion of the water service line up to and including the water curb stop located at the property line. The water meter is owned and maintained by the City.

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: Private Water Service Line Leak Wastewater Bill Adjustment Policy (FCS23030) (City Wide) – Page 3 of 5

The property owner is responsible for the private watermain / service line from the water curb stop to the structure, as well as, the premise plumbing and fixtures. It is the customer's responsibility to keep their water lines and plumbing system in good working order. However, The City recognizes that water leaks do occur from time to time. Water leaks that occur downstream of a property's water meter will affect the property's water bills. Water meters may be located at the property line typically in underground chambers for some multi-residential and industrial, commercial and institutional (ICI) properties (approximately 1,300 of a total 158,000 metered accounts have the water meter located at the property line).

Significant service line breaks downstream of a property's water meter have occurred in the past and resulted in a handful of appeals to the AFA Committee over the past 15 years for financial relief from the resulting high water and wastewater / storm charges.

The AFA Committee, at its meeting on January 19, 2023, received a presentation from Wentworth Condominium Corporation (WCC) #128 regarding watermain / service line leaks that had occurred at 860 Rymal Road East Hamilton which resulted in significant water and wastewater / storm charges. Staff has been directed to report back to the AFA Committee on the development of policy for staff to address such circumstances in the future.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The recommended Policy supports the principle of a user-pay water and wastewater / storm system.

RELEVANT CONSULTATION

Public Works Department – Hamilton Water Division has been consulted in the preparation of Report FCS23030.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The recommended Policy attached as Appendix "A" to Report FCS23030 is premised on user fee principles. A user fee is a charge imposed by the City for the primary purpose of covering the cost of providing a service, directly raising funds from those who benefit from the public good or service being provided. The Policy recognizes that water arising from private watermain / service line breaks may not enter into the City's sanitary sewer, storm sewer or combined sewer system and, therefore, should not be subject to wastewater treatment charges.

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**SUBJECT: Private Water Service Line Leak Wastewater Bill Adjustment Policy
(FCS23030) (City Wide) – Page 4 of 5**

The following are qualifications for consideration of the Policy:

- It is the property owner's responsibility to keep the private watermain / service line and their plumbing system in good working order.
- To qualify for a service line leak adjustment, the eligible private watermain / service line leak must generate a minimum additional charge of at least two times the average of the past 12 months' bills.
- An adjustment would only occur where Hamilton Water determines that the leaking water from private watermain / service line leak(s) likely did not enter the City's sanitary sewer, storm sewer or combined sewer system.
- The customer agrees to permit City personnel to access the customer's property to conduct inspections and determine that the leakage did not enter the City's sanitary sewer, storm sewer or combined sewer system.
- Upon receipt of an abnormally high water bill, the customer has actively attempted to address the leakage in a reasonable timeframe. The claim must be accompanied by proof that the leak has been repaired before an adjustment will be made (i.e. copy of invoice for materials, contractor invoice).
- In the event of a qualifying leak adjustment, the credit adjustment for wastewater / storm charges is subject to a maximum of 12 months and \$100 K. Adjustments for amounts exceeding \$100 K are to be brought forward for the consideration of the AFA Committee.
- The customer's wastewater / storm billings may be adjusted based on the amount of water associated with the service line leak(s) costed at the applicable year's wastewater rates.

Adjustments on bills will not be provided where:

- Leaks associated with structures that have been left or abandoned. In accordance with the Waterworks By-law, for all long-term vacant properties, the water service should be shut off at the property line.
- Leaks on irrigation systems or irrigation lines.
- Filling of water features, fountains or fish ponds, or leaks associated with water features.
- Filling of or leaks associated with and / or general water usage associated with outdoor recreational activities such as, but not limited to, hot tubs, pools, slip-n-slides and sprinklers.
- Watering of lawns or gardens and washing or pressure-washing driveways, cars, windows or siding of any structure.
- Water loss due to theft, vandalism or construction damage.

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**SUBJECT: Private Water Service Line Leak Wastewater Bill Adjustment Policy
(FCS23030) (City Wide) – Page 5 of 5**

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

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

Clean and Green

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

People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report FCS23030 – Private Water Service Line Leak Wastewater Bill Adjustment Policy

KB/JS/dt



Hamilton

HMRF/HWRF PENSION ADMINISTRATION SUB-COMMITTEE

REPORT 23-001

9:30 a.m.

Thursday, March 30, 2023

Room 264, 2nd Floor

Hamilton City Hall

71 Main Street West

Present: Councillors C. Cassar (Chair) and A. Wilson
HMRF Members: D. Skarratt (Co-Vice-Chair) and D. Alford
HWRF Members: R. Slack (Co-Vice-Chair)

Regrets: HWRF Members: H. Hicks and J. Garchinski

THE HMRF-HWRF PENSION ADMINISTRATION SUB-COMMITTEE PRESENTS REPORT 23-001 AND RESPECTFULLY RECOMMENDS:

1. Appointment of Chair and Co-Vice-Chairs (Item 1)

- (a) That Councillor Craig Cassar be appointed Chair of the HMRF-HWRF Pension Administration Sub-Committee for 2022-2026.
- (b) That Don Skarratt (HMRF) be appointed Co-Vice-Chair of the HMRF-HWRF Pension Administration Sub-Committee.
- (c) That Robert Slack (HWRF) be appointed Co-Vice-Chair of the HMRF-HWRF Pension Administration Sub-Committee.

2. Hamilton Municipal Retirement Fund (HMRF) Valuation at December 31, 2021 (FCS23003) (City Wide) (Item 8.1)

That Report FCS23003, respecting Hamilton Municipal Retirement Fund (HMRF) Valuation at December 31, 2021, be received.

3. Hamilton Wentworth Retirement Fund (HWRF) Valuation at December 31, 2021 (FCS23005) (City Wide) (Item 8.2)

That Report FCS23004, respecting Hamilton Wentworth Retirement Fund (HWRF) Valuation at December 31, 2021, be received.

4. Consent Items (Item 9)

That the following Consent Items, be received:

- (a) 2021 Hamilton Municipal Retirement Fund Financial Statements (FCS23002) (City Wide) (Item 9.1)
- (b) 2021 Hamilton Wentworth Retirement Fund Financial Statements (FCS23004) (City Wide) (Item 9.2)
- (c) Master Trust Pension Investment Performance Report as at December 31, 2021 (FCS21091(a)) (City Wide) (Item 9.3)
- (d) Master Trust Pension Investment Performance Report as at June 30, 2022 (FCS23044) (City Wide) (Item 9.4)
- (e) Master Trust Pension Investment Performance Report as at December 31, 2022 (FCS23044(a)) (City Wide) (Added Item 9.5)

5. 2022 Master Trust Pension Statement of Investment Policies and Procedures (FCS23009) (City Wide) (Item 10.1)

- (a) That Appendix "A" to HMRP-HWRF Pension Administration Sub-Committee Report 23-001, respecting the 2022 City of Hamilton Defined Benefit Pension Plans Master Trust Statement of Investment Policies and Procedures, be approved and replace the previous 2021 City of Hamilton Defined Benefit Pension Plans Master Trust Statement of Investment Policies and Procedures contained in Report FCS21095 and approved by Council on December 15, 2021;
- (b) That Appendix "A" to HMRP-HWRF Pension Administration Sub-Committee Report 23-001, respecting the 2022 City of Hamilton Defined Benefit Pension Plans Master Trust Statement of Investment Policies and Procedures, be forwarded to the Hamilton Street Railway Pension Advisory Committee for their information.

6. Hamilton Municipal Retirement Fund (HMRF), Hamilton Wentworth Retirement Fund (HWRF) Plan Wind-Up (FCS23006) (City Wide) (Item 10.2)

- (a) That the General Manager, Finance and Corporate Services Department, or their designate, be authorized to explore the option of winding up the Hamilton Municipal Retirement Fund (HMRF) and Hamilton Wentworth Retirement Fund (HWRF) pension plans, including performing a survivor audit and mortality study and any other studies necessary; and,
- (b) That staff report back to the HMRF/HWRF Pension Administration Committee on pricing estimates to purchase annuities from an insurance company that will provide HMRF and HWRF plan members with the same level of benefit that is currently being provided under their respective pension plans.

FOR INFORMATION:**(a) APPROVAL OF AGENDA (Item 2)**

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

5. COMMUNICATIONS (Item 5)

- 5.1 Jim Garchinski, respecting Resignation from HMRF-HWRF Pension Administration Committee

Recommendation: Be received and referred to staff for appropriate action.

9. CONSENT ITEMS (Item 9)

- 9.5 Master Trust Pension Investment Performance Report as at December 31, 2022 (FCS23044(a)) (City Wide)

The agenda for the March 30, 2023 meeting of the HMRF/HWRF Pension Administration Sub-committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**(i) December 1, 2021 (Item 4.1)**

Consideration of the December 1, 2021 Minutes of the HMRF-HWRF Pension Administration Sub-Committee, was deferred until after consideration of Item 8.2.

For further disposition of this matter, refer to Item (f)(i).

(d) PRESENTATIONS / STAFF PRESENTATIONS (Item 8)**(i) Hamilton Municipal Retirement Fund (HMRF) Valuation at December 31, 2021 (FCS23003) (City Wide) (Item 8.1)**

Bill Liu, Willis Towers Watson, addressed Committee respecting Hamilton Municipal Retirement Fund (HMRF) Valuation at December 31, 2021, with the aid of a presentation.

The presentation from Bill Liu, Willis Towers Watson, respecting Hamilton Municipal Retirement Fund (HMRF) Valuation at December 31, 2021, was received.

(ii) Hamilton Wentworth Retirement Fund (HWRF) Valuation at December 31, 2021 (FCS23005) (City Wide) (Item 8.2)

Mark Pearson, AON, addressed Committee respecting Hamilton Wentworth Retirement Fund (HMRF) Valuation at December 31, 2021, with the aid of a presentation.

The presentation from Mark Pearson, AON, respecting Hamilton Wentworth Retirement Fund (HMRF) Valuation at December 31, 2021, was received.

(e) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4) - CONTINUED**(i) December 1, 2021 (Item 4.1) - CONTINUED**

The December 1, 2021 Minutes of the HMRF / HWRF Pension Administration Sub-Committee meeting was approved, as presented.

For further disposition of this matter, refer to Item (d)(i).

(f) ADJOURNMENT (Item 15)

There being no further business, the HMRP/HWRF Pension Administration Sub-Committee was adjourned at 10:49 a.m.

Respectfully submitted,

Councillor C. Cassar
HMRP/HWRF Pension Administration
Sub-Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk

Statement of Investment Policies and Procedures

City of Hamilton Defined Benefit Pension Plans Master Trust

December 2022

APPROVED on this day of _____, 2023

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Section 1—Overview

1.01 Purpose of Statement

This Statement of Investment Policies and Procedures (the “Policy” or “Master Trust SIPP”) provides the framework for the investment of the assets of the City of Hamilton Defined Benefit Pension Plans Master Trust (the “Master Trust”).

This Policy is based on the “prudent person portfolio approach” to ensure the prudent investment and administration of the assets of the Master Trust are within the parameters set out in the *Pension Benefits Act*, (Ontario) and the Regulations thereunder.

1.02 Background of the Master Trust

The inception date of the Master Trust is November 1, 1999, when three defined benefit pension plans, the “Plans”, (the Hamilton Municipal Retirement Fund (Registration number 0275123), the Hamilton Street Railway Pension Plan (1994) (Registration number 0253344), and the Hamilton Wentworth Retirement Fund (Registration number 1073352)) invested in units of the Master Trust. The portfolio of assets in the Master Trust is referred to as “the Fund”. These Plans hold units of the Master Trust and share, on a pro-rata basis, in all income, expenses and capital gains and losses of the Master Trust.

For reference purposes, the details of the Statement of Investment Policies and Procedures for each of the above mentioned Plans participating in the Master Trust have been attached to Appendix A of this Policy.

1.03 Objective of the Plan

The objective of the Plans is to provide members of the Plans with retirement benefits prescribed under the terms thereof.

1.04 Investment and Risk Philosophy

The primary investment objective is to provide an economic return on assets sufficient to fund Plan liabilities over the long-term, while adhering to prudent investment practices.

The investment philosophies and strategies must take into account both return and risk objectives of the Plans and the City of Hamilton (the “City”).

In recognition of the risk and return objectives of the Plans and the City, an initial asset allocation policy was developed by the Investment Consultant in consultation with both the Chief Investments Officer and the Treasurer of the City (the “Treasurer”) based on the Plans’ current (at that time) funded status and the characteristics of the Plans and City. It is recognized, however, that the Plans’ return requirements and risk tolerance will change over time, and the intent is to reallocate the portfolio to lower risk allocations dynamically as the Plans’ funded statuses improve.

1.05 Administration

The General Manager of Finance and Corporate Services for the City (“General Manager of Finance and Corporate Services”) is the designated contact person at the City for administrative purposes.

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Section 2—Asset Mix and Diversification Policy

2.01 Master Trust Return Expectations

Each of the investment managers appointed to invest the assets of the Master Trust (the “Investment Managers”) is directed to achieve a satisfactory long-term real rate of return through a diversified portfolio, consistent with acceptable risks, performance objectives and prudent management.

In order to achieve their long-term investment goals, the Plans must invest in assets that have uncertain returns, such as Canadian equities, foreign equities and bonds. However, the City attempts to reduce the overall level of risk by diversifying the asset classes and further diversifying within each individual asset class. Based on historical data and reasonable expectations for future returns, the City believes that a diversified portfolio of Canadian equities, nominal bonds, real return bonds and foreign equities will likely outperform over the long term.

The overall goal of this Policy is to maximize the return of the Fund while bearing a reasonable level of risk relative to the liabilities in order to ensure the solvency of the Fund over time. The assets of the Plans are sufficiently liquid to make payments which may become due from the Plans. The weights applied to each of the asset classes are based on the targets in the initial asset allocation outlined in Section 2.03 and adjusted based on the target allocation in the Dynamic Investment Policy Schedule in Section 2.03.

2.02 Expected Volatility

The volatility of the Master Trust is directly related to its asset mix, specifically, the balance between Canadian bonds, Canadian equities and foreign equities. Since the Investment Managers do not have the authority to make any type of leveraged investment on behalf of the Master Trust, the volatility of the Master Trust should be similar to the volatility of the Benchmark Portfolio set out in Section 4.02 (Performance Measurement).

2.03 Asset Mix

(a) In order to achieve the long-term objective within the risk/return considerations described in Section 1.04, the following asset mix policy (Benchmark Portfolio) and ranges were selected for the initial asset allocation:

Assets	Minimum %	Initial Target Weight %	Maximum %	Asset Category
Canadian Equity	25	30	35	Return-Seeking
Global Equity	25	30	35	Return-Seeking
Total Equities	50	60	70	Return-Seeking
Fixed Income	30	40	50	Liability-Hedging

For purpose of the total asset mix described above, the Investment Managers’ asset class pooled funds are deemed to be 100% invested, even though these funds may contain a portion held in cash and cash equivalent instruments.

The Plan’s target asset allocation¹ for each investment category listed in subsection 76(12) of the Regulation 909 to the Pension Benefits Act (Ontario) is as follows:

PfAD Table

Investment Category under subsection 76(12) of Regulation 909	Target Asset Allocation*	Accessed through mutual or pooled or segregated funds
1. Insured Contracts	0.0%	-
2. Mutual or pooled funds or segregated funds	N/A	-
3. Demand deposits and cash on hand	0.0%	-
4. Short-term notes and treasury bills	0.0%	-
5. Mortgage Loans	0.0%	-
6. Mortgage Loans	0.0%	-
7. Real Estate	0.0%	-
8. Real Estate Debentures	0.0%	-
9. Resource properties	0.0%	-
10. Venture Capital	0.0%	-
11. Corporations referred to in subsection 11(2) of Schedule III to the federal investment regs	0.0%	-
12. Employer issued securities	0.0%	-
13. Canadian stocks other than investments referred to in 1 to 12 above	23.0%	Yes
14. Non-Canadian stocks other than investments referred to in 1 to 12 above	22.0%	Yes
15. Canadian bonds and debentures other than investments referred to in 1 to 12 above	55.0%	Yes
16. Non-Canadian bonds and debentures other than investments referred to in 1 to 12 above	0.0%	-
17. Investments other than investments referred to in 1 to 16 above	0.0%	-

For inclusion within a fixed income investment category in the above table, the minimum ratings for target asset allocations of fixed income assets are outlined below. This framework is used to inform whether the target asset allocation to an investment category qualifies as fixed income for purposes of calculating the Provision for Adverse Deviations (PfAD) as defined under Regulation 909.

Credit Rating Agency	Rating – Bond Market Securities	Rating – Money Market Securities
DBRS	BBB	R-2 (middle)
Fitch Ratings	BBB-	F-3
Moody’s Investors Services	Baa3	P-3
Standard & Poor’s	BBB-	A-3

- (b) **Return-Seeking Assets:** These assets generally will consist of all non-fixed income investments, such as equities and alternatives, with a main focus on price appreciation with generally higher expected long-term returns.
- (c) **Liability-Hedging Assets:** These assets generally will be fixed-income investments, such as bonds, with similar duration characteristics as the pension liabilities (i.e., these assets generally behave like pension liabilities). Since these assets focus mainly on current income, their expected long-term returns will generally be lower than return-seeking assets.
- (d) **Sub-Allocations and Rebalancing Ranges:** The sub-allocations and rebalancing ranges within the return-seeking portfolio will be reviewed from time to time as the total return-seeking allocation changes due to the Dynamic Investment Policy Schedule below. The rebalancing ranges for the total return-seeking assets and liability-hedging

* The target asset allocation indicated in the PfAD table is based on the glidepath positioning as of June 30, 2022.

assets (fixed income) are also determined by the Dynamic Investment Policy Schedule below.

- (e) In recognition of the risk and return objectives of the Plans and the City, an initial asset allocation policy was developed by the Investment Consultant in consultation with both the Chief Investments Officer and the Treasurer based on the Plans’ current (at that time) funded status and the characteristics of the Plans and City. It is recognized, however, that the Plans’ return requirements and risk tolerance will change over time, and the intent is to reallocate the portfolio to lower risk allocations dynamically as the Plans’ funded statuses improve.

Based on an assessment of the Plans’ long-term goals and desired risk levels, the HMRF/HWRF Pension Administration Sub-Committee (following advice from the Investment Consultant) recommended to City Council a “Dynamic Investment Policy” which was subsequently approved by City Council. The Dynamic Investment Policy was developed by the Investment Consultant in consultation with the Chief Investments Officer and the Treasurer, and is based on the 2010 Dynamic Investment Policy Study which was conducted by the Investment Consultant.

The Dynamic Investment Policy dynamically adjusts the allocation to return-seeking assets and liability-hedging assets as the Plans’ funded statuses improve. Funded status may change due to any combination of investment returns, contributions, benefit payments, fund expenses, and changes to liabilities (including discount rate changes).

This Policy is based on the results of the 2010 Dynamic Investment Policy Study and the Dynamic Investment Policy Schedule is as follows:

Funded Ratio ^{1 2}	Return -Seeking Allocation		
	Minimum	Target	Maximum
<65%	50%	60%	70%
65%	50%	60%	70%
66%	50%	60%	70%
67%	50%	60%	70%
68%	50%	60%	70%
69%	50%	60%	70%
70%	50%	60%	70%
71%	49%	59%	69%
72%	47%	57%	67%
73%	46%	56%	66%
74%	44%	54%	64%
75%	43%	53%	63%
76%	41%	51%	61%
77%	40%	50%	60%
78%	38%	48%	58%
79%	37%	47%	57%
80%	35%	45%	55%
81%	34%	44%	54%
82%	32%	42%	52%
83%	31%	41%	51%

Return -Seeking Allocation			
Funded Ratio ^{1 2}	Minimum	Target	Maximum
84%	29%	39%	49%
85%	28%	38%	48%
86%	26%	36%	46%
87%	25%	35%	45%
88%	23%	33%	43%
89%	22%	32%	42%
90%	20%	30%	40%
91%	19%	29%	39%
92%	17%	27%	37%
93%	16%	26%	36%
94%	14%	24%	34%
95%	13%	23%	33%
96%	11%	21%	31%
97%	10%	20%	30%
98%	8%	18%	28%
99%	7%	17%	27%
100%	5%	15%	25%
>100%	5%	15%	25%

¹ Funded ratio defined on a Wind-up basis.

² Funded ratio will change based on any combination of investment returns, contributions, benefits payments, expenses and changes in liabilities.

Sub-Allocations: The sub-allocations within the liability hedging and return seeking categories will be drawn down approximately based on the table below. However, allocations to illiquid assets may be adjusted at a slower rate. Sub-allocations should be within 5% of their targets. The sub-allocations will be adjusted proportionately when the return-seeking allocation is between the levels listed in the table below.

	Return Seeking		Liability Hedging	
	Canadian Equity	Global Equity	Long-Term Bonds	Real Return Bonds
15% return seeking	8%	7%	11%	74%
20% return seeking	10%	10%	12%	68%
25% return seeking	13%	12%	14%	61%
30% return seeking	15%	15%	15%	55%
35% return seeking	18%	17%	17%	48%
40% return seeking	20%	20%	18%	42%
45% return seeking	23%	22%	20%	35%
50% return seeking	25%	25%	21%	29%
55% return seeking	28%	27%	23%	22%
60% return seeking	30%	30%	25%	15%

Duration Strategy: Based on the Dynamic Investment Policy Study completed in 2010, the portfolio interest rate dollar duration will increase as the funded status improves and the allocation to liability hedging assets increases. Interest rate derivatives may be used on either a strategic or opportunistic basis to mitigate risk by increasing the hedge ratio up to 100%. This will be at the discretion of the Administrator and based on the duration of the Plan's liabilities.

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Rebalancing and Monitoring: A systematic rebalancing procedure will be utilized to ensure that the asset allocation of the Fund stays within the ranges defined above. As the return-seeking asset allocation changes, the sub-category allocations will be kept approximately proportional to the Initial allocation specified above. However, the allocations to illiquid investments may be adjusted more slowly. The funded ratio and asset allocation of the Fund will be reviewed regularly or when significant cash flows occur, and will be monitored and reported on at least an annual basis, or upon such more frequent basis as may be requested by City Council or its delegates from time to time. The Fund will be rebalanced as necessary, making use of benefit payments and contributions to the extent possible and considering the transaction costs involved in the rebalancing.

2.04 Management Structure

The Master Trust may employ a mix of active and passive management styles. Active management provides the opportunity to outperform specific investment benchmarks and it can provide lower absolute volatility of returns. Passive, or index, management minimizes the risk of underperformance relative to a benchmark index and is generally less expensive than active management. This approach also diversifies the manager risk, making the Master Trust less reliant on the skills of a single Investment Manager.

Because holding large amounts of foreign assets can expose the Master Trust to fluctuations in the level of the Canadian dollar, a portion of the foreign assets may be hedged back into Canadian dollars.

2.05 Environmental, Social and Governance (ESG) Issues

The Administrator’s primary responsibility is to make decisions in the best interest of the Plan beneficiaries. This responsibility requires that there be an appropriate balance between the need to seek long-term investment returns to help build better pensions for all members of the Plans and the needs for those returns to be delivered in as stable a manner as possible (given the behaviour of the investment markets).

The Administrator neither favours nor avoids managers and investments based on ESG integration. In keeping with the foregoing, and having regard to the size of the Plans and the pension fund, the Administrator does not take ESG factors into account when making investment decisions. As previously noted, the Administrator has delegated the search for investment managers to its Investment Consultant. On the direction of the Administrator, the Investment Consultant is directed to search and select the best investment managers for investing the assets of the Plans considering factors such as business, staff, historical performance and investment process, since the Administrator believes that these factors will contribute to higher investment returns in the long run and manage risk. Investment Managers are not prohibited from considering ESG factors if they believe that it will have a positive impact on the Plans’ investment returns.

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Section 3—Permitted and Prohibited Investments

3.01 General Guidelines

The investments of the Master Trust must comply with the requirements and restrictions set out in the *Income Tax Act* (Canada) and the *Pension Benefits Act* (Ontario), and their respective Regulations.

3.02 Permitted Investments

In general, and subject to the restrictions in this Section 3, the Investment Managers may invest in any of the following asset classes and in any of the investment instruments listed below:

- (a) **Canadian and Foreign Equities**
 - (i) Common and convertible preferred stock the shares of which are (a) listed on a prescribed stock exchange in Canada; or (b) listed on a prescribed stock exchange outside Canada;
 - (ii) Debentures convertible into common or convertible preferred stock, provided such instruments are traded on a recognized public exchange or through established investment dealers;
 - (iii) Rights, warrants and special warrants for common or convertible preferred stock the shares of which are (a) listed on a prescribed stock exchange in Canada; or (b) listed on a prescribed stock exchange outside Canada;
 - (iv) Private placement equities, where the security will be eligible for trading on a recognized public exchange within a reasonable and defined time frame;
 - (v) Instalment receipts, American Depository Receipts, Global Depository Receipts and similar exchange traded instruments;
 - (vi) Units of real estate investment trusts (REITs);
 - (vii) Exchange traded index-participation units (e.g., iUnits; SPDRs);
 - (viii) Income trusts registered as reporting issuers under the Securities Act, domiciled in a Canadian jurisdiction that provides limited liability protection to unit holders; and
 - (ix) Units of limited partnerships which are listed on the TSX exchange.

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- (b) **Canadian and Foreign Fixed Income**
- (i) Bonds, debentures, notes, non-convertible preferred stock and other evidence of indebtedness of Canadian or developed market foreign issuers whether denominated and payable in Canadian dollars or a foreign currency, provided such instruments are traded on a recognized public exchange or through established investment dealers, subject to Section 3.04 below;
 - (ii) Real return bonds, subject to Section 3.04 below;
 - (iii) Mortgages secured against Canadian real estate subject to Section 3.05 below;
 - (iv) Mortgage-backed securities, guaranteed under the *National Housing Act*;
 - (v) Term deposits and guaranteed investment certificates;
 - (vi) Private placements of bonds subject to Section 3.03 below; and,
 - (vii) Investment in bond and debenture issues of the City and affiliated bodies is neither encouraged nor discouraged. The decision by the Investment Manager(s) to invest in such issues is entirely their responsibility and they should be governed by the same degree of due diligence and prudence that they would apply when assessing any other investment in respect of a registered pension plan.
- (c) **Cash and Short Term Investments**
- (i) Cash on hand and demand deposits;
 - (ii) Canadian and U.S. Treasury bills and bonds (with remaining maturities not exceeding 365 days) issued by the federal (Canada & U.S., as applicable) and provincial governments and their agencies;
 - (iii) Sovereign short-term debt instruments of developed countries, with maturities not exceeding 365 days;
 - (iv) Obligations of trust companies and Canadian and foreign banks chartered to operate in Canada, including bankers' acceptances;
 - (v) Commercial paper and term deposits; and
 - (vi) Other money market instruments (maturity not exceeding 365 days).
- (d) **Derivatives**
- Assets are not invested in derivative instruments and the trust will not invest in derivatives directly (including options and futures). In the event that a pooled fund invests in derivatives, prior to investing in such pooled fund, appropriate risk management processes and procedures will be in place in order to help mitigate any risks associated with derivatives. Specifically, all derivative investments will

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be made in accordance with applicable legislation and regulatory policies relating to the investment of pension plan assets in derivatives. The following uses of non-leveraged derivative instruments are permitted:

- (i) Covered put and/or call options with respect to publicly traded securities that are held in the portfolio;
 - (ii) The Investment Manager of an index portfolio may utilize fully backed, i.e. non-leveraged, derivative strategies designed to replicate the performance of specific market indices, i.e.- exchange-traded equity index futures contracts;
 - (iii) Investment Managers may use currency futures contracts and forward contracts to hedge foreign currency exposure; and
 - (iv) Interest rate derivatives can be used to hedge the interest rate risk in the liabilities.
- (e) **Other Investments**
- (i) Investments in open-ended or closed-ended pooled funds provided that the assets of such funds are permissible investments under this Policy, and
 - (ii) Deposit accounts of the Custodian can be used to invest surplus cash holdings.
- (f) **Index Mandates**
- (i) For managers of index mandates, permitted investment vehicles may include all instruments that may form part of the respective index.

3.03 Minimum Quality Requirements

- (a) **Quality Standards**
- Within the investment restrictions for individual portfolios, all portfolios should hold a prudently diversified exposure to the intended market.
- (i) The minimum quality standard for individual bonds and debentures is ‘BBB-’ or equivalent as rated by a Recognized Bond Rating Agency, at the time of purchase.
 - (ii) The minimum quality standard for individual short term investments is ‘R-1’ low or equivalent as rated by a Recognized Bond Rating Agency, at the time of purchase.
 - (iii) The minimum quality standard for individual preferred shares is ‘P-1’ or equivalent as rated by a Recognized Bond Rating Agency, at the time of purchase.
 - (iv) All investments shall be reasonably liquid (i.e. in normal circumstances they should be capable of liquidation within 1 month).

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(b) Split Ratings

In cases where the Recognized Bond Rating Agencies do not agree on the credit rating, the bond will be classified according to the following methodology:

- (i) If two agencies rate a security, use the lower of the two ratings;
- (ii) If three agencies rate a security, use the most common; and if four agencies rate a security, use the lowest most common; and
- (iii) If three agencies rate a security and all three agencies disagree, use the middle rating; if four agencies rate a security and all four agencies disagree, use the lowest middle rating.

(c) Downgrades in Credit Quality

Each Investment Manager will take the following steps in the event of a downgrade in the credit rating of a portfolio asset by a Recognized Rating Agency to below the purchase standards set out in Section 3.03 (a) Quality Standards:

- (i) The Chief Investments Officer will be notified of the downgrade by telephone at the earliest possible opportunity;
- (ii) Within ten business days of the downgrade, the Investment Manager will advise the Chief Investments Officer in writing of the course of action taken or to be taken by the Investment Manager, and its rationale; and
- (iii) Immediately upon downgrade, the Investment Manager will place the asset on a Watch List subject to monthly review by the Investment Manager with the Chief Investments Officer until such time as the security matures, is sold or until it is upgraded to a level consistent with the purchase quality standards as expressed in the above guidelines.

(d) Rating Agencies

For the purposes of this Policy, the following rating agencies shall be considered to be ‘Recognized Bond Rating Agencies’:

- (i) Dominion Bond Rating Service Limited;
- (ii) Standard and Poor’s;
- (iii) Moody’s Investors Services Inc.; and
- (iv) Fitch Ratings

(e) Private Placement Bonds

Private placement bonds are permitted subject to **all** of the following conditions:

- (i) The issues acquired must be ‘A’ or equivalent rated;
- (ii) The total investment in such issues must **not** exceed 10% of the market value of the Investment Manager(s) bond portfolio;

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- (iii) The Investment Manager’s portfolio may **not** hold more than 5% of the market value of any one private placement;
- (iv) The Investment Manager(s) must be satisfied that there is sufficient liquidity to ensure sale at a reasonable price; and
- (v) The minimum issue size for any single security must be at least \$150 million.

3.04 Maximum Quantity Restrictions

(a) Total Fund Level

No one equity holding shall represent more than 10% of the total market value of the Master Trust’s assets.

(b) Individual Investment Manager Level

The Investment Manager(s) shall adhere to the following restrictions:

(i) Equities

- (A) No one equity holding shall represent more than 10% of the market value of any one Investment Manager’s equity portfolio.
- (B) No one equity holding shall represent more than 10% of the voting shares of a corporation.
- (C) No one equity holding shall represent more than 10% of the available public float of such equity security.
- (D) Income Trusts shall not comprise more than 15% of any Investment Manager’s Canadian equity portfolio.

(ii) Bonds and Short Term

- (A) Except for federal and provincial bonds (including government guaranteed bonds), no more than 10% of an Investment Manager’s bond portfolio may be invested in the bonds of a single issuer and its related companies.
- (B) Except for federal and provincial bonds, no one bond holding shall represent more than 10% of the market value of the total outstanding for that bond issue.
- (C) No more than 8% of the market value of an Investment Manager’s bond portfolio shall be invested in bonds rated BBB (this includes all of BBB’s: BBB+, BBB, and BBB-) or equivalent.
- (D) This Policy will permit the continued holding of instruments whose ratings are downgraded below BBB- after purchase, provided that such instruments are disposed of in an orderly fashion.

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- (E) No more than 10% of the market value of an Investment Manager’s bond portfolio shall be invested in bonds denominated in a currency other than Canadian dollars.
- (F) Except for the dedicated real return bond mandate, no more than 10% of the market value of the bond portfolio may be held in real return bonds.

(iii) Other

The use of derivative securities shall be supported at all times by the explicit allocation of sufficient assets to back the intended derivative strategy. For greater certainty, Investment Managers are not permitted to leverage the assets of the Master Trust. The use of derivative securities is only permitted for the uses described in this Policy. Purchase or sale of any of these instruments for speculative purposes is prohibited.

Notwithstanding the limits described in this Section, the single security limits do not apply to an Investment Manager’s index mandate.

3.05 Prior Permission Required

The following investments are permitted **provided that** prior permission for such investments has been obtained from the Administrator:

- (a) Investments in private placement equities (except for the foreign equity investment managers investing in pooled funds where the pooled fund policy permits private placement equities).
- (b) Direct investments in mortgages.
- (c) Direct investments in any one parcel of real property that has a book value less than or equal to 5% of the book value of the Master Trust’s assets. The aggregate book value of all investments in real property and Canadian resource properties shall not exceed 25% of the book value of the Master Trust’s assets. (Previously, the overall 25% limit in respect of real and resource properties was a requirement under the *Pension Benefits Act* (Ontario).)
- (d) Direct investments in venture capital financing or private equity partnerships; and
- (e) Derivatives other than those described in 3.02(d).

3.06 Prohibited Investments

The Investment Managers shall not:

- (a) Invest in companies for the purpose of managing them;
- (b) Invest in securities that would result in the imposition of a tax on the Fund under the *Income Tax Act* (Canada) unless they provide a prior written acknowledgement that such investments will result in a tax and receive prior written permission for such investments from the Administrator or;
- (c) Make any investments not specifically permitted by this Policy.

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3.07 Securities Lending

The investments of the Master Trust may be loaned, for the purpose of generating revenue for the Fund, subject to the provisions of the *Pension Benefits Act* (Ontario) and the *Income Tax Act* (Canada), and applicable regulations.

For securities held in segregated accounts, such loans must be secured by cash and/or readily marketable government bonds, treasury bills and/or letters of credit, discount notes and bankers’ acceptances of chartered banks. For loaned securities, the security held or collateral must have an aggregate market value which shall never be less than the percentage of the aggregate market value of the loaned securities which is the highest of: (i) the minimum percentage required by any applicable legislation, regulatory authority or prevailing market practice; or (ii) 105%. The aggregate market value of the loaned securities and of the collateral shall be monitored and calculated by the Custodian daily.

The terms and conditions of any securities lending program will be set out in a contract with the custodian. The custodian shall, at all times, ensure that the Chief Investments Officer has a current list of those institutions that are approved to borrow the Fund’s investments.

Lending of the portion of the Master Trust’s assets held in a pooled fund is governed by the terms of the conditions set out in the pooled fund Statement of Investment Policies and Procedures or similar document.

3.08 Borrowing

The Master Trust shall not borrow money, except to cover short-term contingency and the borrowing is for a period that does not exceed ninety days, subject to the *Pension Benefits Act* (Ontario), the *Income Tax Act* (Canada) and the written permission of the General Manager of Finance and Corporate Services.

3.09 Conflicts between the Policy and Pooled Fund Investment Policies

While the guidelines in this Policy are intended to guide the management of the Master Trust, it is recognized that, due to the use of pooled funds, there may be instances where there is a conflict between the Policy and the investment policy of a pooled fund. In that case, the Investment Manager is expected to notify Chief Investments Officer upon the initial review of the Policy and whenever a change in the pooled fund policy creates a conflict. However, it is understood that any ambiguity will be interpreted in favour of the pooled fund policy, provided such interpretation complies with all applicable laws.

Section 4—Monitoring and Control

4.01 Delegation of Responsibilities

The General Manager of Finance and Corporate Services is the designated contact person for administrative matters. However, City Council has delegated certain administrative duties and responsibilities to internal and external agents, including to the HMRF/HWRF Pension Administration Sub-committee, the Chief Investments Officer and the General Manager of Finance and Corporate Services. Overall responsibility for the Master Trust ultimately rests with City Council, and the City (acting through Council) is the pension plan administrator of the Plans (for each Plan, the “Administrator”).

(a) Chief Investments Officer

The Chief Investments Officer has been delegated the following responsibilities:

- (i) monitoring the Master Trust asset mix and rebalancing as required, including executing asset mix changes required per the Dynamic Policy Schedules outlined in section 2.03;
- (ii) day-to-day liaison including contract management with external Investment Managers, the Investment Consultant, and the Custodian/Trustee;
- (iii) monitoring and budgeting for cash flow within the pension fund;
- (iv) researching, recommending and implementing improvements to asset management of the Master Trust;
- (v) directing and implementing strategy for self-managed portfolios, if any; and
- (vi) preparing and presenting to City Council and the HMRF/HWRF Pension Administration Sub-Committee a report on the Plan’s investment performance and asset mix, and such other information as City Council may require and/or other such information as the Chief Investments Officer considers appropriate to include in the report, on at least an annual basis, or upon such more frequent basis as may be requested by City Council or its delegates from time to time.

(b) Investment Managers

The Investment Managers have been delegated the following responsibilities:

- (i) invest the assets of the Master Trust in accordance with this Policy;
- (ii) meet with the Chief Investments Officer as required and provide written reports regarding the Investment Manager’s past performance, their future strategies and other issues as requested;

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- (iii) notify the Chief Investments Officer, in writing of any significant changes in the Investment Manager’s philosophies and policies, personnel or organization and procedures;
- (iv) will provide periodically, but no less than on an annual basis, or upon such more frequent basis as may be requested by City Council or its delegates from time to time, lists of assets and such other information as may be requested by the Chief Investments Officer; and,
- (v) file, on at least an annual basis, or upon such more frequent basis as may be requested by City Council or its delegates from time to time compliance reports (see Section 4.03).

(c) Custodian/Trustee

The custodian/trustee will:

- (i) Fulfil the regular duties of a Custodian/Trustee as required by law;
- (ii) maintain safe custody over the assets of the Master Trust Plans;
- (iii) execute the instructions of the Chief Investments Officer and the Investment Managers; and
- (iv) record income and provide financial statements to the Chief Investments Officer on at least an annual basis, or upon such more frequent basis as may be requested by City Council or its delegates from time to time, or as otherwise required.

(d) Investment Consultant

The investment consultant has been delegated the following responsibilities:

- (i) assist the Chief Investments Officer in developing a prudent long-term asset mix, and specific investment objectives and policies;
- (ii) monitor, analyse and report on the Master Trust’s investment performance and to support the Chief Investments Officer on any investment related matters;
- (iii) monitor and report the funded status of the Plans to the Chief Investments Officer on at least an annual basis, or upon such more frequent basis as may be requested by City Council or its delegates from time to time;
- (iv) assist with the selection of Investment Managers, custodians and other suppliers; and
- (v) meet with the Chief Investments Officer as required.

(e) Actuary

The actuary has been delegated the following responsibilities:

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- (i) perform actuarial valuations of the Plan as required; and
- (ii) advise the Chief Investments Officer and the Investment Consultant on any matters relating to Plan design, membership and contributions, and actuarial valuations.

4.02 Performance Measurement

For the purpose of evaluating the performance of the Master Trust and the Investment Managers, all rates of returns are measured over moving four-year periods. Return objectives are net of fees and include realized and unrealized capital gains or losses plus income from all sources. Returns will be measured quarterly and will be calculated as time-weighted rates of return.

(a) Active and Index Canadian Equity Managers

Investment results of the active and index Canadian Equity Managers are to be tested regularly against a Benchmark Portfolio comprising:

Benchmark	%
S&P/TSX Composite Index	100

(b) Active and Index Global Equity Managers

Investment results of the active and index Global Equity Managers are to be tested regularly against a long-term Benchmark Portfolio comprising:

Benchmark	%
MSCI World Index (C\$)	100

(c) Active and Index Canadian Bond Managers – Long Bonds

Investment results of the active and index Canadian Bond Managers for Long Bonds are to be tested regularly against a Benchmark Portfolio comprising:

Benchmark	%
FTSE Canada Long Bond Index	100

(d) Active and Index Canadian Bond Managers – Real Return Bonds

Investment results of the active and index Canadian Bond Managers for Real Return Bonds are to be tested regularly against a Benchmark Portfolio comprising:

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Benchmark	%
FTSE Canada Real Return Bond Index	100

4.03 Compliance Reporting by Investment Manager

The Investment Managers are required to complete and deliver a compliance report to the Chief Investments Officer and the Investment Consultant on at least an annual basis, or upon such more frequent basis as may be requested by City Council or its delegates from time to time. The compliance report will indicate whether or not the Investment Manager was in compliance with this Policy during the period covered in the report.

In the event that an Investment Manager is not in compliance with this Policy, the Investment Manager is required to advise the Chief Investments Officer immediately, detail the nature of the non-compliance and recommend an appropriate course of action to remedy the situation.

The Master Trust invests in pooled funds with separate investment policies. In that case, the Investment Manager must confirm compliance to the pooled fund policy. In addition, should a conflict arise between a pooled fund policy and this Policy, the Investment Manager is required to advise the Chief Investments Officer immediately and detail the nature of the conflict.

4.04 Standard of Professional Conduct

The Investment Managers are expected to comply, at all times and in all respects, with a written code of ethics that is no less stringent in all material respects than the Code of Ethics and Standards of Professional Conduct as promulgated by the CFA Institute.

The Investment Managers will manage the assets with the care, diligence and skill that an investment manager of ordinary prudence would use in dealing with pension plan assets. The Investment Managers will also use all relevant knowledge and skill that they possess or ought to possess as prudent investment managers.

Section 5—Administration

5.01 Conflicts of Interest

(a) Responsibilities

This standard applies to the City’s staff, as well as to all agents employed by the City, in the execution of their responsibilities under the *Pension Benefits Act* (Ontario) (the “Affected Persons”).

An “agent” is defined to mean a company, organization, association or individual, as well as its employees who are retained by the Administrator to provide specific services with respect to the investment, administration and management of the assets of the Master Trust.

(b) Disclosure

In the execution of their duties, the Affected Persons shall disclose any material conflict of interest relating to them, or any material ownership of securities, which could impair their ability to render unbiased advice, or to make unbiased decisions, affecting the administration of the Master Trust assets.

Further, it is expected that no Affected Person shall make any personal financial gain (direct or indirect) because of his or her fiduciary position. However, normal and reasonable fees and expenses incurred in the discharge of their responsibilities are permitted in accordance with City policies as approved by Council.

No Affected Person shall accept a gift or gratuity or other personal favour, other than one of nominal value, from a person with whom the employee deals in the course of performance of his or her duties and responsibilities for the Master Trust.

It is incumbent on any Affected Person who believes that he or she may have a conflict of interest, or who is aware of any conflict of interest, to disclose full details of the situation to the attention of the General Manager of Finance and Corporate Services and/or the Treasurer immediately. The General Manager of Finance and Corporate Services and/or the Treasurer, in turn, will decide what action is appropriate under the circumstances.

No Affected Person who has or is required to make a disclosure as contemplated in this Policy shall participate in any discussion, decision or vote relating to any proposed investment or transaction in respect of which he or she has made or is required to make disclosure, unless otherwise determined permissible by decision of the General Manager of Finance and Corporate Services and/or the Treasurer.

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5.02 Related Party Transactions

The Chief Investments Officer shall not, on behalf of the Plans or the Master Trust, directly or indirectly,

- (i) lend the moneys of the Plans to a related party or use those moneys to hold an investment in the securities of a related party; or
- (ii) enter into a transaction with a related party.

The Chief Investments Officer may enter into a transaction with a related party:

- (i) for the operation or administration of the Plans if it is under terms and conditions that are not less favourable to the Plans than market terms and conditions and such transaction does not involve the making of loans to, or investments in, the related party or
- (ii) the value of the transaction is nominal or the transaction is immaterial. In assessing whether the value of the transaction is nominal or immaterial, two or more transactions with the same related party shall be considered as a single transaction.

For the purposes of Section 5.02, only the market value of the combined assets of the Fund shall be used as the criteria to determine whether a transaction is nominal or immaterial. Transactions less than 0.5% of the combined market value of the assets of the Fund are considered nominal.

The following investments are exempt from the related party rules:

- (i) investments in an investment fund or a segregated fund (as those terms are used in the *Pension Benefits Standards Regulations*) in which investors other than the administrator and its affiliates may invest and that complies with Section 9 and Section 11 of Schedule III to the *Pension Benefits Standards Regulations*;
- (ii) investments in an unallocated general fund of a person authorized to carry on a life insurance business in Canada;
- (iii) investments in securities issued or fully guaranteed by the Government of Canada, the government of a province, or an agency of either one of them;

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- (iv) investments in a fund composed of mortgage-backed securities that are fully guaranteed by the Government of Canada, the government of a province, or an agency of either one of them;
- (v) investments in a fund that replicates the composition of a widely recognized index of a broad class of securities traded at a marketplace (as that term is used in the *Pension Benefits Standards Regulations*); or
- (vi) investments that involve the purchase of a contract or agreement in respect of which the return is based on the performance of a widely recognized index of a broad class of securities traded at a marketplace (as that term is used in the *Pension Benefits Standards Regulations*).

A “related party” is defined to mean the Administrator of the Plans, including any officer, director or employee of the Administrator. It also includes, the Investment Managers and their employees, a union representing employees of the employer, a member of the Master Trust, a spouse or child of the persons named previously, or a corporation that is directly or indirectly controlled by the persons named previously, and any other person constituting a “related party” under the *Pension Benefits Act* (Ontario). Related party does not include government or a government agency, or a bank, trust company or other financial institution that holds the assets of the Master Trust.

5.03 Selecting Investment Managers

In the event that a new Investment Manager must be selected or additional Investment Manager(s) added to the existing Investment Manager(s), the Chief Investments Officer will undertake an Investment Manager search with or without the assistance of a third-party investment consultant depending on the expertise required. The criteria used for selecting an Investment Manager will be consistent with the investment and risk philosophy set out in Section 1.04 (Investment and Risk Philosophy).

5.04 Directed Brokerage Commissions

Investment Managers may use directed brokerage to pay for research and other investment related services provided they comply with, and provide the disclosure required by, the Soft Dollar Standards promulgated by the CFA Institute.

5.05 Monitoring of Asset Mix

In order to ensure that the Master Trust operates within the minimum and maximum guidelines stated in this Policy as outlined in Section 2, the Chief Investments Officer shall monitor the asset mix on at least an annual basis, or upon such more frequent basis as may be requested by City Council or its delegates from time to time. Rebalancing between the investment mandates can take place over a reasonably short period of time after an imbalance has been identified. Rebalancing may be effected by redirecting the net cash flows to and from the Master Trust, or by transferring cash or securities between portfolios and/or Investment Managers.

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5.06 Monitoring of Investment Managers

An important element in the success of this Policy is the link between the Investment Managers and the Chief Investments Officer. It is expected that the Investment Managers will communicate with the Chief Investments Officer whenever necessary. Periodic, written investment reports from the Investment Managers are sent to and reviewed by the Chief Investments Officer and form part of the monitoring process.

Meetings including telephone conference call meetings between the Investment Managers and the Chief Investments Officer will be scheduled as required. At each meeting or telephone conference call meeting, it is expected that the Investment Managers will prepare a general economic and capital markets overview, which will be distributed prior to or during the meeting. They should also include the following in their presentations:

- review of the previous period's strategy and investment results,
- discussion of how the condition of the capital markets affects the investment strategy of their respective portfolios,
- economic and market expectations,
- anticipated changes in the asset mix within the limits provided in this Policy, and,
- discussion of compliance and any exceptions.
- discussion of any votes that were cast against the wishes of company management by the Investment Managers in exercising voting rights (Section 5.08).

5.07 Dismissal of an Investment Manager

Reasons for considering the termination of the services of an Investment Manager include, but are not limited to, the following factors:

- (a) performance results which are below the stated performance benchmarks;
- (b) changes in the overall structure of the Master Trusts' assets such that the Investment Manager's services are no longer required;
- (c) change in personnel, firm structure or investment philosophy which might adversely affect the potential return and/or risk level of the portfolio; and/or
- (d) failure to adhere to this Policy.

5.08 Voting Rights

The Administrator has delegated voting rights acquired through the investments held by the Master Trust to the custodian of the securities to be exercised in accordance with the Investment Manager's instructions. Investment Managers are expected to exercise all voting rights related to investments held by the Master Trust in the interests of the members of the underlying pension plans. The Investment Managers shall report when they vote against the wishes of the company management to the Chief Investments Officer, providing information as to the reasons behind this vote.

5.09 Valuation of Investments Not Regularly Traded

The following principles will apply for the valuation of investments that are not traded regularly:

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- (a) **Equities**
Average of bid-and-ask prices from two major investment dealers, at least once every calendar quarter.
- (b) **Bonds**
Same as for equities.
- (c) **Mortgages**
Unless in arrears, the outstanding principal plus/minus the premium/discount resulting from the differential between face rate and the currently available rate for a mortgage of similar quality and term, determined at least once every month.
- (d) **Real Estate**
A certified written appraisal from a qualified independent appraiser at least once every two years.

5.10 Policy Review

This Policy may be reviewed and revised at any time, but at least once every calendar year it must be formally reviewed. Should the Investment Manager(s) wish to review this Policy at any time, it is his/her responsibility to contact the Chief Investments Officer with specific recommendations.

The appropriateness of the Dynamic Investment Policy asset allocation parameters should be reviewed on an ongoing basis. A new Dynamic Investment Policy Study (Dynamic Asset-Liability Modeling Study) may be undertaken if any of the following events occur:

- (a) The plan gets significantly closer to the end-state of the flight path, including if the flight path funded ratio measurement changes significantly (to over 84%) from the starting point of the 2010 study, which was 69%.
- (b) There are significant changes to the regulations that affect the key metrics used in making decisions in the 2010 Dynamic Investment Policy Study or should affect the asset allocation in the future;
- (c) Capital market conditions change significantly such that the assumptions embedded in the 2010 Dynamic Investment Policy Study are no longer reasonable; or
- (d) The plan sponsor’s risk posture changes significantly.

Appendix A - Statement of Investment Policies & Procedures Hamilton Municipal Retirement Fund

Overview

1.01 Purpose of Statement

This Statement of Investment Policies and Procedures (the “Hamilton Municipal Retirement Fund SIPP”) provides the framework for the investment of the assets of the Hamilton Municipal Retirement Fund, registration number 0275123 (the “Plan”);

The objective of the Hamilton Municipal Retirement Fund SIPP is to ensure that the assets of the Plan, together with expected contributions made by both the City and the Plan members, shall be invested in a continued prudent and effective manner.

The Hamilton Municipal Retirement Fund SIPP is based on the “prudent person portfolio approach” to ensure the prudent investment and administration of the assets of the Plan (the “Fund”) are within the parameters set out in the *Pension Benefits Act*, (Ontario) and the Regulations thereunder.

All provisions in the Master Trust SIPP apply to this Appendix.

1.02 Background of the Plan

The Hamilton Municipal Retirement Fund is a contributory defined benefit plan. The plan has been closed to new entrants since 1965. Municipal employees hired after June 30, 1965 participate in the OMERS Pension Plan. Therefore, this is a closed fund and will terminate upon the death of the last retiree or successor. Effective July 1, 2001, the last active member retired from the Plan.

1.03 Plan Profile

a) Contributions

There are no active members in the Plan.

b) Benefits

2% of average annual earnings in best consecutive 5 years before retirement for each year of credited service up to 35 years reduced by 0.675% of the 5-year average earnings up to the final year’s YMPE for each year of contributory service after January 1, 1966. CPP Offset suspended from date of retirement to age 65. Effective Jan 1, 2006 annual increases will not be less than the increase provided to retirees under the OMERS plan. .

c) Liabilities

As of the most recent actuarial valuation of the Plan as at December 31, 2021 there were no active members, 3 deferred members and 148 retirees and beneficiaries.

As of December 31, 2021, the going-concern liability of the plan was \$58,278,888, including a Provision for Adverse Deviation (PfAD) of \$3,143,871, compared to the actuarial value of assets of \$73,721,565. On a solvency basis, the liability was \$48,960,477, while the assets (at market) were \$73,571,565 (net of a provision for

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plan windup expenses of \$150,000). On a windup basis, the liability was \$60,690,521.

1.04 Objective of the Plan

The objective of the Plans is to provide members of the Plans with retirement benefits prescribed under the terms thereof.

1.05 Investment and Risk Philosophy

The primary investment objective is to provide an economic return on assets sufficient to fund plan liabilities over the long-term, while adhering to prudent investment practices.

The investment philosophies and strategies must take into account both return and risk objectives of the Plan and the City.

In recognition of the risk and return objectives of the Plan and the City, an initial Asset Allocation Policy was developed based on the Plan’s current funded status and the characteristics of the Plan and City. It is recognized, however, that the Plan return requirements and risk tolerance will change over time, and the intent is to reallocate the portfolio to lower risk allocations dynamically as the Plan’s funded status improves.

1.06 Administration

The General Manager of Finance and Corporate Services for the City of Hamilton is the designated contact at the City for administrative purposes.

1.07 Pooling of Assets

For investment purposes, certain assets of the Plan are invested in units of the City of Hamilton Defined Benefit Plans Master Trust, along with certain assets of the Hamilton-Wentworth Retirement Fund and the Hamilton Street Railway Pension Plan (1994).

Up to 2 % of Plan assets may be invested outside of the City of Hamilton Defined Benefit Plans Master Trust for operating expenses and liquidity purposes, in accordance with the parameters set out in Section 3.02 (c) and (e) of the City of Hamilton Defined Benefit Plans Master Trust SIPP. The provisions of the City of Hamilton Defined Benefit Plans Master Trust SIPP apply to the investment of these assets.

1.08 Master Trust SIPP

The Master Trust SIPP is the policy that should be followed while investing the pooled assets of the Hamilton Municipal Retirement Fund.

Appendix B - Statement of Investment Policies & Procedures Hamilton Street Railway Pension Plan (1994)

Overview

1.01 Purpose of Statement

This Statement of Investment Policies and Procedures (the “Hamilton Street Railway Pension Plan SIPP”) provides the framework for the investment of the assets of the Hamilton Street Railway Pension Plan (1994), registration number 0253344 (the “Plan”);

The objective of the Hamilton Street Railway Pension Plan SIPP is to ensure that the assets of the Plan, together with expected contributions made by both the City and the Plan members, shall be invested in a continued prudent and effective manner.

The Hamilton Street Railway Pension Plan SIPP is based on the “prudent person portfolio approach” to ensure the prudent investment and administration of the assets of the Plan (the “Fund”) are within the parameters set out in the *Pension Benefits Act*, (Ontario) and the Regulations thereunder.

All provisions in the Master Trust SIPP apply to this Appendix.

1.02 Background of the Plan

The current Plan dates from January 1, 1994 when two former plans – Canada Coach Lines and Hamilton Street Railway plans were merged. Effective January 1, 2009 this contributory defined benefit plan was closed to new members and active members stopped contributing and accruing service under the plan.

1.03 Plan Profile

a) Contributions

Under the terms of the Plan text, members’ contributions prior to 1999 were 7.5% of earnings less contributions made to Canada Pension Plan. For the calendar years 1999 through 2008, members (depending on the year) either enjoyed a contribution holiday or were limited to contribution rates of 1% of earnings. Effective January 2009, as members became City employees, no member contributions have been required or permitted to be made to the Plan.

b) Benefits

Members receive a pension equal to 1.5% of average pensionable earnings up to the average Year’s Maximum Pensionable Earnings (YMPE) as established under the Canada Pension Plan, plus 2% of the excess, multiplied by years of credited service accrued up to December 31, 2008. The “average pensionable earnings” are defined as the average of best five years’ earnings during the member’s credited service and OMERS credited service, if any. The “average YMPE” is defined as the average of the YMPE for the last thirty-six complete months of plan membership.

In the event that pensions accrued under the prior plan exceed the pension accrued under the current plan for service prior to July 1, 1980, then the pension is increased accordingly. Pensions are subject to annual indexing equal to the indexing provided

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to retirees under the OMERS plan (100% of inflation to a maximum of 6% per annum).

c) *Liabilities*

As of the most recent actuarial valuation of the Plan as at January 1, 2020, there were 315 active members, 29 deferred members and 610 retirees and beneficiaries. The average age of the active members was approximately 54.3 years with average pensionable earnings of \$70,474.

As of January 1, 2020, the going-concern liability of the plan was \$228,695,400, including a Provision for Adverse Deviation (PfAD) of \$17,103,300, compared to the actuarial value of assets of \$211,167,500. On a solvency basis, the liability was \$216,314,100 while the assets (at market) were \$210,967,500 (net of a provision for plan windup expenses of \$200,000). On a windup basis the liability was \$315,487,000.

The going-concern deficit is being eliminated through a series of special payments. No special payments are required for the solvency deficit since the solvency ratio exceeds .85.

1.04 Objective of the Plan

The objective of the Plan is to provide members of the Plan with retirement benefits prescribed under the terms thereof.

1.05 Investment and Risk Philosophy

The primary investment objective is to provide an economic return on assets sufficient to fund plan liabilities over the long-term, while adhering to prudent investment practices.

The investment philosophies and strategies must take into account both return and risk objectives of the Plan and the City.

In recognition of the risk and return objectives of the Plan and the City, an initial Asset Allocation Policy was developed based on the Plan’s current funded status and the characteristics of the Plan and City. It is recognized, however, that the Plan return requirements and risk tolerance will change over time, and the intent is to reallocate the portfolio to lower risk allocations dynamically as the Plan’s funded status improves.

1.06 Administration

The General Manager of Finance and Corporate Services for the City of Hamilton is the designated contact at the City for administrative purposes.

1.07 Pooling of Assets

For investment purposes, certain assets of the Plan are invested in units of the City of Hamilton Defined Benefit Plans Master Trust, along with certain assets of the Hamilton-Wentworth Retirement Fund and the Hamilton Municipal Retirement Fund.

Up to 2 % of Plan assets may be invested outside of the City of Hamilton Defined Benefit Plans Master Trust for operating expenses and liquidity purposes, in accordance with the

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parameters set out in Section 3.02 (a), (c) and (e) of the City of Hamilton Defined Benefit Plans Master Trust SIPP. The provisions of the City of Hamilton Defined Benefit Plans Master Trust SIPP apply to the investment of these assets.

1.08 Master Trust SIPP

The Master Trust SIPP is the policy that should be followed while investing the pooled assets of the Hamilton Street Railway Pension Plan (1994).

Appendix C - Statement of Investment Policies & Procedures The Hamilton-Wentworth Retirement Fund

Overview

1.01 Purpose of Statement

This Statement of Investment Policies and Procedures (the “Hamilton-Wentworth Retirement Fund SIPP”) provides the framework for the investment of the assets of the Hamilton-Wentworth Retirement Fund, registration number 1073352 (the “Plan”);

The objective of the Hamilton-Wentworth Retirement Fund SIPP is to ensure that the assets of the Plan, together with expected contributions made by both the City and the Plan members, shall be invested in a continued prudent and effective manner.

The Hamilton-Wentworth Retirement Fund SIPP is based on the “prudent person portfolio approach” to ensure the prudent investment and administration of the assets of the Plan (the “Fund”) are within the parameters set out in the *Pension Benefits Act*, (Ontario) and the Regulations thereunder.

All provisions in the Master Trust SIPP apply to this Appendix.

1.02 Background of the Plan

The Plan is a contributory, defined benefit Plan. Effective January 1, 1985 all active Region Other Participants, excluding Police Civilians, were transferred to OMERS. The liability to transfer such members to OMERS was met by monthly payments of \$115,187 until December 31, 2000 and monthly payments of \$361 thereafter, concluding September 30, 2003. Effective January 1, 2002, the last active member retired from the plan.

1.03 Plan Profile

a) Contributions

Under the terms of the Plan text:

For normal retirement age 60 class:

- 1) Senior Police Officers: contributions should be 7% of earnings up to the YMPE plus 8.5% of contributory earnings in excess of YMPE.
- 2) Other Police Officers: contributions should be 6.5% of earnings up to YMPE plus 8% of contributory earnings in excess of YMPE.

For a normal retirement age of 65 contributions should be 5.75% of earnings.

b) Benefits

2% of average annual earnings in best 5 years before retirement for each year of credited service up to 35 years reduced by 0.675% of the 5-year average earnings up to the final year’s YMPE for each year of contributory service after January 1, 1966. CPP Offset suspended from date of retirement to age 65. Effective Jan 1, 2006 annual increases will not be less than the increase provided to retirees under the

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OMERS plan, which is currently equal to 100% of the increase in the Consumer Price Index to a maximum of 6.0% per annum.

c) Liabilities

As of the most recent actuarial valuation of the Plan as at December 31, 2021, there were no active members, no deferred members and 124 retirees and beneficiaries.

As of December 31, 2021, the going-concern liability of the plan was \$47,727,000, including a Provision for Adverse Deviation (PfAD) of \$3,510,000, compared to the actuarial value of assets of \$54,459,000. On a solvency basis, the liabilities were \$44,957,000 while the assets were \$54,389,000 (net of a provision for plan windup expenses of \$70,000). On a windup basis the liability was \$55,457,000.

1.04 Objective of the Plan

The objective of the Plan is to provide members of the Plan with retirement benefits prescribed under the terms thereof.

1.05 Investment and Risk Philosophy

The primary investment objective is to provide an economic return on assets sufficient to fund plan liabilities over the long-term, while adhering to prudent investment practices.

The investment philosophies and strategies must take into account both return and risk objectives of the Plan and the City.

In recognition of the risk and return objectives of the Plan and the City, an initial Asset Allocation Policy was developed based on the Plan’s current funded status and the characteristics of the Plan and City. It is recognized, however, that the Plan return requirements and risk tolerance will change over time, and the intent is to reallocate the portfolio to lower risk allocations dynamically as the Plan’s funded status improves.

1.06 Administration

The General Manager of Finance and Corporate Services for the City of Hamilton is the designated contact at the City for administrative purposes.

1.07 Pooling of Assets

For investment purposes, certain assets of the Plan are invested in units of the City of Hamilton Defined Benefit Plans Master Trust, along with certain assets of the Hamilton Street Railway Pension Plan (1994) and the Hamilton Municipal Retirement Fund.

Up to 2 % of Plan assets may be invested outside of the City of Hamilton Defined Benefit Plans Master Trust for operating expenses and liquidity purposes, in accordance with the parameters set out in Section 3.02 (c) and (e) of the City of Hamilton Defined Benefit Plans Master Trust SIPP. The provisions of the City of Hamilton Defined Benefit Plans Master Trust SIPP apply to the investment of these assets.

1.08 Master Trust SIPP

The Master Trust SIPP is the policy that should be followed while investing the pooled assets of the Hamilton-Wentworth Retirement Fund Pension Plan.

Appendix D – Compliance Reports

The City of Hamilton Master Trust
Index Bond Manager

Compliance Report for the Quarter Ended _____
(date)

		GUIDELINES	POLICY COMPLIED WITH YES/NO *
ASSET MIX (at Market Value)		%	
FIXED INCOME	BONDS	100%	
CASH	SHORT-TERM & CASH	0%	
CONSTRAINTS			
GENERAL	Investment Policy Section 3.01 – General Guidelines		
BONDS	Investment Policy Section 3.02 (b) – Bonds		
CASH	Investment Policy Section 3.02 (c) – Cash		
DERIVATIVES	Investment Policy Section 3.02 (c) – Derivatives		
OTHER	Investment Policy Section 3.02 (e) – Other Investments		
INDEX	Investment Policy Section 3.02 (f) – Index Mandates		
QUALITY REQUIREMENTS	Investment Policy Section 3.03 – Minimum Quality Requirements		
QUANTITY RESTRICTIONS	Investment Policy Section 3.04 – Maximum Quantity Restrictions		
PRIOR PERMISSION	Investment Policy Section 3.05 – Prior Permission Required		
PROHIBITED INVESTMENTS	Investment Policy Section 3.06 – Prohibited Investments		
SECURITIES LENDING	Investment Policy Section 3.07 – Securities Lending		
RESPONSIBILITIES	Investment Policy Section 4.01 (b) – Delegation of Responsibilities – Investment Managers		
STANDARDS OF PROFESSIONAL CONDUCT	Investment Policy Section 4.04 - Standards of Professional Conduct		
CONFLICTS OF INTEREST	Investment Policy Section 5.01 - Conflicts of Interest		
VOTING RIGHTS	Investment Policy Section 5.08 - Voting Rights		

* If policy not complied with, comment on specifics

COMPLETED BY: _____ **SIGNED BY:** _____

**Appendix "A" to HMRF-HWRF Pension Administration
Sub-Committee Report 23-001
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**The City of Hamilton Master Trust
Index Equity Manager**

Compliance Report for the Quarter Ended _____
(date)

		GUIDELINES	POLICY COMPLIED WITH YES/NO *
ASSET MIX (at Market Value)		%	
EQUITIES			
	U.S.		
	EAFE		
	TOTAL FOREIGN		
CASH	SHORT-TERM & CASH		
CONSTRAINTS			
GENERAL	Investment Policy Section 3.01 – General Guidelines		
EQUITIES	Investment Policy Section 3.02 (a) – Canadian and Foreign Equities		
CASH	Investment Policy Section 3.02 (c) – Cash and Short Term Investments		
DERIVATIVES	Investment Policy Section 3.02 (d) – Derivatives		
OTHER INVESTMENTS	Investment Policy Section 3.02 (e) – Other Investments		
INDEX	Investment Policy Section 3.02 (f) – Index Mandates		
QUALITY REQUIREMENTS	Investment Policy Section 3.03 – Minimum Quality Requirements		
QUANTITY RESTRICTIONS	Investment Policy Section 3.04 – Maximum Quantity Restrictions		
PRIOR PERMISSION	Investment Policy Section 3.05 – Prior Permission Required		
PROHIBITED INVESTMENTS	Investment Policy Section 3.06 – Prohibited Investments		
SECURITIES LENDING	Investment Policy Section 3.07 – Securities Lending		
BORROWING	Investment Policy Section 3.08 – Borrowing		
RESPONSIBILITIES	Investment Policy Section 4.01 (b) – Delegation of Responsibilities – Investment Managers		
STANDARDS OF PROFESSIONAL CONDUCT	Investment Policy Section 4.04 - Standards of Professional Conduct		
CONFLICTS OF INTEREST	Investment Policy Section 5.01 - Conflicts of Interest		
VOTING RIGHTS	Investment Policy Section 5.08 - Voting Rights		

* If policy not complied with, comment on specifics

COMPLETED BY: _____ **SIGNED BY:** _____

The City of Hamilton Master Trust
Active Bond Manager

Compliance Report for the Quarter Ended _____
(date)

		GUIDELINES	POLICY COMPLIED WITH YES/NO *
ASSET MIX (at Market Value)		%	
FIXED INCOME	BONDS	100%	
CASH	SHORT-TERM & CASH	0%	
CONSTRAINTS			
GENERAL	Investment Policy Section 3.01 – General Guidelines		
BONDS	Investment Policy Section 3.02 (b) – Bonds		
CASH	Investment Policy Section 3.02 (c) – Cash		
DERIVATIVES	Investment Policy Section 3.02 (c) – Derivatives		
OTHER	Investment Policy Section 3.02 (e) – Other Investments		
INDEX	Investment Policy Section 3.02 (f) – Index Mandates		
QUALITY REQUIREMENTS	Investment Policy Section 3.03 – Minimum Quality Requirements		
QUANTITY RESTRICTIONS	Investment Policy Section 3.04 – Maximum Quantity Restrictions		
PRIOR PERMISSION	Investment Policy Section 3.05 – Prior Permission Required		
PROHIBITED INVESTMENTS	Investment Policy Section 3.06 – Prohibited Investments		
SECURITIES LENDING	Investment Policy Section 3.07 – Securities Lending		
RESPONSIBILITIES	Investment Policy Section 4.01 (b) – Delegation of Responsibilities – Investment Managers		
STANDARDS OF PROFESSIONAL CONDUCT	Investment Policy Section 4.04 - Standards of Professional Conduct		
CONFLICTS OF INTEREST	Investment Policy Section 5.01 - Conflicts of Interest		
VOTING RIGHTS	Investment Policy Section 5.08 - Voting Rights		

* If policy not complied with, comment on specifics

COMPLETED BY: _____ **SIGNED BY:** _____

The City of Hamilton Master Trust
Active Equity Manager

Compliance Report for the Quarter Ended _____
 (date)

		GUIDELINES	POLICY COMPLIED WITH YES/NO *
ASSET MIX (at Market Value)		%	
EQUITIES	CANADIAN		
	U.S.		
	EAFE		
	TOTAL FOREIGN		
CASH	SHORT-TERM & CASH		
CONSTRAINTS			
GENERAL	Investment Policy Section 3.01 – General Guidelines		
EQUITIES	Investment Policy Section 3.02 (a) – Canadian and Foreign Equities		
CASH	Investment Policy Section 3.02 (c) – Cash and Short Term Investments		
DERIVATIVES	Investment Policy Section 3.02 (d) – Derivatives		
OTHER INVESTMENTS	Investment Policy Section 3.02 (e) – Other Investments		
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STANDARDS OF PROFESSIONAL CONDUCT	Investment Policy Section 4.04 - Standards of Professional Conduct		
CONFLICTS OF INTEREST	Investment Policy Section 5.01 - Conflicts of Interest		
VOTING RIGHTS	Investment Policy Section 5.08 - Voting Rights		

* If policy not complied with, comment on specifics

COMPLETED BY: _____ **SIGNED BY:** _____



Hamilton

**GOVERNANCE REVIEW SUB-COMMITTEE
REPORT 23-001**

Monday, March 27, 2023

1:30 p.m.

Council Chambers

Hamilton City Hall

Present: Councillors T. Hwang (Chair), B. Clark, J.P. Danko, C. Kroetsch, N. Nann,
and M. Wilson

**THE GOVERNANCE REVIEW SUB-COMMITTEE PRESENTS REPORT 23-001 AND
RESPECTFULLY RECOMMENDS:**

1. Appointment of Chair and Vice-Chair

- (a) That Councillor Tammy Hwang be appointed Chair of the Governance Review Committee for 2022-2026.

For further disposition of this matter, refer to Item (a)(i).

- (b) That Councillor Cameron Kroetsch be appointed Vice-Chair of the Governance Review Committee for 2022-2026.

For further disposition of this matter, refer to Item (a)(ii).

2. Feedback from the Advisory Committees on the Code of Conduct for Local Boards (FCS23032) (Item 9.1)

- (a) That Report FCS23032, respecting Feedback from the Advisory Committees on the Code of Code of Conduct for Local Boards, be received.
- (b) That the Integrity Commissioner for the City of Hamilton be invited to appear before the General Issues Committee, preferably before May 1, 2023, to address concerns raised by the Advisory Committees respecting the Code of Conduct for Local Boards and to discuss:
- (i) a process for receiving and integrating feedback from Advisory Committees to Code of Conduct for Local Boards; and

- (ii) how training may be conducted in a more cost-effective manner; and
 - (c) That staff be directed to obtain feedback and recommendations from the Advisory Committees who are noted as “received without comment” and “have not met to review” in Appendix B to Report FCS23032, and report back to Governance by the end of May 2023.
- 3. **Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards (FCS23034) (Item 10.1)**
 - (a) That consideration of the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards be deferred until such time as there has been a report back from City staff to the April 6, 2023 meeting of the Audit, Finance and Administration Committee about how feedback has been incorporated;
 - (b) That staff be directed to obtain feedback and recommendations from the Advisory Committees who are noted as “received without comment” and “have not met to review” in Appendix C to Report FCS23034, and report back to Governance by the end of May 2023.
 - (c) That the Corporate Policy, Hamilton City Council – Appointment of Citizens to the City’s Local Boards attached as Appendix ‘A’ to Governance Review Sub-Committee Report 23-001, be approved.
- 4. **2024 and 2025 Committee / Council Meeting Calendars (FCS23048) (Item 10.2)**
 - (a) That the 2024 Committee / Council Meeting Calendar, attached as Appendix ‘B’ to Governance Review Sub-Committee Report 23-001, be approved; and
 - (b) That the 2025 Committee / Council Meeting Calendar, attached as Appendix ‘C’ to Governance Review Sub-Committee Report 23-001, be approved.
- 5. **Amendments to the Procedural By-law 21-021 respecting the Board of Health Standing Committee (FCS23031) (City Wide) (Item 10.3)**
 - (a) That By-law 21-021, A By-Law To Govern The Proceedings of Council and Committees of Council, as Amended, be **amended** to reflect the Board of Health Standing Committee’s name change to the **Public Health Committee**, as follows:
 - (i) the Board of Health Terms of Reference (Appendix ‘B’ to By-law 21-021, as amended), be **amended**, as follows:
 - (a) Title: **Public Health Committee**

- (b) Composition: The **Public Health Committee** shall be comprised of all 16 members of Council
- (c) *Specific duties shall include:*
 - To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the **Public Health Committee**
 - To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the **Public Health Committee**

- (ii) Section 5.1 “Standing Committees” be **amended**, as follows:

5.1 Standing Committees

The Standing Committees that report directly to Council shall be as follows:

- (b) **Public Health Committee**

- (iii) Section 5.2 “Appointment of Committee Chairs and Vice Chairs” be **amended**, as follows:

5.2 Appointment of Committee Chairs and Vice Chairs

- (2) Despite subsections 5.2(1)(a) and (b):

- (a) the Mayor shall stand as Chair for the term of Council for the **Public Health Committee**; and

- (3) The **Public Health Committee** shall recommend to Council the appointment of a Vice Chair in accordance with 5.2(1). Despite subsection 5.2(1)(a) and (b), the Vice Chair shall stand as Vice Chair for the term of Council for the **Public Health Committee**.

- (iv) Section 5.3 “Standing Committee Membership” be **amended**, as follows:

5.3 Standing Committee Membership

- (1) General Issues Committee and **Public Health Committee** shall be comprised of all Members of Council.

(6) Each Member of Council shall sit on a minimum of 2 Standing Committees, in addition to the **Public Health Committee** and General Issues Committee.

(v) Section 5.6 “Standing Committee Meeting Times” be **amended**, as follows:

5.6 Standing Committee Meeting Times

(1) Unless otherwise decided by Council, scheduled meetings of the Standing Committees will be as follows:

(a) (ii) **Public Health Committee** shall meet at least once per month commencing at 9:30 a.m.;

(b) That By-law 21-021, A By-Law To Govern The Proceedings of Council and Committees of Council, as Amended, be **amended** to confirm applicability of the Procedure By-law when Council operates and functions as the Board of Health for the City of Hamilton, as follows:

(i) Section 3 “Council Meetings” be **amended** by adding the following new sub-section 3.15 “Board of Health Meetings” and renumbering the remaining sub-sections accordingly:

3.15 Board of Health Meetings

Where Council is exercising the jurisdiction of a Board of Health under the Health Protection and Promotion Act, 1990:

(a) Council shall meet as necessary to complete such business as would normally be completed by a Board of Health and as required pursuant to the Health Protection and Promotion Act, 1990 and its Regulations, any Public Health Standards published by the Minister, and any other applicable law including municipal by-laws and policies governing a Board or Health; and

(b) the Mayor and Clerk are authorized, upon approval by Council operating as a Board of Health, to sign any necessary resolutions.

(c) That the draft By-law attached as Appendix ‘A’ to Report FCS23031, respecting amendments to By-law 21-021, A By-Law To Govern The Proceedings of Council and Committees of Council, be enacted by Council.

6. Fixing Long-Term Care Act – Governance Requirements (FCS23033 / HSC23025) (Item 10.4)

- (a) That in accordance with the requirements of the *Fixing Long-Term Care Act, 2021* and Ontario Regulation 246/22 (as amended) which requires the municipality to establish a committee of management, and the corresponding qualifications for same, from among members of council for its Long Term Care Homes, that the Emergency and Community Services Committee comprised of members of Council who have completed the required screening measures as mandated in the legislation shall be the Committee of Management for the City of Hamilton's Long Term Care Homes; and
- (b) That the draft By-law attached as Appendix "D" to Governance Review Sub-Committee Report 23-001, respecting amendments to By-law 21-021, A By-law to Govern the Proceedings of Council and Committees of Council, to establish a Long-Term Care Homes Committee of Management for the City of Hamilton be enacted by Council.

7. Code of Conduct and Conflict of Interest Education and Communications (HUR22011(a)/CM22018(a)) (City Wide) (Outstanding Business List Item) (Item 10.5)

- (a) That City of Hamilton employees not be permitted to sell goods and services to the City, or to bid on City contracts unless there are specific circumstances where it can be demonstrated that employee bids are in the best interest of the organization. Circumstances that would give rise to an exemption may include, but are not limited to, contracts tendered during a declared state of emergency or contracts tendered to purchase products whereby the employee is the sole source (no other vendor provides the same or equivalent product).
- (b) That a review of a potential exemption, as outlined above, would be initiated through the following process:
 - (i) Employees will be required to submit a Code of Conduct Disclosure Form that outlines all perceived and real conflicts of interest.
 - (ii) Disclosure Forms will be reviewed to determine if any conflicts of interest should disqualify the employee from selling goods and services or from participating in the bid process, despite the extenuating circumstances.
 - (iii) Staff involved in reviewing Disclosure Forms and confirming that the extenuating circumstances exist will include Legal, Procurement and Human Resources.

- (iv) Any employee bids that are approved by Legal, Procurement and Human Resources due to extenuating circumstances, require City Manager approval when the value of the contract exceeds \$25,000.
- (c) It is further recommended, that notwithstanding any extenuating circumstances, employees would be precluded from consideration for an exemption for the following reasons:
 - (i) Access to confidential or proprietary information that could give them an unfair advantage in the bidding or sale process,
 - (ii) Direct or indirect involvement in the procurement process or the decision-making process by virtue of their position with the City.
- (d) That the Code of Conduct, Schedule D Outside Activity, attached as Appendix 'E' to Governance Review Sub-Committee Report 23-001, be approved, as amended with the recommendations noted above.
- (e) That this item be removed from the Governance Review Sub-Committee Outstanding Business List.

8. Integrity Commissioner Contract Extension (FCS22074 (a)) (City Wide) (Outstanding Business List Item) (Item 10.6)

- (a) That Council approve the extension to Contract C2-06-19, Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton from June 1, 2023 until **September 30, 2023** and that the City Clerk be authorized to negotiate, enter into and execute the extension and any ancillary documents required to give effect thereto with Principles Integrity, in a form satisfactory to the City Solicitor;
- (b) ***That staff be directed to take the alternative action set out in Report FCS22074 (a), attached as Appendix F to Governance Review Sub-Committee Report 23-001 to conduct a competitive procurement process to secure the services of an Integrity Commissioner and Lobbyist Registrar in accordance with the City's Procurement Policy By-Law 20-205, as amended, with the addition of the Auditor General as a member of the Selection Committee; and***
- (c) ***That Appendix G to Governance Review Sub-Committee Report 23-001, be approved.***

9. Restructuring the Board of Health Standing Committee (Item 11.1)

WHEREAS, Council, believes that the current composition of the City's Board of Health Standing Committee (recommendation to change name to "Public Health Committee" as per FCS23031) should be adjusted;

THEREFORE, BE IT RESOLVED:

- (a) That the composition of the Public Health Committee be approved as follows:
- (i) 6 members of Council;
 - (ii) 6 community health professionals (can be from either a regulated profession (i.e. doctor, nurse, social worker) or an unregulated profession (i.e. harm reduction worker, outreach worker, disability justice advocate); and
 - (iii) 1 education representative
- (b) That By-law No. 21-021, as amended, A By-Law to Govern the Proceedings of Council and Committees of Council (Procedural By-law), be **amended** as follows with the renumbering of the remaining sub-sections accordingly:
- (i) the definition of “Selection Committee”, be **amended** as follows:

“Selection Committee” means a Committee established by Council, comprised entirely of Members of Council, to interview and report back to Council on the appointment of citizen representatives to agencies, boards and Committees, and reports directly to Council, with the exception of the Hamilton Police Services Board Selection Committee for the recruitment of the one person appointed by resolution of council to the Hamilton Police Services Board which is comprised of six (6) community representatives and six (6) Council representatives with full voting privileges **and with the exception of the Public Health Committee Selection Committee for the recruitment of the 6 community health professionals and the 1 education representative which is comprised of six (6) members of Council and six (6) community representatives with full voting privileges.**
 - (ii) the Public Health Committee Terms of Reference (Appendix ‘B’ to By-law 21-021, as amended), be **amended**, as follows:
 - (a) The Public Health Committee shall be comprised of: ~~all 16 members of Council~~.
 - (i) 6 members of Council;
 - (ii) 6 community health professionals (can be from either a regulated profession (i.e. doctor, nurse, social worker) or an unregulated profession (i.e. harm reduction worker, outreach worker, disability justice advocate); and
 - (iii) 1 education representative
 - (iii) Section 5.2 “Appointment of Committee Chairs and Vice Chairs” be **amended**, as follows:

5.2 Appointment of Committee Chairs and Vice Chairs

(2) Despite subsections 5.2(1)(a) and (b):

~~(a) the Mayor shall stand as Chair for the term of Council for the Public Health Committee; and~~

(a) the Mayor may stand as the Chair of the General Issues Committee for the term of Council or the Chair of the General Issues Committee may be rotated amongst the Deputy Mayors.

~~(3) The Public Health Committee shall recommend to Council the appointment of a Vice Chair in accordance with 5.2(1). Despite subsection 5.2(1)(a) and (b), the Vice Chair shall stand as Vice Chair for the term of Council for the Public Health Committee.~~

(iv) Section 5.3 “Standing Committee Membership” be **amended**, as follows:

5.3 Standing Committee Membership

(1) General Issues Committee ~~and Public Health Committee~~ shall be comprised of all Members of Council.

(2) **Public Health Committee shall be comprised of 6 Members of Council, 6 community health professionals (can be from either a regulated profession (i.e. doctor, nurse, social worker) or an unregulated profession (i.e. harm reduction worker, outreach worker, disability justice advocate); and 1 education representative;**

(7) Each Member of Council shall sit on a minimum of **3** Standing Committees, in addition to the ~~Public Health Committee and~~ General Issues Committee.

(c) That the Selection Process for the appointment of the 6 community health professionals and the 1 education representative to the Public Health Committee, be approved, as follows:

(i) That the Public Health Committee Selection Committee for the recruitment of the 6 community health professionals (can be from either a regulated profession (i.e. doctor, nurse, social worker) or an unregulated profession (i.e. harm reduction worker, outreach worker, disability justice advocate); and the 1 education representative to the Public Health Committee, be comprised of the six (6) members of Council and six (6) community representatives;

- (ii) That the Greater Hamilton Health Network (GHHN), GHHN Health Equity Council, Hamilton Trans Health Coalition, Woman Abuse Working Group (WAWG), Refugee Newcomer Health, and the Hamilton Anti-Racism Resource Centre (HARRC) recommend the appointment of the six (6) community representatives on the Public Health Committee Selection Committee for the recruitment 6 community health professionals and the 1 education representative to the Public Health Committee for the 2022-2026 term of Council for Council's consideration;
- (iii) That the six (6) community representatives appointed to the Public Health Committee Selection Committee for the recruitment of 6 community health professionals and the 1 education representative to the Public Health Committee, be required to complete and adhere to a confidentiality agreement as well as the Code of Conduct for Local Boards.
- (iv) That the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, be **amended**, by adding the following new sub-section 16 and renumbering the remaining sub-sections accordingly:

Selection Process for the Appointment of the 6 community health professionals and the 1 education representative to the Public Health Committee

- 16. Six (6) members of Council and six (6) community representatives are appointed to the Public Health Committee Selection Committee whose mandate will be to:
 - (i) Review applications for the appointment of the 6 community health professionals (can be from either a regulated profession (i.e. doctor, nurse, social worker) or an unregulated profession (i.e. harm reduction worker, outreach worker, disability justice advocate); to the Public Health Committee;
 - (ii) Shortlist the applicants with assistance of staff, where appropriate, based on the applicant information provided;
 - (iii) Request that the following Advisory Committees submit confidential interview questions:
 - (a) Hamilton Women and Gender Equity Advisory Committee

- (b) Indigenous Advisory Committee
 - (c) LGBTQ Advisory Committee
 - (d) Committee Against Racism Advisory Committee
 - (e) Advisory Committee for Persons with Disabilities
- (iv) Request that the Hamilton District School Board and the Hamilton Catholic District School Board nominate a candidate(s) as the 1 education representative to be appointed to the Public Health Committee for the Public Health Committee Selection Committee consideration;
- (v) Interview applicants and nominated candidates, if necessary, who have met the criteria (below), ensuring that they are not ineligible (below);

Preference will be given to applicants who meet the following criteria:

- a resident of, or owner of a business in, the City at least 18 years of age;
- an owner or tenant of land in the City, or the spouse of such a person;
- not employed by the City of Hamilton;
- interest or background in issues affecting municipal public health programs and services
- interest or skills in planning and policy development leading to a comprehensive municipal public health agenda that meets local community needs
- experience in organizational activities, such as committees, non-profit groups, voluntary societies, occupational associations skills in leadership and management
- experience in administration and budget development
- demonstrated skills in conflict management, negotiation and mediation
- ability to make a commitment to monthly involvement in Public Health Committee meetings and related committees or other activities
- a youthful perspective, defined as an individual in the 18-30 age range, a desired qualification for at least one public member
- a frontline worker perspective

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

5. COMMUNICATIONS

5.2 Anne-Marie King, respecting Restructuring the Board of Health

Recommendation: Be received and referred to Item 11.1,
Restructuring the Board of Health

6. DELEGATION REQUESTS

6.1 Restructuring the Board of Health

6.1 (c) Aznive Mallett, Advisory Committee for Persons with Disabilities
(ACPD) (For today's meeting)

6.1 (d) Ruth Rodney (For today's meeting)

The March 27, 2023 Agenda of the Governance Review Sub-Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 4)

(i) September 9, 2022 (Item 4.1)

The Minutes of the September 9, 2022 meeting of the Governance Review Sub-Committee were approved, as presented.

(d) COMMUNICATIONS (Item 5)

The following Communications were received and referred to the consideration of Item 11.1, Restructuring the Board of Health:

(i) Sim Sahota, respecting Restructuring the Board of Health (Item 5.1)

(ii) Anne-Marie King, respecting Restructuring the Board of Health (Added Item 5.2)

For further disposition of this matter, refer to Item 9.

(e) DELEGATION REQUESTS (Item 6)

The following Delegation Requests respecting the Restructuring of the Board of Health, were approved for today's meeting:

- (i) Kojo Dampsey, McMaster University (Item 6.1(a))
- (ii) Mark A. McNeil, Accessibility Hamilton Alliance (Item 6.1(b))
- (iii) Aznive Mallett, Advisory Committee for Persons with Disabilities (ACPD) (Added Item 6.1(c))
- (iv) Ruth Rodney (Added Item 6.1(d))

For further disposition of this matter, refer to Items 9 and (f)(i).

(f) DELEGATIONS (Item 7)

(i) Delegations respecting Item 11.1, Restructuring the Board of Health

The following delegations addressed the Committee respecting Item 11.1 - Restructuring the Board of Health:

- (a) Kojo Dampsey, McMaster University (Added Item 7.1)
- (b) Mark A. McNeil, Accessibility Hamilton Alliance (Added Item 7.2)
- (c) Aznive Mallett, Advisory Committee for Persons with Disabilities (ACPD) (Added Item 7.3)
- (d) Ruth Rodney (Added Item 7.4)

The following delegations, were received and referred to the consideration of Item 11.1 - Restructuring the Board of Health:

- (a) Kojo Dampsey, McMaster University (Added Item 7.1)
- (b) Mark A. McNeil, Accessibility Hamilton Alliance (Added Item 7.2)
- (c) Aznive Mallett, Advisory Committee for Persons with Disabilities (ACPD) (Added Item 7.3)
- (d) Ruth Rodney (Added Item 7.4)

For further disposition of this matter, refer to Item 9.

(g) DISCUSSION ITEMS (Item 10)

(i) Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards (FCS23034) – REVISED (Item 10.1)

The consideration of Report FCS23034, respecting the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards, was deferred until after the Committee has considered the Code of Conduct for Local Boards matter.

For further disposition of this matter, refer to Items 3 and (g)(iii).

(ii) **2024 and 2025 Committee and Council Meeting Calendars (FCS23048)
(Item 10.2)**

The following motion was defeated.

That consideration of Report FCS23048, respecting 2024 and 2025 Committee and Council Meeting Calendars, be deferred until after Council has completed its Strategic Planning process.

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

(iii) **Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards (FCS23034) - REVISED (Item 10.1)**

The recommendations in Report FCS23034, respecting Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards, were *amended*, as follows:

~~(a) ***That the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards, attached hereto as Appendix 'A', be approved; and***~~

(a) ***That consideration of the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards is deferred until such time as there has been a report back from City staff to the April 6, 2023 meeting of the Audit, Finance and Administration Committee about how feedback has been incorporated;***

(b) ***That City staff continue to reach out to the Advisory Committees who are marked as "received without comment" and "have not met to review" in Appendix C to Report FCS23034, and report back to Governance by the end of May 2023.***

~~(b)~~(c) That the Corporate Policy, Hamilton City Council – Appointment of Citizens to the City's Local Boards attached as Appendix 'B' to Appendix 'A' to this report, be approved.

At the request of Committee, the amendments to Subsections (a) and (b) were voted on separately.

(a) ***That consideration of the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards is deferred until such time as there has been a report back from City staff to the April 6, 2023 meeting of the Audit, Finance and Administration Committee about how feedback has been incorporated;***

- (b) ***That City staff continue to reach out to the Advisory Committees who are marked as “received without comment” and “have not met to review” in Appendix C to Report FCS23034, and report back to Governance by the end of May 2023.***

For further disposition of this matter, refer to Items 3 and (g)(i).

(h) **MOTIONS (Item 11)**

(i) **Budget Process Review (Item 10.1)**

WHEREAS, Ontario municipalities must prepare and adopt an annual budget that includes estimates of all of your municipality’s financial needs during the year (Sections 289 and 290 of the *Municipal Act, 2001*);

WHEREAS, budgets are powerful management tools. They help define levels of municipal services and identify how revenues will fund expenses. Budgeting involves prioritizing projects, programs and service levels in light of the available and potential financial resources;

WHEREAS, municipalities have flexibility regarding the format and level of detail of its budgets;

WHEREAS, while the operating and capital components of budgets are inter-related, some municipalities prepare them separately;

WHEREAS, Hamilton City Council approves 3 budgets annually (Water, Wastewater and Stormwater Rate Supported Budget, Tax Supported Capital Budget, and the Tax Supported Operating Budget);

WHEREAS, the City of Hamilton first embarked on multi-year budgeting in 2018 to help plan further out on day-to-day services and to provide justification for revenue and expenditure predications;

WHEREAS, City of Hamilton is dedicated to advancing and articulating City decision-making efforts by ensuring the process by which participants are provided information and are engaged is meaningful, clear, convenient, and accessible to all residents;

WHEREAS, City of Hamilton had two public delegation opportunities for residents to delegate either in-person or virtually during the 2023 budget process;

WHEREAS, City of Hamilton is currently creating a robust public engagement policy and administrative framework; and

WHEREAS, enhancing engagement throughout the budget process can inherently support high-level Term of Council Priorities including (1) Equity, Diversity and Inclusion; and (2) Trust and Confidence in City Government;

THEREFORE, BE IT RESOLVED:

- (a) Staff were requested to report back on best practices as it relates to the timing of approval of the municipal budget(s);
- (b) Staff was requested to report back on best practices that prioritize resident engagement including access to, understanding of and participation in budget setting;
- (c) Staff was requested to report back on what an equity-responsive climate budget might look like in terms of principles and framework;
- (d) Staff was requested to report back on the inter-relatedness of the operating and capital budget and the potential to transition to 2 annual budgets (Water, Wastewater and Stormwater Rate Supported Budget, and a Tax Supported Budget);
- (e) Staff within Financial Planning, Administration and Policy Division and Government Relations & Community Engagement Division were directed to work together to provide clear descriptions for the roles and responsibilities of Council, City staff, and the public in the City's public budget engagement processes through their report back;
- (f) Staff was directed to report back on ways to make the annual budget accessible, using clearing writing principles, and relevant throughout the year to provide updates on current budget status and updated council decisions to highlight budget impacts and decisions made by Council;
- (g) Staff was requested to report back on a process that will accelerate and consolidate the time allocated for budget presentations and Council's budget deliberations, with an emphasis on achieving long-term financial planning, transparency, strategic planning and continuous budget improvement; and
- (h) Staff was directed to report back on the above direction with a goal to transition to a new budget process for the 2025 budget year.

(j) ADJOURNMENT (Item 15)

There being no further business, the Governance Review Sub-Committee meeting was adjourned at 6:06 p.m.

Respectfully submitted,

Councillor T, Hwang, Chair
Governance Review Sub-Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk

Corporate Policy Hamilton City Council – Appointment of Citizens to the City’s Local Boards	 Hamilton	Policy Alignment: <i>Municipal Act 2001, as amended</i> Council Approved: March 2017 Revisions: September 18, 2018, December 15, 2021, July 8, 2022, August 12, 2022, September 28, 2022 and March 29, 2023
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Purpose

The City of Hamilton recognizes the importance and value of involving residents to help shape City projects, policies and initiatives. Engaging residents on issues that affect their lives and their City is a vital component of a well-functioning democratic society and is a key priority of the City’s 25-year Community Vision. Hamilton is committed to creating and nurturing a City that is welcoming and inclusive where citizens of all ages, backgrounds, and abilities have the chance to participate in meaningful engagement opportunities.

The purpose of this policy is to outline the process to appoint citizens to the City’s Agencies, Boards, Commissions, Advisory Committees and Sub-Committees, including:

- The eligibility criteria
- Public Notice
- Recruitment
- Public information sessions
- Description of the selection process for:
 - o Local Boards (excluding Advisory Committees)
 - o Advisory Committees (excluding the Hamilton Indigenous Advisory Committee)
 - o the one Citizen Appointment to the Hamilton Police Services Board
 - o the Hamilton Indigenous Advisory Committee
 - o Local Boards Established during the Term of Council
- Selection Committee & Interview Sub-Committee Guiding Principles
- Description of the Interview Process
- The Roles and Responsibilities Appointed Citizens
- Appointment at Pleasure of Council
- The Filling of Vacancies during the Term of Council

Eligibility

1. The Selection Process is open to all residents and business owners of the City of Hamilton who are at least 18 years of age, unless otherwise stated (Note: Additional requirements may be requested by the individual Local Board, if they are governed by separate legislation, policies or mandates);
2. City Council wishes to ensure that its Local Boards reflect the diverse nature of the City of Hamilton’s population and encourages all residents to apply for appointment opportunities.
3. The Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees should reflect the diversity of the City of Hamilton’s population, and are committed to being inclusive and equitable for all involved. All residents are encouraged to apply for appointment opportunities.

Corporate Policy Hamilton City Council – Appointment of Citizens to the City's Local Boards		Policy Alignment: <i>Municipal Act 2001, as amended</i> Council Approved: March 2017 Revisions: September 18, 2018, December 15, 2021, July 8, 2022, August 12, 2022, September 28, 2022 and March 29, 2023
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Public Notice

4. The City Clerk's Office advertises for citizen member vacancies on the City's Local Boards in the Hamilton Spectator and/or relevant Community Newspapers, on the City's website and through other appropriate methods.

Recruitment

5. Citizen membership on all of the City's Local Boards, with the exception of those terms of office defined by Provincial or Federal legislation, will be to serve for a period of up to four years, which coincides with the Term of Council.
6. Citizens are permitted to apply for membership on no more than two (2) of the City's Local Boards.
7. Applications and information regarding the City's Local Boards (i.e. Roles, Responsibilities and Expectations of New Members, Terms of Reference, Mandate, approximate number of meetings per year, etc.) are made available at the City Clerk's Office, at all Municipal Service Centre locations and on the City's website (www.hamilton.ca). The City will provide accommodation for applicants in all aspects of the selection process, up to the point of undue hardship. If you have an accommodation need, please contact clerk@hamilton.ca as soon as possible to make appropriate arrangements;
8. Completed application forms are to be returned to the City Clerk's Office or any of the Municipal Service Centres by the application deadline as set out in the advertised Public Notice. Applications received after the deadline will not be considered for appointment.
9. Completed applications may be submitted to the City Clerk's Office by one of the following methods:
 - (a) Online Application Process on the City's website;
 - (b) Hand delivered or mailed to the Office of the City Clerk, 1st Floor, 71 Main Street West, Hamilton, Ontario, L8P 4Y5;
 - (c) Delivered to any Municipal Service Centre;
 - (d) Scanned and forwarded via e-mail to the contact person listed in the Advertisement; or,
 - (e) By Facsimile Transmission at (905) 546-2095

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10. Applications shall be kept on file by the City Clerk’s Office for the Term of Council. In the event of a vacancy, the Selection Committee or Interview Sub-Committee may consider interviewing applicants whose applications are on file for the current term, and the appointment would be for the balance of the current Council term.
11. Incumbents who are eligible and willing to seek reappointment to a Local Board must reapply in the same manner as other applicants.

Public Information Session(s)

12. A Public Information Session(s) is scheduled during the beginning of the initial recruitment process (end of the previous Term of Council) and although attendance is not mandatory, attendance is strongly encouraged for new applicants.

At the Information Session(s), citizens are provided with information regarding the City’s Local Boards and are afforded the opportunity to ask questions of the Staff Liaisons.

Interested citizens may also fill out and submit an application during the Information Session(s).

Selection Process for Local Boards (excluding Advisory Committees)

13. A minimum of five (5) members of Council are appointed to the Selection Committee whose mandate will be to:
 - (i) Review citizen member applications for the City’s local boards (excluding Advisory Committees);
 - (ii) Applicants are shortlisted with assistance of staff, where appropriate, based on information provided in the application;
 - (iii) Interview candidates as deemed appropriate by the Selection Committee;
 - (iv) Make recommendations to City Council for the appointment of citizens to the various local boards (excluding Advisory Committees).

Corporate Policy Hamilton City Council – Appointment of Citizens to the City’s Local Boards	 Hamilton	Policy Alignment: <i>Municipal Act 2001, as amended</i> Council Approved: March 2017 Revisions: September 18, 2018, December 15, 2021, July 8, 2022, August 12, 2022, September 28, 2022 and March 29, 2023
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Selection Process for Advisory Committees (excluding the Hamilton Indigenous Advisory Committee)

14. A minimum of two (2) members of each Standing Committee (plus alternates, where applicable) are appointed to the respective Standing Committee Interview Sub-Committee whose mandate will be to:
- (i) Review citizen member applications for the City’s Advisory Committees (excluding the Hamilton Indigenous Advisory Committee);
 - (ii) Applicants are shortlisted with assistance of staff, where appropriate, based on information provided in the application;
 - (iii) Interview candidates as deemed appropriate by the respective Standing Committee Interview Sub-Committee;
 - (iv) Make recommendations to the respective Standing Committee for the appointment of citizen members to the various Advisory Committees (excluding the Hamilton Indigenous Advisory Committee). These recommendations are ratified by Council.

Selection Process for the one Citizen Appointment to the Hamilton Police Services Board

15. Six (6) members of Council and six (6) community representatives are appointed to the Hamilton Police Services Board Selection Committee whose mandate will be to:
- (i) Review applications for the one citizen appointment to the Hamilton Police Services Board;
 - (ii) Shortlist the applicants with assistance of staff, where appropriate, based on the applicant information provided;
 - (iii) Request that the Hamilton Police Service as well as the following Advisory Committees submit confidential interview questions:
 - (a) Hamilton Women and Gender Equity Advisory Committee
 - (b) Indigenous Advisory Committee
 - (c) LGBTQ Advisory Committee
 - (d) Committee Against Racism Advisory Committee

(e) Advisory Committee for Persons with Disabilities

Corporate Policy Hamilton City Council – Appointment of Citizens to the City’s Local Boards	 Hamilton	Policy Alignment: <i>Municipal Act 2001, as amended</i> Council Approved: March 2017 Revisions: September 18, 2018, December 15, 2021, July 8, 2022, August 12, 2022, September 28, 2022 and March 29, 2023
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- (iv) Interview applicants who have met the criteria (below), ensuring that they are not ineligible (below);

Preference will be given to applicants who meet the following criteria:

- a resident of, or owner of a business in, the City;
- an owner or tenant of land in the City, or the spouse of such a person;
- a Canadian citizen, at least 18 years of age;
- not a member of the Legislative Assembly, the Senate, House of Commons, or an elected official of the City;
- not a Crown employee, nor an employee of a municipality;
- not otherwise disqualified from holding office or voting;
- of good character (applicants will be required to provide authorization to the Police Service to conduct a comprehensive background check);
- a demonstrated history of community service i.e., previous experience on Boards or Committees;
- able to devote up to 20 to 25 hours per month to Police Board matters, including availability during normal business hours;
- skills or leadership in a business or a profession, which demonstrates ability to work effectively as a member of the Board; and,
- specific knowledge, training, education or experience, which may be an asset to the Board.

The following persons are ineligible to be a citizen appointee to the Board:

- a member of City Council;
- an employee of the City of Hamilton;
- a Judge or a Justice of the Peace;
- a police officer; or,
- a person who practices criminal law as a defense counsel.

- (v) Submit two (2) preferred candidate(s) to Council for consideration for the appointment of one person to the Hamilton Police Services Board.

Selection Process for the Hamilton Indigenous Advisory Committee

16. The local Hamilton Indigenous Community leadership, will recommend to Council the appointment of residents from the Hamilton Indigenous community, to sit on the Hamilton Indigenous Advisory Committee.

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Selection Process for Local Boards Established during the Term of Council

17. When a local board is established during the Term of Council, the respective process outlined in Section 12 and 13 will be followed.

Selection Committee & Interview Sub-Committee Guiding Principles

18. The Selection Committee and Interview Sub-Committees are committed to fulfilling the recruitment and selection of its citizens to the City's Local Boards in an open, transparent and equitable manner.
19. The Selection Committee and Interview Sub-Committees are committed to a public recruitment process which is communicated well in advance and which encourages a broad range and diverse participation of citizens, free of barriers.
20. The Selection Committee and Interview Sub-Committees are committed to a competitive recruitment process which seeks suitable candidates evaluated on interest, merit and related competencies.
21. The Selection Committee and Interview Sub-Committees are committed to unbiased decision making essential to a fair and impartial selection process.

Interview Process

22. The Selection Committee or Interview Sub-Committee may, at its discretion, with the assistance of staff, shortlist candidates using the following criteria:
- (i) Related skills, abilities and knowledge competencies;
 - (ii) Lived experience as described by the applicant; and,
 - (iii) Number of citizens who applied for vacancy(ies).
23. Interviews will be conducted, where required, with those applicants who are most suited to serve on a City's Local Board, being notified verbally or by e-mail by the City Clerk's office of the interview date and time, which will be approximately ten (10) minutes in length.
24. Interview questions will be developed by staff in relation to the mandated role of the Local Board in consultation with the City Clerk's Office.

25. Successful applicants will be notified in writing by the City Clerk's Office once their appointment has been approved by Council.

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26. In some circumstances, applicants may be required to have background checks.
27. One Legislative Coordinator and the Staff Liaison to the Local Board, shall attend the interviews and serve as a resource person.

Roles and Responsibilities of Appointed Citizen Members of the City's Local Boards

28. Citizen members of the City's Local Boards are encouraged to make themselves familiar with the Terms of Reference, the Roles, Responsibilities and Expectations of New Members and mandated activities of the Local Board to which they are making application to.
29. Citizen members of the City's Local Boards:
- (i) are required to attend and participate fully in the meetings;
 - (i) who miss more than three consecutive (3) meetings during their term, the Chair, after hearing and considering any explanation provided by the member, may ask the member to resign, or request that Council remove the member;
 - (ii) upon appointment and prior to attending the first meeting, are required to sign an Acknowledgement Form (page 30 of the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards). Such declaration will remain on file in the Office of the City Clerk for the duration of the citizen's appointment;
 - (iv) are bound by the *Municipal Conflict of Interest Act* found at the following link: <https://www.ontario.ca/laws/statute/90m50> and explained further under section 'Conflicts of Interest' in the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards; and
 - (v) are to comply with the Code of Conduct for Local Boards (attached as Appendix "B" to the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards).

Appointment at Pleasure of Council

30. Despite the set term of appointment of up to 4 years or until a successor is appointed, all citizen members are appointed at the pleasure of City Council and City Council retains the right to remove any citizen appointed member at any time and for any reason, unless legislation provides otherwise.

<p>Corporate Policy Hamilton City Council – Appointment of Citizens to the City’s Local Boards</p>		<p>Policy Alignment: <i>Municipal Act 2001, as amended</i></p> <p>Council Approved: March 2017 Revisions: September 18, 2018, December 15, 2021, July 8, 2022, August 12, 2022, September 28, 2022 and March 29, 2023</p>
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Filling of Vacancies

31. Vacancies on the City’s Local Boards can occur throughout the Term of Council, due to a member’s resignation, should a vacancy occur during the Term of Council, the following process will be followed:
- (i) The Committee member who is resigning shall do so formally in writing by providing a completed and signed copy of the Local Board Member Resignation Form (attached as Appendix “C” to the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards) or an email to the committee’s Staff Liaison, who will forward the form or the email to the appropriate Legislative Coordinator, in the City Clerk’s office, stating which Local Board the Committee member is resigning from and general reasons why (the inclusion of private/personal information is not required).
 - (ii) The Local Board Member’s Resignation Form or email will be:
 - (a) placed on the respective Standing Committee’s agenda to be formally received by the Committee; or
 - (b) placed on the Council Agenda, (due to time sensitivity) to be formally received by Council; and forwarded to the Selection Committee or Interview Sub-Committee for review.
 - (iii) Requests for the removal of a member by the Chair due to the member’s absences from more than three consecutive (3) meetings during their term, will be approved by the local board and presented to Council and forwarded to the Selection Committee or Interview Sub-Committee for review.
 - (iv) The Selection Committee or respective Interview Sub-Committee will consider whether to fill the vacancy from those applicants who applied in the initial call for applications, or to re-advertise.
 - (v) If the vacancy occurs within 12 months of the end of the Term of Council, and there are insufficient applicants on file to fill the vacancy, the vacancy will not be filled, and the quorum of the Local Board will be adjusted accordingly.

Appendix 'B' to Governance Review Sub-Committee Report 23-001

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January 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 NEW YEAR'S DAY	2	3	4	5	6
		NO MEETINGS – PLEASE DO NOT USE				
7	8	9	10	11	12	13
14	15 BOH – 9:30 a.m. PW – 1:30 p.m.	16 Planning – 9:30 a.m.	17 GIC – 9:30 a.m.	18 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	19	20
21	22	23	24 COUNCIL 9:30 a.m.	25	26	27
28	29	30	31			

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

PW = Public Works Committee

E&CS = Emergency & Community Services

Planning = Planning Committee

BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

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February 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5 BOH – 9:30 a.m. PW – 1:30 p.m.	6 Planning – 9:30 a.m.	7 GIC – 9:30 a.m.	8 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	9	10
11	12	13	14 COUNCIL 9:30 a.m.	15	16	17
18	19 FAMILY DAY	20 PW – 1:30 p.m.	21 GIC – 9:30 a.m.	22 AF&A – 9:30 a.m. <i>If required</i> E&CS – 1:30 p.m. <i>If required</i>	23 Planning – 9:30 a.m.	24
25	26	27	28 COUNCIL 9:30 a.m.	29		

GIC = General Issues Committee

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Planning = Planning Committee

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March 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
	NO MEETINGS – PLEASE DO NOT USE					
10	11	12	13	14	15	16
	MARCH BREAK		MARCH BREAK		MARCH BREAK	
17	18	19	20	21	22	23
	BOH – 9:30 a.m. PW – 1:30 p.m.	Planning – 9:30 a.m.	GIC – 9:30 a.m.	AF&A – 9:30 a.m. E&CS – 1:30 p.m.		
24/31	25	26	27	28	29	30
			COUNCIL 9:30 a.m.		GOOD FRIDAY	

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Appendix 'B' to Governance Review Sub-Committee Report 23-001

April 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 EASTER MONDAY	2 BOH – 9:30 a.m. PW – 1:30 p.m.	3 GIC – 9:30 a.m.	4 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	5 Planning – 9:30 a.m.	6
7	8	9	10 COUNCIL 9:30 a.m.	11	12	13
14	15 PW – 1:30 p.m.	16 Planning – 9:30 a.m.	17 GIC – 9:30 a.m.	18 AF&A – 9:30 a.m. <i>If required</i> E&CS – 1:30 p.m. <i>If required</i>	19	20
21	22	23	24 COUNCIL 9:30 a.m.	25	26	27
28	29 BOH – 9:30 a.m. PW – 1:30 p.m.	30 Planning – 9:30 a.m.				

GIC = General Issues Committee

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Appendix 'B' to Governance Review Sub-Committee Report 23-001

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

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May 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 GIC – 9:30 a.m.	2 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	3	4
5	6	7	8 COUNCIL 9:30 a.m.	9	10	11
12	13 PW – 1:30 p.m.	14 Planning – 9:30 a.m.	15 GIC – 9:30 a.m.	16 AF&A – 9:30 a.m. <i>If required</i> E&CS – 1:30 p.m. <i>If required</i>	17	18
19	20 VICTORIA DAY	21	22 COUNCIL 9:30 a.m.	23	24	25
26	27	28	29	30	31	

GIC = General Issues Committee

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June 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 BOH – 9:30 a.m. PW – 1:30 p.m.	4 Planning – 9:30 a.m.	5 GIC – 9:30 a.m.	6 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	7	8
9	10	11	12 COUNCIL 9:30 a.m.	13	14	15
16	17 PW – 1:30 p.m.	18 Planning – 9:30 a.m.	19 GIC – 9:30 a.m.	20 AF&A – 9:30 a.m. <i>If required</i> E&CS – 1:30 p.m. <i>If required</i>	21	22
23/30	24	25	26 COUNCIL 9:30 a.m.	27	28	29

GIC = General Issues Committee

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July 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 CANADA DAY	2	3	4	5	6
7	8 GIC – 9:30 a.m.	9 Planning – 9:30 a.m.	10 BOH – 9:30 a.m. PW – 1:30 p.m.	11 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	12 COUNCIL 9:30 a.m.	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

GIC = General Issues Committee

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August 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5 CIVIC HOLIDAY	6	7	8	9	10
11	12 GIC – 9:30 a.m.	13 Planning – 9:30 a.m.	14 BOH – 9:30 a.m. PW – 1:30 p.m.	15 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	16 COUNCIL 9:30 a.m.	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

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September 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 LABOUR DAY	3 PW – 1:30 p.m. BOH – 9:30 a.m.	4 GIC – 9:30 a.m.	5 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	6 Planning – 9:30 a.m.	7
8	9	10	11 COUNCIL 9:30 a.m.	12	13	14
15	16 PW – 1:30 p.m.	17 Planning – 9:30 a.m.	18 GIC – 9:30 a.m.	19 AF&A – 9:30 a.m. <i>If required</i> E&CS – 1:30 p.m. <i>If Required</i>	20	21
22	23	24	25 COUNCIL 9:30 a.m.	26	27	28
29	30 BOH – 9:30 a.m. PW – 1:30 p.m.					

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

PW = Public Works Committee

E&CS = Emergency & Community Services

Planning = Planning Committee

BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor unless otherwise noted.

Appendix 'B' to Governance Review Sub-Committee Report 23-001

October 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 Planning – 9:30 a.m.	2 GIC – 9:30 a.m.	3 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	4	5
6	7	8	9 COUNCIL 9:30 a.m.	10	11	12
13	14 THANKSGIVING	15 PW – 1:30 p.m.	16 GIC – 9:30 a.m.	17 AF&A – 9:30 a.m. <i>If required</i> E&CS – 1:30 p.m. <i>If Required</i>	18 Planning – 9:30 a.m.	19
20	21	22	23 COUNCIL 9:30 a.m.	24	25	26
27	28	29	30	31		

GIC = General Issues Committee AF&A = Audit, Finance & Administration
 PW = Public Works Committee E&CS = Emergency & Community Services
 Planning = Planning Committee BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

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November 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 BOH – 9:30 a.m. PW – 1:30 p.m.	5 Planning – 9:30 a.m.	6 GIC – 9:30 a.m.	7 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	8	9
10	11	12	13 COUNCIL 9:30 a.m.	14	15	16
17	18 PW – 1:30 p.m.	19 Planning – 9:30 a.m.	20 GIC – 9:30 a.m.	21 AF&A – 9:30 a.m. If required E&CS – 1:30 p.m. If Required	22	23
24	25	26	27 COUNCIL 9:30 a.m.	28	29	30

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

PW = Public Works Committee

E&CS = Emergency & Community Services

Planning = Planning Committee

BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor unless otherwise noted.

Appendix 'B' to Governance Review Sub-Committee Report 23-001

December 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 BOH – 9:30 a.m. PW – 1:30 p.m.	3 Planning – 9:30 a.m.	4 GIC – 9:30 a.m.	5 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	6	7
8	9	10	11 COUNCIL 9:30 a.m.	12	13	14
15	16	17	18	19	20	21
22	23	24 CHRISTMAS EVE	25 CHRISTMAS DAY	26 BOXING DAY	27 SHUTDOWN	28
29	30 SHUTDOWN	31 NEW YEARS EVE!				

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

PW = Public Works Committee

E&CS = Emergency & Community Services

Planning = Planning Committee

BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor unless otherwise noted.

Appendix 'C' to Governance Review Sub-Committee Report 23-001

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January 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 NEW YEAR'S DAY	2 NO MEETINGS – PLEASE DO NOT USE	3	4
5	6	7	8	9	10	11
12	13 BOH – 9:30 a.m. PW – 1:30 p.m.	14 Planning – 9:30 a.m.	15 GIC – 9:30 a.m.	16 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	17	18
19	20	21	22 COUNCIL 9:30 a.m.	23	24	25
26	27	28	29	30	31	

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

PW = Public Works Committee

E&CS = Emergency & Community Services

Planning = Planning Committee

BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

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February 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 BOH – 9:30 a.m. PW – 1:30 p.m.	4 Planning – 9:30 a.m.	5 GIC – 9:30 a.m.	6 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	7	8
9	10	11	12 COUNCIL 9:30 a.m.	13	14	15
16	17 FAMILY DAY	18 PW – 1:30 p.m.	19 GIC – 9:30 a.m.	20 AF&A – 9:30 a.m. <i>If required</i> E&CS – 1:30 p.m. <i>If required</i>	21 Planning – 9:30 a.m.	22
23	24	25	26 COUNCIL 9:30 a.m.	27	28	

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

PW = Public Works Committee

E&CS = Emergency & Community Services

Planning = Planning Committee

BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

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March 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
	NO MEETINGS – PLEASE DO NOT USE					
9	10	11	12	13	14	15
	MARCH BREAK			MARCH BREAK		MARCH BREAK
16	17	18	19	20	21	22
	BOH – 9:30 a.m. PW – 1:30 p.m.	Planning – 9:30 a.m.	GIC – 9:30 a.m.	AF&A – 9:30 a.m. E&CS – 1:30 p.m.		
23	24	25	26	27	28	29
			COUNCIL 9:30 a.m.			
30	31					
	BOH – 9:30 a.m. PW – 1:30 p.m.					

GIC = General Issues Committee
PW = Public Works Committee

AF&A = Audit, Finance & Administration
E&CS = Emergency & Community Services

Appendix 'C' to Governance Review Sub-Committee Report 23-001

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Planning = Planning Committee BOH = Board of Health

All meetings will be held in the Council Chambers, Hamilton City Hall, 2nd Floor

Appendix 'C' to Governance Review Sub-Committee Report 23-001

April 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 Planning – 9:30 a.m.	2 GIC – 9:30 a.m.	3 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	4	5
6	7	8	9 COUNCIL 9:30 a.m.	10	11	12
13	14 PW – 1:30 p.m.	15 Planning – 9:30 a.m.	16 GIC – 9:30 a.m.	17 AF&A – 9:30 a.m. <i>If required</i> E&CS – 1:30 p.m. <i>If required</i>	18 GOOD FRIDAY	19
20	21 EASTER MONDAY	22	23 COUNCIL 9:30 a.m.	24	25	26
27	28 BOH – 9:30 a.m. PW – 1:30 p.m.	29 Planning – 9:30 a.m.	30 GIC – 9:30 a.m.			

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

PW = Public Works Committee

E&CS = Emergency & Community Services

Appendix 'C' to Governance Review Sub-Committee Report 23-001

Planning = Planning Committee

BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

May 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	2	3
4	5	6	7 COUNCIL 9:30 a.m.	8	9	10
11	12 PW – 1:30 p.m.	13 Planning – 9:30 a.m.	14 GIC – 9:30 a.m.	15 AF&A – 9:30 a.m. <i>If required</i> E&CS – 1:30 p.m. <i>If required</i>	16	17
18	19 VICTORIA DAY	20	21 COUNCIL 9:30 a.m.	22	23	24
25	26	27	28	29	30	31

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

PW = Public Works Committee

E&CS = Emergency & Community Services

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Planning = Planning Committee

BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

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June 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 BOH – 9:30 a.m. PW – 1:30 p.m.	3 Planning – 9:30 a.m.	4 GIC – 9:30 a.m.	5 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	6	7
8	9	10	11 COUNCIL 9:30 a.m.	12	13	14
15	16 PW – 1:30 p.m.	17 Planning – 9:30 a.m.	18 GIC – 9:30 a.m.	19 AF&A – 9:30 a.m. <i>If required</i> E&CS – 1:30 p.m. <i>If required</i>	20	21
22	23	24	25 COUNCIL 9:30 a.m.	26	27	28
29	30					

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

PW = Public Works Committee

E&CS = Emergency & Community Services

Planning = Planning Committee

BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

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July 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 CANADA DAY	2	3	4	5
6	7 GIC – 9:30 a.m.	8 Planning – 9:30 a.m.	9 BOH – 9:30 a.m. PW – 1:30 p.m.	10 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	11 COUNCIL 9:30 a.m.	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

PW = Public Works Committee

E&CS = Emergency & Community Services

Planning = Planning Committee

BOH = Board of Health

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August 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 CIVIC HOLIDAY	5	6	7	8	9
10	11 GIC – 9:30 a.m.	12 Planning – 9:30 a.m.	13 BOH – 9:30 a.m. PW – 1:30 p.m.	14 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	15 COUNCIL 9:30 a.m.	16
17	18	19	20	21	22	23
24/31	25	26	27	28	29	30

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

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E&CS = Emergency & Community Services

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September 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 LABOUR DAY	2 PW – 1:30 p.m. BOH – 9:30 a.m.	3 GIC – 9:30 a.m.	4 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	5 Planning – 9:30 a.m.	6
7	8	9	10 COUNCIL 9:30 a.m.	11	12	13
14	15 PW – 1:30 p.m.	16 Planning – 9:30 a.m.	17 GIC – 9:30 a.m.	18 AF&A – 9:30 a.m. <i>If required</i> E&CS – 1:30 p.m. <i>If Required</i>	19	20
21	22	23	24 COUNCIL 9:30 a.m.	25	26	27
28	29 BOH – 9:30 a.m. PW – 1:30 p.m.	30 Planning – 9:30 a.m.				

GIC = General Issues Committee

AF&A = Audit, Finance & Administration

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Appendix 'C' to Governance Review Sub-Committee Report 23-001

October 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 GIC – 9:30 a.m.	2 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	3	4
5	6	7	8 COUNCIL 9:30 a.m.	9	10	11
12	13 THANKSGIVING	14 PW – 1:30 p.m.	15 GIC – 9:30 a.m.	16 AF&A – 9:30 a.m. <i>If required</i> E&CS – 1:30 p.m. <i>If Required</i>	17 Planning – 9:30 a.m.	18
19	20	21	22 COUNCIL 9:30 a.m.	23	24	25
26	27	28	29	30	31	

GIC = General Issues Committee

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All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

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November 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 BOH – 9:30 a.m. PW – 1:30 p.m.	4 Planning – 9:30 a.m.	5 GIC – 9:30 a.m.	6 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	7	8
9	10	11	12 COUNCIL 9:30 a.m.	13	14	15
16	17 PW – 1:30 p.m.	18 Planning – 9:30 a.m.	19 GIC – 9:30 a.m.	20 AF&A – 9:30 a.m. If required E&CS – 1:30 p.m. If Required	21	22
23/30	24	25	26 COUNCIL 9:30 a.m.	27	28	29

GIC = General Issues Committee AF&A = Audit, Finance & Administration
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December 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 BOH – 9:30 a.m. PW – 1:30 p.m.	2 Planning – 9:30 a.m.	3 GIC – 9:30 a.m.	4 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	5	6
7	8	9	10 COUNCIL 9:30 a.m.	11	12	13
14	15	16	17	18	19	20
21	22	23	24 CHRISTMAS EVE	25 CHRISTMAS DAY	26 BOXING DAY	27
28	29 SHUTDOWN	30 SHUTDOWN	31 NEW YEARS EVE!			

GIC = General Issues Committee

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Appendix 'C' to Governance Review Sub-Committee Report 23-001

Authority: Item ,
Report
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO.

A By-law to amend the Procedural By-law 21-021, to Establish a Long-Term Care Homes Committee of Management for the City of Hamilton

WHEREAS the City of Hamilton currently operates two long-term care homes and Provincial legislation requires that a municipality operating one of more long-term care homes must have a Committee of Management comprised of elected members of City Council;

AND WHEREAS the *Fixing Long-Term Care Act, 2021* and its associated regulation, O. Reg. 246/22 introduced new mandatory screening measures that members of a Long-Term Care Committee of Management must successfully complete to become a member;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That By-law 21-021 be amended by amending Appendix "E" by repealing and replacing the paragraph under "Composition" with the following:

The Emergency & Community Service Committee shall also be the Committee of Management for Long-Term Care Homes and shall be comprised of a minimum of 7 members of Council, plus the Mayor as ex-officio, who have met the eligibility criteria under the *Fixing Long-Term Care Act, 2021*, S.O. 2021, c. 39, Sched. 1, as amended or replaced.

2. That By-law 21-021 be amended by adding the following at the bottom of Appendix "E" under "*Specific duties shall include*":
 - the governance and the management of the City's Long-Term Care Homes as the Committee of Management for Long Term Care Homes
3. That By-law 21-021 be amended by repealing and replacing the fifth bullet under *General*, to read as follows:
 - Long-Term Care Homes: Macassa Lodge and Wentworth Lodge
4. That in all other respects, By-law 21-021 is confirmed; and
5. The provisions of this By-law shall become effective on the date approved by City Council.

PASSED this _____ day of _____, 2023.

A. Horwath
Mayor

A. Holland
City Clerk

Corporate Human Resources Policy	 Hamilton	Code of Conduct for Employees
Work Environment		Content Updated: 2019-08-23
Policy No: HR-01-09		
Page 1 of 6		Approval: 2019-09-10

Schedule D: Outside Employment and Activity

PURPOSE	<p>The City of Hamilton recognizes that City employees are engaged in pursuits outside of their workday. This may include, but is not limited to, involvement in community groups and organizations, working with political organizations, and/or seeking additional employment opportunities in addition to their role at the City.</p> <p>While the City supports employees in their personal endeavors, the outside activities of employees must align with the City’s culture and values and must not create a conflict of interest, contravene City of Hamilton policies and procedures or misrepresent the City of Hamilton in any way. In addition, employees’ behaviour outside of the workplace must not diminish the trust and confidence that the community has in City administration or impact the City’s ability to provide services to the community.</p>
DEFINITIONS	<p>Hate</p> <p>Acts of hate are committed to intimidate, harm or terrify victims and the identifiable groups to which they belong. Victims of hate are targeted on the sole basis of who they are and/or the groups to which they belong (i.e., being Jewish, Muslim, Transgender, Black, Indigenous, etc.).</p> <p>Hate Related Incidents may involve intimidation, harassment, physical force or threat of physical force against a person, a group or a property if motivated by hatred/bias/prejudice against an identifiable group. Acts of hate may be committed by strangers or individuals well known to the victim. Perpetrators may include individuals, groups, organizations and institutions. Victims may be reluctant to report hate for a variety of reasons, including: not recognizing that the motivation was hate; fear of retaliation; embarrassment and humiliation; and/or uncertainty of the criminal justice system response.</p> <p>Hate Activity</p> <p>Can include, but is not limited to, verbal slurs; threats; vandalism; intimidation and harassment; and public messages that imply that members of an identifiable group are to be despised, scorned, denied respect and made subject to ill-treatment on the basis of group</p>

Corporate Human Resources Policy	 Hamilton	Code of Conduct for Employees
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	<p>affiliation. Such messages may include group symbols, slogans or epithets and can be transmitted in many ways (e.g., graffiti, posters, flyers, hate mail, over the telephone, website and e-mail content, etc.)</p>
<p>TERMS AND CONDITIONS</p> <p>Outside Employment</p>	<p>Employees shall not take outside employment, including self-employment, if such employment:</p> <ul style="list-style-type: none"> • causes a real or apparent conflict of interest; or • is performed in such a way as to appear to be an official act of or to represent the City; or • interferes with regular duties in any way, or involves the use of City premises, resources or equipment including but not limited to City e-mail, telephones, cell phones, or supplies. <p>Where it appears that a conflict of interest might arise in accepting outside employment, employees must notify their supervisor in writing of the nature of such outside employment prior and receive written permission prior to the acceptance of such employment (See Reporting a Conflict of Interest below).</p>
<p>Outside Business & Financial Activity</p>	<p>No employee participating in any outside business or financial activity shall do so during work hours or use the City's facilities or property including but not limited to vehicles, equipment, tools, photocopiers, stationery, telephones or cell phones, computers, etc., for the benefit or purpose of such business or activity.</p>
<p>Purchase or Lease of Real Property</p>	<p>No employee of the City shall directly or indirectly purchase or lease real property from or to the City, nor shall an employee have any direct or indirect interest in a company which purchases or leases real property from or to the City, unless this interest has been fully disclosed to the appropriate approving authority and unless the</p>

Corporate Human Resources Policy	 Hamilton	Code of Conduct for Employees
Work Environment		Content Updated: 2019-08-23
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<p>Employees Doing Business with the City</p>	<p>purchase or lease of the real property is done through a public process.</p> <p>No employee shall knowingly approve or attempt to influence the approval of any license, permit, contract, agreement or other document on behalf of the City for his or her own personal use, or for the use of an individual with whom the employee has a financial or social relationship. This is in accordance with the City's <u>Procurement Policy By-law</u>.</p> <p style="color: red;">No employee shall be permitted to sell goods and services to the City or to bid on a City contract unless:</p> <ul style="list-style-type: none"> • extenuating circumstances exist, such as a declared state of emergency, or where the employee is the sole provider of a unique product, and • it can be demonstrated that the employee bid or sale of goods and services is in the best interest of the City of Hamilton. <p>The employee must submit a Code of Conduct Disclosure Form that outlines all real and apparent conflicts of interest to (codeofconduct@hamilton.ca).</p> <ul style="list-style-type: none"> • Disclosure Forms will be reviewed to determine if any conflicts of interest should disqualify the employee from selling goods and services or from participating in the bid process, despite the extenuating circumstances. • Staff involved in reviewing Disclosure Forms and confirming that the extenuating circumstances exist will include Legal, Procurement and Human Resources. <p>Notwithstanding any extenuating circumstances, employees will be precluded from bidding on a City contract or from selling goods and services to the City for the following reasons:</p> <ul style="list-style-type: none"> • access to confidential or proprietary information that could give them an unfair advantage in the bidding or sale process, • direct or indirect involvement in the procurement process or the decision-making process by virtue of their position with the City. <p>Employee bids and the sale of goods and services to the City must be approved by Human Resources, Legal, and Procurement. Bids of</p>
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Corporate Human Resources Policy	 Hamilton	Code of Conduct for Employees
Work Environment		Content Updated: 2019-08-23
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<p>Individual Behavior Outside of the Workplace</p>	<p>\$25,000 and over also require City Manager approval. This is in accordance with the City's <u>Procurement Policy By-law</u>.</p>
<p>Involvement with Outside Groups</p>	<p>Employees must not engage in any behaviour outside of the workplace that:</p> <ul style="list-style-type: none"> • Violates City polices, including the Code of Conduct and the Harassment and Discrimination policy • Falls under the City's definition of hate or hate activity • Is in misalignment with the City's culture and values • Is detrimental to the City of Hamilton • Impacts the City's ability to carry out services • Negatively impacts the trust and confidence that the community has in City administration <p>No employee of the City of Hamilton shall participate or otherwise be involved with groups who engage in hate or hate activity.</p> <p>When considering involvement with outside groups, employees should ensure that they are aware of and fully understand the group's objectives, values and beliefs to ensure that they are not in misalignment with the City's corporate culture and values.</p>
<p>Community Board Activity</p>	<p>No employee shall accept an appointment to the Board of a community agency or association that deals with matters related to the activities of the City, without the written permission of his or her Director or designate. Written permission of the Director or designate is not required if the employee is appointed to the Board of the agency or association by the City to represent the City's interests.</p> <p>Any City employee serving on a community board shall take all reasonable actions to avoid any real conflict or apparent conflict between Board activity and the City's interests. Where a real or apparent conflict exists, the employee shall declare the conflict and shall not take part in, or be present for, any Board discussion or decision about the issue raising the conflict of interest. If the conflict of interest is significant, the employee shall resign from the board.</p>

Corporate Human Resources Policy	 Hamilton	Code of Conduct for Employees
Work Environment		Content Updated: 2019-08-23
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Page 5 of 6		Approval: 2019-09-10

Political Activity	<p>To ensure public trust in the City of Hamilton, employees must be, and appear to be, both personally impartial and free from undue political influence in the exercise of their duties.</p> <p>Employees engaged in political activities must take care to separate personal political activities from their position of employment with the City.</p> <p>Employees who are politically involved in Municipal, Provincial, or Federal levels of government must make it clearly understood that they are acting personally and not as representatives of the City.</p> <p>Employees who are running for elected office at the municipal level must abide by the respective legislation governing such elections. This includes abiding by s. 30 of the Municipal Elections Act, 1996 which requires that employees request and <u>obtain an unpaid leave of absence beginning as of the day the employee is nominated and ending on voting day</u>; and deems employees who are elected to office to have resigned from employment immediately before making their declaration of office.</p> <p>Any employee who is politically involved shall ensure that such involvement does not interfere with his or her ability to perform his or her corporate duties objectively.</p> <p>Employees must not engage in any political activity during working hours or utilize City assets resources or property.</p> <p>Employees shall not identify themselves as City employees when engaged in political activity (e.g. employees shall not wear clothing with the City of Hamilton logo while canvassing for a candidate).</p> <p>Notices, posters or similar material in support of a particular candidate or political party are not to be displayed or distributed by employees at City work sites or on City property. An employee's decision to support a candidate or political party financially remains a personal decision.</p>
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Corporate Human Resources Policy	 Hamilton	Code of Conduct for Employees
Work Environment		Content Updated: 2019-08-23
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COMPLIANCE	<p>Every employee is expected to be aware of and act in compliance with the Code of Conduct for Employees Policy and the related Schedules. Any employee under investigation may be suspended with or without pay or be re-assigned to other duties pending completion of the investigation, depending on the particulars of the case and the best interests of the City. Where there is a serious wrongdoing, as defined in the Whistleblower By-law, that By-law applies. Violations of this Schedule may result in appropriate disciplinary measures, up to and including dismissal with cause.</p>
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Appendix "F" to Governance Review Sub-Committee Report 23-001



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
City Clerk's Office

TO:	Chair and Members of Governance Review Sub-Committee
COMMITTEE DATE:	March 27, 2023
SUBJECT/REPORT NO:	Integrity Commissioner Contract Extension (FCS22074 (a)) (City Wide)(Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Andrea Holland (905) 546-2424 Ext. 5409
SUBMITTED BY:	Andrea Holland City Clerk
SIGNATURE:	

RECOMMENDATION

- (a) That Council approve the extension to Contract C2-06-19, Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton from June 1, 2023 until May 31, 2027 and that the City Clerk be authorized to negotiate, enter into and execute the extension and any ancillary documents required to give effect thereto with Principles Integrity, in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

Under the current Contract, C2-06-19, the City has the option to renew the contract for one additional term of council based on the same terms and conditions, subject to satisfactory performance to date of renewal and price negotiations. Staff have had preliminary discussions with Principles Integrity, and they are willing to extend the contract and are open to further negotiations. Staff are seeking approval and authority to proceed with negotiation and an extension.

On September 28, 2022, Council approved the extension of contract C2-06-19 for Council's Integrity Commissioner, Principles Integrity until May 31, 2023 to allow staff to report back with a recruitment selection process option for future appointments for the Integrity Commissioner position, as well as the option to further extend the current

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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.

Appendix “F” to Governance Review Sub-Committee Report 23-001
SUBJECT: Integrity Commissioner Contract Extension (FCS22074(a)) (City Wide)
- Page 2 of 6

contract C2-06-19 past May 31, 2023. During the discussion at the September Standing Committee meeting, staff were asked to review the City of Ottawa model.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Currently, the annual costs for the Integrity Commissioner and Lobbyist Registrar are funded through IC-Lobbyist Registrar (Account Number 300400). The annual costs from the previous five (5) years is listed below in chart 1.

Chart 1: 5 Year History of Integrity Commissioner Costs

Dept ID 300400					
	2018	2019	2020	2021	2022
PRINCIPLES INTEGRITY	9,950.96	30,715.62	66,475.36	64,846.69	39,768.28

Staffing: N/A

Legal: The current contract C2-06-19 includes an option to renew for one further term of Council based on the same terms and conditions subject to price negotiations.

HISTORICAL BACKGROUND

On November 25, 2019, the City Manager, Executive Director of Human Resources, City Solicitor and City Clerk, with the assistance of Procurement staff, issued a Request for Proposals (“RFP”), C2-06-19, to select and retain an Integrity Commissioner and Lobbyist Registrar. The City received three proposals in response to the RFP. All of the proposals were evaluated and as a result, two proposals met the benchmark and were eligible to have their costing proposal opened and evaluated in accordance with the RFP with Principles Integrity approved as the Successful Proponent in 2020.

In September of 2022, the City Clerk reported with a recommendation to Audit, Finance and Administration Committee (“AF&A”) to extend Contract C2-06-19 for an additional term of Council as per the contract. During the discussion at AF&A, Committee expressed an interest to explore recruitment options that other municipalities, expressly the City of Ottawa, utilize to contract their Integrity Commissioners. Committee and Council approved the following direction to staff:

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Appendix “F” to Governance Review Sub-Committee Report 23-001

SUBJECT: Integrity Commissioner Contract Extension (FCS22074(a)) (City Wide)
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Integrity Commissioner and lobbyist Registrar Contract (FCS22074) (City Wide)
 (Item 10.2)

- (a) That Council approve the extension to Contract C2-06-19, Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton until May 31, 2023 and that the City Clerk be authorized to negotiate, enter into and execute the extension and any ancillary documents required to give effect thereto with Principles Integrity, in a form satisfactory to the City Solicitor;
- (b) That the City Clerk inform Council on the results of the negotiation; and,
- (c) That the City Clerk report back to Governance Review Sub-Committee by March 31, 2023 with a recruitment selection process option for future appointments for the Integrity Commissioner position, as well as the option to further extend the current contract C2-06-19 past May 31, 2023.

The extension of the current contact has been completed as per the direction (a) above.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Bill 68, the Modernizing Ontario’s Municipal Legislation Act, 2017, which received Royal Assent on May 30, 2017, expanded the responsibilities of Integrity Commissioners and required that all municipal governments provide for an Integrity Commissioner by either appointing an Integrity Commissioner to perform the functions set out in subsection 223.3(1) of the *Municipal Act, 2001* (the “Act”), or where Council has not appointed a Commissioner, by making arrangements for the responsibilities set out in subsection 223.3(1) of the Act to be provided by an Integrity Commissioner of another municipality, or through a combination of the two, by March 1, 2019.

Part V.1 Accountability and Transparency, subsections 223.2 to 223.12 (Appendix “B”) of the Act outlines the requirements for City Council “to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality”. Council has expressed their intent to retain their own Integrity Commissioner and Lobbyist Registrar and to not provide that service through another municipality.

Subsection 223.9 of the Act authorizes a municipality to establish and maintain a Lobbyist Registry which is a publicly accessible accountability and transparency tool that records and regulates the activities of those persons who lobby public office holders.

Subsection 223.11 of the Act authorizes a municipality to appoint a Lobbyist Registrar who is responsible for performing, in an independent manner, the functions assigned to it by the municipality with respect to its Lobbyist Registry.

Appendix "F" to Governance Review Sub-Committee Report 23-001

SUBJECT: Integrity Commissioner Contract Extension (FCS22074(a)) (City Wide)
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The City of Hamilton By-Law 16-288 To Establish and Govern the Office of Integrity Commissioner and Provide for the Resolution of Allegations of Contravention of the Code of Conduct by Members of Council (the "By-Law") provides as follows:

2. Council's appointment of an Integrity Commissioner pursuant to the Act and this By-law, shall be for a fixed term, such term to be established by Council at the time of such appointment.

7. The appointment of an Integrity Commissioner may be terminated by Council for cause, before the expiration of her or his term of office.

The current authority to appoint and remove the Integrity Commissioner, under the By-Law rests with Council only and does not provide delegation of authority.

RELEVANT CONSULTATION

Following the Council direction, staff reached out to other municipalities to obtain information on their Integrity Commissioner recruitment strategies. All Municipalities who responded, with the exception of the City of Ottawa, recruit using an application or RFP method to select their Integrity Commissioner with the appointment confirmed by Council.

The City of Ottawa was the only respondent that had a Council that provided delegated authority to a staff recruitment team to select and appoint the Integrity Commissioner. The rationale from the City of Ottawa was that, with a recognition that the Integrity Commissioner oversees the conduct of Members of Council, the recruitment and contract administration process is undertaken by the City Clerk, while the selection and appointment process is overseen by an interview panel comprised of the City Clerk, Deputy City Clerk and Auditor General.

Staff consulted with the City Manager and Manager of Procurement to inform the report and recommendations.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Under the current agreement with Principles Integrity, Council has an option to renew the contract for one additional term of Council based on the same terms and conditions, subject to satisfactory performance to date of renewal and price negotiations. Staff are seeking direction from Council to enter into negotiations with Principles Integrity to

Appendix “F” to Governance Review Sub-Committee Report 23-001

SUBJECT: Integrity Commissioner Contract Extension (FCS22074(a)) (City Wide)
- Page 5 of 6

extend the current Contract. If negotiations with Principles Integrity are unsuccessful, staff would then proceed with an RFP process for a new Integrity Commissioner.

The recruitment completed in 2019 resulted in 3 proposals, with only two proposals meeting the benchmark for evaluation. Staff are recommending a contract extension as there was little response in the last recruitment for an Integrity Commissioner and the current contract provides Council with the ability to extend through negotiation.

Principles Integrity has acted as the Integrity Commissioner for the City of Hamilton for since 2018. Historically they have provided timely advice, guidance and investigation services in accordance with the terms of their contract. Principles Integrity currently acts as the Integrity Commissioner for over 50 municipalities, including Peel Region, York Region, Halton Region, County of Simcoe, and the City of Windsor. They have an excellent reputation among municipalities and possess the expertise, network of resources and necessary skill set to enable them to successfully perform the responsibilities set out in their contract.

As there is a very small pool of qualified and experienced Integrity Commissioners available to bid on provision of this service to the City, staff do not believe that issuance of an RFP will result in more options for the City than the search produced back in 2019.

Staff recommend that the renewed term to be negotiated with Principles Integrity be set to expire on or about May 31, 2027 rather than on November 14, 2026, to enable sufficient opportunity for the new Council (2026-2030 Term) to determine a mechanism for appointing its Integrity Commissioner and Lobbyist Registrar.

ALTERNATIVES FOR CONSIDERATION

Recruitment Selection Process for Future Appointments

An alternative to the recommended approach of extending the City’s existing contract with Principles Integrity would be to conduct a competitive procurement process to secure the services of an Integrity Commissioner and Lobbyist Registrar in accordance with the City’s Procurement Policy By-Law 20-205, as amended.

Attached as Appendix “A” to this report FCS22074(a) is an Integrity Commissioner Appointment and Contract Administration Procedure which provides delegated authority to staff to issue an RFP, with all proposals received evaluated by the City Manager, Executive Director of Human Resources, City Solicitor and the City Clerk. Using the prescribed method, set out in the RFP, any eligible proposals would have their costing proposal opened and evaluated only if they meet the required benchmark. Following

Appendix “F” to Governance Review Sub-Committee Report 23-001

SUBJECT: Integrity Commissioner Contract Extension (FCS22074(a)) (City Wide)
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selection of the preferred candidate, the City Clerk would be authorized to place a By-law for Appointment of the preferred candidate on the Council agenda for consideration and enactment by Council. Following formal appointment by Council, the Clerk would hold delegated authority for contract administration, including the execution of a contract with the candidate appointed.

The Procedure attached as Appendix “A” is similar to the process followed for the previous appointment of the City of Hamilton’s Integrity Commissioner and similar to the Ottawa procedure reviewed by staff except that staff propose that Council retain the appointment authority.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS FOR ALTERNATIVES FOR CONSIDERATION

Financial: Currently, the annual costs for the Integrity Commissioner and Lobbyist Registrar are funded through IC-Lobbyist Registrar (Account Number 300400). The annual costs from the previous five (5) years is listed below in chart 1.

Staffing: N/A

Legal: Legal staff will be involved in the review of any contract extension.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Our People and Performance

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

APPENDICES

Appendix A – Integrity Commissioner Appointment and Contract Administration Procedures

Appendix B – Municipal Act, 2001, sections 223.2 to 223.12, as amended

REFERENCES

Municipal Act, 2001, as amended

Council Code of Conduct, By-Law 16-290

Lobbyist Registry, By-Law 14-244

Establish and Govern the Office of Integrity Commissioner, By-Law 16-188

Appendix “G” to Governance Review Sub-Committee Report 23-001

Council/Corporate Procedure	 Hamilton	Policy Alignment:
Office of the City Manager		<i>Municipal Act 2001, as amended</i>
Page 1 of 4		Council Approved: Last Reviewed: March 2023

Integrity Commissioner/Lobbyist Registrar Appointment and Contract Administration Procedures

APPLICATION

This procedure applies to the process for the Integrity Commissioner and Lobbyist Registrar recruitment, appointment and contract administration. This procedure applies to Members of Council, the Selection Panel, and City staff responsible for the recruitment/selection and contract administration process and designates.

LEGISLATIVE REQUIREMENTS

Bill 68, the Modernizing Ontario’s Municipal Legislation Act, 2017, which received Royal Assent on May 30, 2017, expanded the responsibilities of Integrity Commissioners and required that all municipal governments provide access to an Integrity Commissioner and either appoint its own Integrity Commissioner or make provisions that the services of an Integrity Commissioner be provided by another municipality by March 1, 2019.

Part V.1 Accountability and Transparency, section 223.2 to 223.12 of the *Municipal Act, 2001*, as amended, (Appendix ‘A’) outlines the requirements for City Council “to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality”. Council has expressed their intent to retain their own Integrity Commissioner and Lobbyist Registrar and to not provide that service through another municipality.

Subsections 223.9 of the Act authorizes a municipality to establish and maintain a Lobbyist Registry which is a publicly accessible accountability and transparency tool that records and regulates the activities of those persons who lobby public office holders.

Subsection 223.11 of the Municipal Act, 2001 authorizes a municipality to appoint a Lobbyist Registrar who is responsible for performing, in an independent manner, the functions assigned to it by the municipality with respect to its Lobbyist Registry.

The City of Hamilton By-Law 16-288 To Establish and Govern the Office of Integrity Commissioner and Provide for the Resolution of Allegations of Contravention of the Code of Conduct by Members of Council (the “By-Law”) provides as follows:

2. Council’s appointment of an Integrity Commissioner pursuant to the Act and this By-

Appendix “G” to Governance Review Sub-Committee Report 23-001

Council/Corporate Procedure		Policy Alignment:
Office of the City Manager		<i>Municipal Act 2001, as amended</i>
Page 2 of 4		Council Approved: Last Reviewed: March 2023

law, shall be for a fixed term, such term to be established by Council at the time of such appointment.

7. The appointment of an Integrity Commissioner may be terminated by Council for cause, before the expiration of her or his term of office.

Policy 5.4 of the City’s Procurement Policy By-law, By-law 20-205, as amended requires that the Request for Proposals (“RFP”) process be used for Goods and/or Services with an estimated procurement value of \$10,000 or greater and where comprehensive technical specifications cannot be fully defined or specified, or when alternate methods are being sought to perform a certain function or service, at the time of the request.

RELATED DOCUMENTS

Council Code of Conduct, By-Law 16-290
 Lobbyist Registry, By-Law 14-244
 Establish and Govern the Office of Integrity Commissioner, By-Law 16-188
 Procurement Policy By-law, By-law 20-205, as amended

PROCEDURE

1. City Council shall consider a motion that provides as follows:
 - If applicable, the incumbent may be thanked for their work;
 - If applicable, providing the incumbent with any required notice as set out under the agreement and regulations;
 - Direct the City Clerk to follow the process as outlined within this Procedure.
2. Following the selection of a preferred candidate for Integrity Commissioner/Lobbyist Registrar through an RFP and pursuant to this Procedure, the City Clerk shall place a By-law for Appointment of the preferred candidate on the Council agenda for consideration and enactment. The By-law will specify the terms and conditions of such appointment and will delegate authority to finalize and execute the contract with terms satisfactory to the City Solicitor, and authority for contract administration to the City Clerk.
3. The following criteria and principles shall be applied by the City Clerk in the exercise of their delegated authority relating to the recruitment and selection through an RFP process:
 - The Integrity Commissioner/Lobbyist Registrar’s independence and

Appendix "G" to Governance Review Sub-Committee Report 23-001

Council/Corporate Procedure		Policy Alignment:
Office of the City Manager		<i>Municipal Act 2001, as amended</i>
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impartiality;

- Confidentiality with respect to the Integrity Commissioner's activities; and
- The credibility of the Integrity Commissioner/Lobbyist Registrar's investigation process.

In considering the recruitment and selection of an Integrity Commissioner/Lobbyist Registrar, the successful candidate should possess:

- Previous municipal, governance, procedural and/or ethics experience (e.g. former Chief Administrative Officer, Clerk, municipal lawyer, similar experience in another level of government);
 - Knowledge of municipal government and the accountability and transparency provisions of the *Municipal Act, 2001*;
 - Understanding of Council operations and policies, including the City's Accountability Framework;
 - Ability to provide services on a part-time, flexible and as-needed basis, without competing employment demands;
 - The ability to receive complaints and conduct investigations; and
 - No specific connection or interest with the City (specifically a financial or business relationship).
4. The City Clerk shall ensure that all individuals and City staff with access to confidential information sign a mandatory confidentiality agreement in relation to the process. The confidentiality agreement shall be signed at the outset of the process, before receiving any confidential information.
 5. Interviews of any candidate who meet the benchmark established by the RFP shall be conducted by a Selection Panel composed of the City Manager, the City Clerk, the City Solicitor, the Auditor General and the Executive Director of Human Resources. Based on the interviews and scoring, including cost proposals, the preferred candidate will be selected, and a recommendation made to Council for appointment.
 6. The initial term of the Integrity Commissioner/Lobbyist Registrar shall be set at four years with an optional renewal for an additional four-year term.

Contract Administration Process

Appendix “G” to Governance Review Sub-Committee Report 23-001

Council/Corporate Procedure		Policy Alignment:
Office of the City Manager		<i>Municipal Act 2001, as amended</i>
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The City Clerk shall have delegated authority to negotiate, finalize and execute the contract for the Integrity Commissioner/ Lobbyist Registrar and any subsequent renewals, subject to Council-approved term lengths and any Council-approved changes to terms and conditions, including the remuneration schedule, and with terms satisfactory to the City Solicitor. The City Clerk shall report to Council on the exercise of this delegated authority by way of memorandum immediately following the execution of any agreement.

Monitoring/Contraventions

The City Clerk shall review and monitor invoicing from the Integrity Commissioner/Lobbyist Registrar to ensure consistency with the specifications of the agreement. Any discussion of complaints regarding the performance of the Integrity Commissioner/Lobbyist Registrar shall be conducted in closed session.

Any complaints under these procedures relating to Members of Council shall be addressed by the Integrity Commissioner in accordance with the Integrity Commissioner’s oversight of the Code of Conduct for Members of Council.

Definitions

“City” means the Corporation of the City of Hamilton.

“City Manager” means the City Manager and Chief Administrative Officer of the City of Hamilton.

“Council” means the Mayor of the City of Hamilton and all Ward Councillors.

“Senior Management” means the members of the Senior Leadership Team.

“Staff” or “City Staff” means all City of Hamilton employees, including Management.

10.4(a)**REVISED** Appendix 'C' to Report FCS23034**Advisory Committee for Persons with Disabilities:**

Reviewed at their meeting on December 14, 2022:

Staff was asked to consider adding a section to the Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards (2023) clarifying, specifically, the role of and processes followed by the Advisory Committee for Persons with Disabilities as a Sub-Committee of Council within the context of the procedures that must be followed by Advisory Committees.

Response:

Under the Accessibility for Ontarians with Disabilities Act, Council is legislated to form an Advisory Committee. The Procedural Handbook for Citizen Appointees has been updated to encompass all Local Boards:

Excerpt from the Accessibility for Ontarians with Disabilities Act:

Accessibility advisory committees

29. (1) *The council of every municipality having a population of not less than 10,000 shall establish an accessibility advisory committee or continue any such committee that was established before the day this section comes into force.*

Women and Gender Equity Committee:

Reviewed at their meeting on January 26, 2023 and submitted their comments through a Citizen Committee Report to Audit, Finance and Administration Committee on February 2, 2023:

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

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

Response:

Staff have been advised to refrain from adding links to any documents, as they are not reliable and have a tendency to break. However, given the size of some of the referenced documents, staff have used a few links in the document. Staff will monitor the online document and readjust links when required. Using the online version provides

10.4(a)**REVISED** Appendix 'C' to Report FCS23034

users the ability to search for topics or key words.

Staff worked with Communications staff to review the document for readability and accepted changes.

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

- Page 10: regarding the appointment and recruitment process, there should be a commitment by the City of Hamilton to provide recruitment information to community partners and organizations, with particular focus on encouraging members of marginalized communities to apply, in line with a focus on equity, diversity, and inclusion in the recruitment process.

Response:

Clerks included the changes to the Appointment of Citizens to the City's Local Boards Policy which were contained within Report HUR18017(a)/FCS23046, Attracting Diversity During the Recruitment Process considered by General Issues Committee on March 22, 2023, which focuses on equity, diversity, and inclusion in the recruitment process. Appendix B of that report identified the groups that were provided with notification of the recruitment for citizen appointees.

- Page 12: regarding member training, it is imperative that the City Clerk ensure existing and new members of the committee receive training, as new members to this committee beginning early 2022 did not receive most of the listed training, or materials related to it. In the sharing of training information and reference documents, it should be readily available and easily accessible for both committee members and the general public to access, including having such information available on the City of Hamilton website along with up-to-date committee information. The City Clerk should have a commitment and procedure to monitor their fulfilment of training and reference documents provided. Committee members feel that training and orientation has been minimal and insufficient, causing confusion and limiting engagement and the development of action items in formal meetings. Providing additional training in procedure, meeting format, and how to prepare documents such as Citizen Committee Reports or Meeting Minutes would be helpful to effective operation and success.

Response:

Clerks have included member training (excerpt from the Handbook below) within the Handbook, which is significantly improved from our current practice.

Member Training

The Office of the City Clerk is committed to ensuring all citizen appointees to the City's

10.4(a)**REVISED** Appendix 'C' to Report FCS23034

local boards are trained, providing the following training information and reference documents to all citizen appointees to the City's local boards:

- *orientation for citizen appointees to the City's local boards provided by the Staff Liaison*
- *current Procedural Handbook for Citizen Appointees to City of Hamilton Local Boards*
- *relevant City policies (Appointment, etc.)*
- *Code of Conduct for Local Boards*
- *Municipal Conflict of Interest Act*
- *Local boards Terms of Reference*
- *Accessibility Standards for Customer Service AODA e-learning Program*

Any appointees after the initial recruitment will be provided access to online training modules to complete this training.

- Page 14: regarding council representatives on advisory committees, there should be a commitment of attendance, or otherwise a process to allow committees to request another council representative if attendance becomes a challenge. The Women and Gender Equity Advisory Committee has only had a council representative attend one meeting since the beginning of its current term.

Response:

Two (2) members of City Council are appointed as representatives to each of the Advisory Committees, with a requirement for each member to attend at least one (1) meeting per year, as approved by Council, July 10, 2015. Council representatives are non voting members and do not count towards quorum. It is within Council's preview to change the commitment of their representation on advisory committees .

- Page 21: regarding consultation on staff reports, this is a practice that has not taken place during this term of the committee. Staff should be committed to utilizing advisory committees for feedback on reports on a frequent and consistent basis, and members of council should be encouraged to directly request staff consult with advisory committees to ensure this takes place. In the absence of this practice, citizen advisory committees often lack notice and necessary time to review documents and generate reports and feedback before items are reviewed by members of council. Again, there should be a commitment by staff to regularly and consistently consult with advisory committees, and a procedure to ensure the commitment is maintained.

Response:

This practice is in place and has been emphasized by including a section in the handbook respecting Consultation on Staff Reports (excerpt from the Handbook below).

10.4(a)**REVISED** Appendix 'C' to Report FCS23034**Consultation with Staff**

City staff will attend meetings to seek feedback on program areas. At the meeting, staff will provide background on the program area, answer questions of members and request the member's feedback on potential program changes. The feedback received will be included in the 'Relevant Consultation' section of the staff report or appendix. Staff will inform the committee of the reporting date.

Committees may submit formal correspondence and/or a Committee member may delegate at the standing committee meeting to provide the committee's feedback on a staff report. A motion is required to be passed at a meeting approving the committee's submission of correspondence and/or the attendance of the committee's Chair or designate as a delegate at a standing committee meeting. The content of the correspondence and/or the speaking notes of the Chair also require the committee's approval.

Members may choose to submit their own correspondence or register to speak at a meeting as a citizen. It must be clear that the individual's views are their own and not that of the committee.

- Page 23: regarding calls to vote, there is no mention of an option to abstain from votes and how they would be recorded. If there is no abstention option for members, it should be clearly stated along with reasoning in this handbook.

Response:

There is no mention of abstaining from a vote, as abstaining is not permitted at the City of Hamilton, if you are in attendance at a meeting at the time of a vote, you are required to vote and if you do not or refuse to vote, your vote is recorded in the negative.

- Page 33, regarding public notice of citizen member vacancies, these again should be shared with community organizations with a focus on equity, diversity, and inclusion.

Response:

Clerks included the changes to the Appointment of Citizens to the City's Local Boards Policy which were contained within Report HUR18017(a)/FCS23046, Attracting Diversity During the Recruitment Process considered by General Issues Committee on March 22, 2023, which focuses on equity, diversity, and inclusion in the recruitment process. Appendix B of that report identified the groups that were provided with notification of the recruitment for citizen appointees.

Clerks works with Communications to ensure that we are advertising widely throughout the City of Hamilton and reaching out the various community organizations.

10.4(a)

REVISED Appendix 'C' to Report FCS23034

Keep Hamilton Clean and Green Committee:

Reviewed at their meeting on January 17, 2023:

Received without comment

Arts Advisory Commission:

Have not met to review.

Committee Against Racism:

Have not met to review

Food Advisory Committee:

Have not met to review

Hamilton Cycling Committee:

Reviewed at their meeting on February 2, 2023:

Received without comment

Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee (LGBTQ):

Reviewed at their meeting on November 22, 2022:

Review of the 2023 Procedural Handbook for Citizen Appointees (Item 10.2) The Committee discussed the 2023 Procedural Handbook for Citizen Appointees. Committee members were advised to send any comments directly to the Clerk's Office.

The Clerk's Office did not receive any comments.

Senior Advisory Committee:

Reviewed at their meeting on December 2, 2022:

The members of the Senior Advisory Committee were asked to review the 2023 Procedural Handbook and send any feedback to L. Maychak by January 31, 2023, who will forward any comments received to Clerks.

L. Maychak confirmed that no comments were received.

10.4(a)**REVISED** Appendix 'C' to Report FCS23034**Hamilton Indigenous Advisory Committee**

Received without comment

Hamilton Veterans Committee

The Chair was tasked with submitting comments on behalf of the Committee, the following comments were submitted to Clerks:

- 1) Appointment and Recruitment Process (Page 10)

When is this going to happen? This is confusing – so we all must re-apply? When? Another application to be submitted? Another interview?

Response:

Recruitment is set to begin after Council sets their priorities..

Existing members are required to re-apply in order to provide all applicants the same opportunity, interviews can be requested by the selection committee, however, interviews are not a requirement.

- 2) Election of Chair and Vice-Chair (Page 14)

This section should set a total term limit for the Chair and Vice-Chair. It does say that you can serve for more than one year within a Council (4 yr) term so how many years consecutive? Non-consecutive?

Response:

Council considered term limits in 2014 and decided not to implement them.

Housing and Homelessness Advisory Committee

Reviewed at their meeting on December 5, 2022:

Overall discussion about ways to engage the broader public about housing conversations

Challenge in doing this with the formalized structure of advisory committees

Working groups to be utilized in the future to help with this.

10.4(a)

REVISED Appendix 'C' to Report FCS23034

Response:

Clerk's has engaged Communications in order to ensure that the advertisements for the recruitment of citizens is broadly advertisement and communicated throughout the City of Hamilton.

Advisory Committee for Immigrants and Refugees

Reviewed at their meeting on February 9, 2023:

Received without comment

Mundialization Committee

Have not met to review

Climate Change Advisory Committee

Have not met to review – this is a new Advisory Committee, who at the current time don't have any members appointed.



Hamilton

GRANTS SUB-COMMITTEE REPORT 23-001

2:00 p.m.

March 31, 2023

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

Present: Councillors N. Nann (Chair), C. Kroetsch (Vice Chair)
Councillors M. Francis, T. Jackson, M. Tadeson, and M. Wilson

THE GRANTS SUB-COMMITTEE PRESENTS REPORT 23-001 AND RESPECTFULLY RECOMMENDS:

1. **Appointment of Committee Chair and Vice-Chair (Item 1.1)**
 - (a) That Councillor Ninder Nann be appointed as Chair of the Grants Sub-Committee for the remainder of the 2022-2026 term.
 - (b) That Councillor Cameron Kroetsch be appointed as Vice-Chair of the Grants Sub-Committee for the remainder of the 2022-2026 term.
2. **Funding Recommendations for the One-Time Enhancement Grant (GRA22001(b)) (City Wide) (Item 8.1)**
 - (a) That, the funding allocation, earmarked for potential matching opportunities in the City Enrichment Fund reserve #112230 be approved to fund the One-Time Enhancement Grant in the amount of \$500,000; and,
 - (b) That, the distribution of funds to recommended organizations as outlined in Appendix "A" to Grants Sub-Committee Report 23-001, be approved.

FOR INFORMATION:

- (a) **APPOINTMENT OF COMMITTEE CHAIR AND VICE-CHAIR FOR 2022 – 2023 (Item 1)**

Councillor M. Wilson nominated Councillor N. Nann as Chair to the Grants Sub-Committee for the remainder of the 2022 – 2026 term of Council.

Councillor M. Wilson nominated Councillor C. Kroetsch as Vice-Chair to the Grants Sub-Committee for the remainder of the 2022 – 2026 term of Council.

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

(b) CHANGES TO THE AGENDA (Item 1)

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

The March 31, 2023 agenda for the Grants Sub-Committee, was approved, as presented.

(c) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

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

(i) May 9, 2022 (Item 3.1)

The Minutes of the May 9, 2022 Grants Sub-Committee meeting, were approved, as presented.

(e) ADJOURNMENT (Item 12)

There being no further business, the Grants Sub-Committee adjourned at 2:38 p.m.

Respectfully submitted,

Councillor Nrinder Nann
Chair, Grants Sub-Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

One-Time Enhancement Grant - 2023

	Date Application Received	Organization and/or Community Group	Program Name	Amount Requested	Amount Recommended	Providing an essential need or service to Hamilton communities	Led by/Serving an equity-deserving & priority population
1	3-Jan	Workers Arts & Heritage Centre	Second Saturdays Family Programming	\$9,000	\$9,000	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	4-Jan	Eva Rothwell Centre	Emergency Food Pantry	\$4,000	\$4,000	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	4-Jan	St. Matthew's House	Seniors First Response Team	\$25,000	\$15,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4	6-Jan	Hamilton-Halton Chinese Choir	Choir's Performing Activities for Local Residents	\$1,500	\$1,500	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	10-Jan	Glanbrook Community Services	Meals Support Program	\$5,000	\$5,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6	10-Jan	Hamilton Foundation for Student Success (HFSS)	Student Support Grants	\$25,000	\$10,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
7	11-Jan	Empowerment Squared	School Readiness Program	\$25,000	\$20,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8	11-Jan	The AIDS Network	One Pot Meals	\$22,080	\$11,043	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9	12-Jan	Dundas Community Services	Meals on Wheels Program Expansion and Enhancement	\$12,000	\$7,100	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
10	12-Jan	Threshold School of Building	Ready to Work	\$15,000	\$10,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
11	12-Jan	Grace Anglican Church	Grace Cooking Club	\$4,741	\$4,741	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
12	13-Jan	Cancer Assistance Program (CAP)	Cancer Assistance Program (CAP) Drive Programs - Drive & Ride and Drive2Deliver	\$25,000	\$15,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
13	16-Jan	PACK Running Club	Athlete Support Program	\$5,000	\$5,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
14	16-Jan	Micah House Refugee Reception Services	Creating a Safe Home for Refugee Claimants in Hamilton	\$3,416	\$3,416	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

15	16-Jan	John Howard Society of Hamilton, Burlington & Area	Emergency Support Packs, Court Liaison Community Worker, Rapid Intervention and Support Team	\$5,000	\$5,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
16	16-Jan	Ancaster Heritage Days	Ancaster Heritage Days - Summer Event	\$6,000	\$6,000	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17	16-Jan	Open Heart Arts Theatre	Dramatic Arts Day Program in collaboration with L'Arche Hamilton	\$22,200	\$13,200	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	16-Jan	Afro Canadian Caribbean Association	Centering Black Seniors Isolation During the Pandemic	\$25,000	\$25,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
19	16-Jan	Farm Crawl Hamilton (Farm Crawls of Ontario)	Hamilton Farm Crawl	\$5,000	\$5,000	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20	16-Jan	Centre de Santé Communautaire Hamilton/Niagara (Centre de santé communautaire Hamilton-Niagara Inc.)	S'amuser Pour la Vie	\$25,000	\$15,000	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21	16-Jan	Flamborough Connects (Flamborough Information and Community Services)	Food Bank Delivery in Flamborough Project	\$10,000	\$5,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
22	16-Jan	Hamilton Chamber of Commerce	Rapid Testing Program for Businesses	\$25,000	\$15,050	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
23	16-Jan	Willowbridge Community Services	Community Connect Hamilton	\$21,500	\$11,400	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
24	16-Jan	LIFT Church	Serve Our City	\$6,000	\$6,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
25	17-Jan	Niwasa Kendaaswin Teg	Indigenous Food Security-Niwasa Kendaaswin Teg Food Bank	\$25,000	\$25,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
26	17-Jan	Social Planning and Research Council of Hamilton	Financial Empowerment Program	\$25,000	\$18,500	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
27	19-Jan	Christ's Church Cathedral	Cathedral Cafe	\$5,000	\$5,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
28	23-Jan	The HUB Rest & Hygiene Centre	The HUB 5-9PM Drop in program	\$25,000	\$25,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
29	24-Jan	Essential Aid and Family Services of Ontario Inc.	Emergency Infant and Toddler Foodbank	\$25,000	\$15,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
30	24-Jan	Bay Area Restoration Council (Bay Area Restoration Council of Hamilton and Halton Inc.)	Improving Water Literacy Programming Impact and Efficiencies	\$14,750	\$14,750	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

31	25-Jan	Kahnekanoron (Indigenous Sustenance Reclamation Network, CO Hamilton Centre for Civic Inclusion)	Kahnekanoron	\$5,000	\$5,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
32	26-Jan	Sisters Circle Canada	Community and Social Service Supports and Advocacy (home and companionship support programs)	\$23,550	\$20,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
33	26-Jan	Aeris Korper Contemporary Dance	Aeris Korper IBPOC Subsidy Program	\$10,000	\$10,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
34	27-Jan	Hamilton Anti-Racism Resource Centre (HARRC)	Engagment with Equity-Deserving Groups inclusive of the Hamilton Community Cup Event	\$15,000	\$15,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
35	29-Jan	Catholic Youth Organization	Camp Marydale Childrens Summer Day Camp - Busing Program	\$5,000	\$5,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
36	30-Jan	St. Joseph's Healthcare Hamilton	Connecting Mental Health and Employment Services: Hamilton's Supported Employment OT (SEOT) Bridging Service	\$25,000	\$20,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
37	31-Jan	Hamilton Regional Indian Center	Life Long Care	\$25,000	\$15,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
38	31-Jan	Sacajawea Non Profit Housing Inc.	Tenant Food Security and Set Up	\$25,000	\$22,500	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
39	7-Feb	A Rocha Canada (Ontario Hub)	Operation Wild Relaunch	\$15,000	\$15,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
40	10-Feb	Action 13	Green Block Growing	\$3,200	\$3,200	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
41	13-Feb	Tree Mobile Hamilton (Christi Hodgson)	Tree Mobile Workshops	\$5,000	\$5,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
42	13-Feb	Immigrant Culture and Art Association (ICAA)	Newcomer Artist Club (NAC)	\$25,000	\$15,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
43	23-Feb	Sexual Assault Centre (Hamilton and Area) - SACHA	SACHA Programing Enhancement	\$18,600	\$18,600	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
			TOTALS	\$652,537	\$500,000		
			ONE-TIME ENHANCEMENT FUNDING AMOUNT		\$500,000		
			REMAINING FUNDS		\$0		

CITY OF HAMILTON

MOTION

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE: April 6, 2023

MOVED BY COUNCILLOR C. KROETSCH

SECONDED BY COUNCILLOR

Fair Wage Policy Review

WHEREAS, the Fair Wage Policy has not been updated recently, especially in light of the serious changes to the industry as a result of the COVID-19 pandemic;

WHEREAS, there are record-level investments in building and a renewed interest in health, hygiene, and safety on job sites; and

WHEREAS, the City and other employers are contending with an underground economy which is destabilizing the associated job markets.

THEREFORE, BE IT RESOLVED:

- (a) That Human Resources and Finance and Corporate Services staff be directed to engage in a review of the Fair Wage Policy and any related schedules through stakeholder meetings for report back to the Audit, Finance and Administration Committee by the end of Q3 2023 with recommendations; based on stakeholder feedback;
- (b) That the following stakeholder groups be included in the consulted: Christian Labour Association Canada; Electrical Construction Association Hamilton; Hamilton Brantford Ontario Building & Construction Trades Council; Golden Horseshoe General Contractors Association; Greater Hamilton & Niagara Construction Association; Hamilton Halton Construction Association; Mechanical Contractors Association Hamilton Niagara; Labourers' International Union of North America; and Merit OpenShop Contributors Association of Ontario;
- (b) That there be two stakeholder meetings, inviting all stakeholders to each, at the beginning of Q3 2023; and
- (c) That members of City Council be permitted to attend as guests to hear stakeholder feedback directly.