



City of Hamilton
GENERAL ISSUES COMMITTEE
AGENDA

Meeting #: 23-018
Date: May 31, 2023
Time: 9:30 a.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

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

1. CEREMONIAL ACTIVITIES

2. APPROVAL OF AGENDA

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

3. DECLARATIONS OF INTEREST

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 May 17, 2023

5. COMMUNICATIONS

6. DELEGATION REQUESTS

- 6.1 David Braden, respecting recommendations for the City to take a number of specific actions to respond to causes of climate change as far as buildings are concerned (In Person) (For a future meeting)
- 6.2 Rob MacIsaac, Hamilton HealthSciences, respecting a request for Hamilton Health Sciences and St Joseph's Healthcare Hamilton to present an update regarding Hamilton hospital redevelopment (In Person) (For the June 14, 2023 Meeting)
- 6.3 Paul Vermaat, White Star Group, respecting matters relating to lands in the West Harbour Stadium Precinct (In Person) (For a future meeting)

7. DELEGATIONS

- 7.1 Hafeez Hussain, respecting more about my experience on Unconscious Bias and EDI and how as a resident it is hard to navigate the city of Hamilton to address these matters to management (Virtually) (Approved May 17, 2023)

8. STAFF PRESENTATIONS

- 8.1 Elections Administration Audit (AUD23008) (City Wide) (Outstanding Business List Item)

9. CONSENT ITEMS

- 9.1 Revised Board of Management for the International Village Business Improvement Area (BIA) (PED23100) (Wards 2 and 3)
- 9.2 City of Hamilton Poet Laureate and Youth Poet Laureate (PED23090) (City Wide) (Outstanding Business List Item)
- 9.3 Business Improvement Area (BIA) Sub-Committee Minutes - April 11, 2023

10. DISCUSSION ITEMS

- 10.1 Hamilton Water and Wastewater Customer Assistance Programs (FCS23045) (City Wide) (Outstanding Business List Item)
- 10.2 City Manager Performance Review Process (HUR23010) (City Wide)
- 10.3 Next Generation 9-1-1 Messaging Service Delivery Project Update (FCS22082(c) / HSC20045(c) / PW22087(a)) (City Wide) - REVISED
- 10.4 West Harbour Development Sub-Committee Report 23-002 - May 23, 2023

11. MOTIONS**12. NOTICES OF MOTION****13. GENERAL INFORMATION / OTHER BUSINESS**

- 13.1 Amendments to the Outstanding Business List:

a. Items Considered Complete and Needing to be Removed:

City of Hamilton Poet Laureate and Youth Poet Laureate

OBL Item: KK

Added: September 21, 2022 at GIC (Item 4)

Completed: May 31, 2023 at GIC (Item 9.2)

b. Items Requiring a New Due Date:

Financial Impacts of Waterfront Lands

OBL Item: 2023-K

Added: February 15, 2023 at GIC (Item 11.3)

Current Due Date: May 2023

Proposed New Due Date: June 14, 2023

Our City Survey 2022 Results (CM23011) (City Wide)

OBL Item: 2023-CC

Added: May 3, 2023 at GIC (Item 8.1)

Current Due Date: June 14, 2023

Proposed New Due Date: August 14, 2023

14. PRIVATE AND CONFIDENTIAL

14.1 May 17, 2023 - Closed Minutes

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

14.2 Canadian Mortgage and Housing Corporation Housing Accelerator Fund (HSC23017 / FCS23062 / PED23143) (City Wide)

Pursuant to Section 9.3, Sub-sections (h) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (h) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

14.3 Master Agreement and Downtown Entertainment Precinct Status Update (LS23022 / PED18168(i)) (Ward 2)

Pursuant to Section 9.3, Sub-sections (c), (f), (i), and (j) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (c), (f), (i) and (j) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value.

15. ADJOURNMENT



GENERAL ISSUES COMMITTEE MINUTES 23-017

9:30 a.m.

May 17, 2023

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

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

Absent: Councillor J. P. Danko – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Proposed Encampment Protocol (HSC20036(f) / PED21188(c)) (Item 8.1)

(i) (A. Wilson/Nann)

That sub-section (e) of Report HSC20036(f) / PED21188(c), respecting Proposed Encampment Protocol, **be amended**, with the inclusion of a **new** sub-section (f), as follows:

- (e) That staff be directed to work with stakeholders to:
- i. Address washrooms, showers, and access to drinking water;
 - ii. Integrate of peer and Indigenous supports into encampment response;
 - iii. **Develop a task force or committee, comprised of City staff, community stakeholders, and people with lived experience to advise on the development and policy of encampment response and appeals process;**
 - iv. Report back to the General Issues Committee with recommendations and required resourcing; and,
- (f) **That prior to May 24, 2023 Council meeting staff incorporate - a process to inform residents of nearby compliant sites in the case of any enforcement measures (voluntary compliance notices, etc.), ensuring no residents are facing enforcement measures without being made aware of sanctioned and permitted sites where they can go - into the Proposed**

Encampment Protocol attached as Appendix "A" to Report HSC20038(f) / PED21188(c).

Result: Vote on Sub-Section (e) and (f) of Report HSC20036(f) / PED21188(c), respecting Proposed Encampment Protocol, as *Amended* CARRIED by a vote of 12 to 2, as follows:

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

(ii) (Kroetsch/A. Wilson)

That sub-section (c) to Report HSC20036(f) / PED21188(c), respecting Proposed Encampment Protocol, ***be amended***, as follows:

- (c) That, ~~***following Council ratification***~~, staff be directed to make the Proposed Encampment Protocol attached as Appendix "A" to Report HSC20038(f) / PED21188(c) available for public comment ***(including written comments) until June 30, 2023, and that staff monitor the implementation of the protocol,*** and that staff report back with a final recommended protocol at the General Issues Committee on August 2023.

Result: Vote on Sub-Section (c) of Report HSC20036(f) / PED21188(c), respecting Proposed Encampment Protocol, as *Amended* CARRIED by a vote of 13 to 1, as follows:

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
Yes	-	Ward 2 Councillor Cameron Kroetsch
Yes	-	Ward 3 Councillor Nrinder Nann
Yes	-	Ward 4 Councillor Tammy Hwang
Yes	-	Ward 5 Councillor Matt Francis

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

(iii) (A. Wilson/M. Wilson)

- (d) That staff be directed to conduct a scan of jurisdictions that currently operate sanctioned encampments and further research/consultation as required and bring back options regarding operating models, parameters and criteria for site identification and potential sites with the goal of incorporating sanctioned sites into a new encampment protocol once site(s) and operating model are approved by Council;

Result: Vote on Sub-Section (d) of Report HSC20036(f) / PED21188(c), respecting Proposed Encampment Protocol, CARRIED by a vote of 8 to 5, as follows:

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

2. Dundas Business Improvement Area (BIA) Revised Board of Management (PED23109) (Ward 13) (Item 9.1)

(A. Wilson/Hwang)

That the following individuals be appointed to the Dundas Business Improvement Area (BIA) Board of Management for the 2022-2026 term:

- (a) Jennifer Hayes, Jax Sweet Shoppe;
- (b) Lily Zoghaib, Urban Vine;
- (c) Dave Maciulis, Red Door Cucina;
- (d) Melanie Barlow, Dundas Community Services;
- (e) Donna Cole, The Kitchen Witch.

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

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

3. Dundas Business Improvement Area (BIA) Proposed Budget and Schedule of Payments (PED23110) (Ward 13) (Item 10.1)

(A. Wilson/M. Wilson)

- (a) That the 2023 Operating Budget for the Dundas Business Improvement Area, attached as Appendix "A" to Report PED23110, in the amount of \$268,214.00 be approved;
- (b) That the levy portion of the Operating Budget for the Dundas Business Improvement Area (BIA) in the amount of \$178,880.00 be approved;
- (c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite By-law pursuant to

Section 208, The *Municipal Act, 2001*, to levy the 2023 Budget as referenced in Recommendation of Report PED23110; and,

- (d) That the following schedule of payments for 2023 Operating Budget for the Dundas Business Improvement Area (BIA) be approved:
- | | | |
|------|----------|-------------|
| (i) | February | \$89,440.00 |
| (ii) | June | \$89,440.00 |

Note: Assessment appeals may be deducted from the levy payments.

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

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

4. Airport Sub-Committee Report 23-001 - April 27, 2023 (Item 10.2)

(Hwang/Tadeson)

(a) Appointment of Chair and Vice-Chair (Item 1)

That Councillor M. Tadeson be appointed as Co-Chair of the Airport Sub Committee on a rotating basis for the term of 2022-2026.

(b) 2023-2024 John C. Munro Hamilton International Airport – City of Hamilton Joint Marketing Incentives (PED23121) (City Wide) (Item 10.1)

That the City of Hamilton approve and allocate \$100K, from the Airport Joint Marketing Reserve Fund No. 112217 as the City's contribution to the 2023-2024 John C. Munro Hamilton International Airport – City of Hamilton Joint Marketing Initiatives outlined in Report PED23121.

(c) Airport Lease – Status Update (PED19084(g)) (City Wide) (Item 14.1)

That Report PED19084(g) and Appendix ‘A’ to Report PED19084(g), respecting Airport Lease – Status Update, be received and remain confidential.

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

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

5. 2023 Tax Policies and Area Rating (FCS23049) (City Wide) (Item 10.3)

(Nann/Jackson)

(a) That the following optional property classes be continued for the 2023 taxation year:

- (i) Parking Lot and Vacant Land;
- (ii) Large Industrial;

(b) That, the following final tax ratios be established for the 2023 taxation year:

(i)	Residential	1.0000
(ii)	Multi-Residential	2.2174
(iii)	New Multi-Residential	1.0000
(iv)	Commercial	1.9800
(v)	Parking Lot and Vacant Land	1.9800
(vi)	Industrial	3.1025
(vii)	Large Industrial	3.6381
(viii)	Pipeline	1.7947

(ix)	Farm	0.1767
(x)	Managed Forest	0.2500
(xi)	Landfills	2.9696

(c) That the following tax reductions be established for the 2023 taxation year:

(i)	Farmland awaiting development (1st Subclass)	25%
(ii)	Farmland awaiting development (2nd Subclass)	0%
(iii)	Excess land Subclass (Residual Commercial)	0%
(iv)	Excess land Subclass (Residual Industrial)	0%
(v)	Vacant land Subclass (Residual Industrial)	0%
(vi)	Excess land Subclass (Large Industrial)	0%

(d) That the Deferral of Tax Increases for Seniors and Low Income Persons with Disabilities Program (Deferral of Tax Increases Program) be continued for the 2023 taxation year;

(e) That the Full Tax Deferral Program for Seniors and Low Income Persons with Disabilities Program (Full Tax Deferral Program) be continued for the 2023 taxation year;

(f) That the Seniors' (65+) Tax Rebate Program be continued for the 2023 taxation year;

(g) That the 40% Tax Rebate for eligible charities and similar organizations be continued for the 2023 taxation year;

(h) That, for the 2023 taxation year, the Area Rated Levies be approved as identified in Appendix "A" to Report FCS23049, "2023 Tax Policies and Area Rating", attached hereto; and,

(i) That the City Solicitor be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of establishing the tax policies and tax rates for the 2023 taxation year.

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

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

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

6. Pier 8 Animation Q4 2023 (PED23116) (City Wide) (Item 10.4)

(Kroetsch/Hwang)

- (a) That up to \$125,000, to be funded from the Economic Development Initiatives Capital Project 3621708900, be approved, to support special public programming and animation of Pier 8 during the month of November 2023; and,
- (b) That the General Manager of Planning and Economic Development be authorized to enter into the necessary agreements to execute the special programming and animation, including securing a temporary art installation.

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

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

7. Advisory Committee for Persons with Disabilities (ACPD) Report 23-005 - May 9, 2023 (Item 10.5)

(Tadeson/A. Wilson)

- (a) **Advisory Committee for Persons with Disabilities' "Ability First" Accessibility Fair, September 28, 2023 (Item 12.2)**

WHEREAS, the Advisory Committee for Persons with Disabilities has received permission to begin organizing the “Ability First” Accessibility Fair annually;

WHEREAS, the date of the 2023 “Ability First” Accessibility Fair is scheduled for September 28th;

WHEREAS, the proposed budget for “Ability First” is an upset limit of \$5811.67 to be funded from the Advisory Committee for Persons with Disabilities’ reserve; and,

WHEREAS, in order to organize and promote the event, Advisory Committee for Persons with Disabilities’ members and volunteers will be required to contact City of Hamilton staff, outside agencies and media to arrange attendance, but will exclude official media releases which will still need to be approved by Committee and Council.

THEREFORE, BE IT RESOLVED:

- (i) That the Advisory Committee for Persons with Disabilities “Ability First” Accessibility Fair, to be held on Thursday September the 28th, 2023 on the Forecourt of City Hall, be approved;
- (ii) That the Advisory Committee for Persons with Disabilities “Ability First” Accessibility Fair budget with an upset limit of \$5811.67, attached as Appendix “A” to the Advisory Committee for Persons with Disabilities Report 23-005, to be funded from the ACPD Reserve Fund (#112212), be approved; and
- (iii) That the Advisory Committee for Persons with Disabilities’ members and volunteers be permitted to contact City of Hamilton staff (when appropriate and available), outside agencies and media in order to organize, promote and arrange attendance to the event.

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

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

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

8. Facility Naming Sub-Committee Report 23-001 - May 11, 2023 (Added Item 10.6)

(M. Wilson/A. Wilson)

(a) Appointment of Chair and Vice-Chair (Item 1)

- (i) That Councillor C. Cassar be appointed as Chair of the Facility Naming Sub-Committee for the 2022-2026 term.
- (ii) That Councillor M. Francis be appointed as Vice-Chair of the Facility Naming Sub-Committee for the 2022-2026 term.

(b) Renaming of Ryerson Recreation Centre (HSC23031) (Ward 1) (Added Item 10.2)

- (i) That the Ryerson Recreation Centre at 251 Duke Street be renamed "Kanétskare" (pronounced Ga-nét-sga-re, a Mohawk term meaning Bay or Inlet) Recreation Centre as it meets the guidelines as set out in Section 4(b)(i) of the City of Hamilton Municipal Property and Building Naming Policy;
- (ii) That a budget of \$20K funded from the City's Tax Stabilization Reserve, (110046) be established for costs associated with the removal, repair, preparation and installation of new facility signage at the 251 Duke Street site;
- (iii) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor; and,
- (iv) That the renaming of Ryerson Recreation Centre to Kanétskare Recreation Centre be considered complete and removed from the Facility Naming Sub Committee Outstanding Business List.

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

Yes - Mayor Andrea Horwath

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

9. Advocate Registry for Homelessness (Added Item 11.1)

(Francis/Hwang)

WHEREAS, the compassionate nature of advocates and Council members compels us to seek innovative solutions to address the challenges faced by individuals experiencing homelessness;

WHEREAS, recognizing Council members play a vital role in leading by example and demonstrating compassion for individuals experiencing homelessness, this too will be extended to members of Council to participate if desired

WHEREAS, the voluntary nature of the registry allows participants the flexibility to opt out of the program at any time, ensuring that it respects the preferences and needs of both hosts and houseless individuals;

WHEREAS, the creation of a registry aligns with our city's commitment to foster a compassionate and inclusive community that values the dignity and well-being of all its residents;

WHEREAS, the registry program offers a practical and cost-effective approach to expanding available housing options for individuals experiencing homelessness;

WHEREAS, other municipalities like Oshawa have championed community led programs like Spirit in Service Sponsorship Program that is modelled after Refugee Sponsorship Programs and providing an opportunity for residents to contribute to solution building;

THEREFORE BE IT RESOLVED:

That staff be directed to determine the feasibility, financial impacts to the municipality, and potential liability of a registry for advocates, members of Council, and residents to voluntarily add their name to host a person experiencing homelessness as identified by housing support staff, and report back to the General Issues Committee.

Result: MOTION, CARRIED by a vote of 10 to 3, as follows:

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

10. Encampment Litigation Update (LS20023(g)) (City Wide) – REVISED (Item 14.1)

(Kroetsch/Spadafora)

That Report LS20023(g), respecting Encampment Litigation Report, be received and remain confidential.

CARRIED

11. Safety and Security at City Hall (No Copy) (Added Item 14.2)

(Hwang/Clark)

That the verbal update respecting Safety and Security at City Hall, be received and remain confidential.

CARRIED

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

5. COMMUNICATIONS

5.1 Correspondence respecting Item 8.1, Proposed Encampment Protocol (HSC20036(f) / PED21188(c)) (Item 8.1), from the following individual:

- (b) Keeping Six and HAMSMaRT

Recommendation: Be received and referred to the consideration of Item 8.1.

6. DELEGATION REQUESTS

6.2 Delegation Requests respecting Item 8.1, Proposed Encampment Protocol (HSC20036(f) / PED21188(c)), from the from the following individuals (For today's meeting):

- (a) Gessie Stearns (In Person)
- (b) Lisa Nussey (In Person)
- (c) Jammy Lo, Keeping Six (In Person)
- (d) Leon Blaze (In Person)

10. DISCUSSION ITEMS

10.6 Facility Naming Sub-Committee Report 23-001 - May 11, 2023

14. PRIVATE AND CONFIDENTIAL

14.1 Encampment Litigation Update (LS20023(g)) (City Wide) – REVISED

14.2 Safety and Security at City Hall (No Copy)

(Francis/Hwang)

That the agenda for the May 17, 2023 General Issues Committee meeting, be approved, as amended.

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

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

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

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor T. McMeekin declared a non-disqualifying interest, however, opted to vote with a conflict to Report PED23116, respecting Pier 8 Animation Q4 2023 as his daughter is employed by the City of Hamilton as an animator.

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

(Francis/Spadafora)

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

- (i) May 3, 2023 (Item 4.1)
- (ii) May 5, 2023 – Special GIC (Item 4.2)

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

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

(d) COMMUNICATIONS (Item 5)

(M. Wilson/Horwath)

That the following Communications Items, be approved, as presented:

- (i) Correspondence respecting Item 8.1, Report HSC20036(f) / PED21188(c), Proposed Encampment Protocol, from the following individuals (Item 5.1):

- (1) Brooke Beney (Item 5.1(a))
- (2) Keeping Six and HAMSMaRT (Added Item 5.1(b))

Recommendation: Be received and referred to consideration of Item 8.1.

- (ii) Correspondence from Grant Bivol, Clerk, Niagara Peninsula Conservation Authority (NPCA) respecting the Financial Statements of the NPCA for the year ended December 31, 2022 (Item 5.2).

Recommendation: Be received.

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

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

(e) DELEGATION REQUESTS (Item 6)

- (i) Hafeez Hussain, respecting more about my experience on Unconscious Bias and EDI and how as a resident it is hard to navigate the city of Hamilton to address these matters to management (Virtually) (For a future meeting) (Item 6.1)**

(Nann/Clark)

That the delegation request from Hafeez Hussain, respecting more about my experience on Unconscious Bias and EDI and how as a resident it is hard to navigate the city of Hamilton to address these matters to management, be approved for a future meeting.

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

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

(Kroetsch/Francis)

- (ii)** That the following Delegation requests respecting Item 8.1, Proposed Encampment Protocol (HSC20036(f) / PED21188(c)) (For today's meeting), be approved, as follows:

- (1) Gessie Stearns (In Person) (Added Item 6.2(a))
- (2) Lisa Nussey, HAMSMaRT (In Person) (Added Item 6.2(b))
- (3) Jammy Lo, Keeping Six (In Person) (Added Item 6.2(c))
- (4) Leon Blaze (In Person) (Added Item 6.2(d))

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

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

(f) DELEGATIONS (Item 7)

(i) Delegations respecting Item 8.1, Proposed Encampment Protocol (HSC20036(f) / PED21188(c)) (Added Item 7.1):

The following Delegates addressed the Committee respecting Item 8.1, Proposed Encampment Protocol (HSC20036(f) / PED21188(c)):

- (1) Gessie Stearns (In Person) (Added Item 7.1(a))
- (2) Lisa Nussey, HAMSMaRT (Added Item 7.1(b))
- (3) Jammy Lo, Keeping Six (In Person) (Added Item 7.1(c))
- (4) Leon Blaze (In Person) (Added Item 7.1(d))

(Hwang/Francis)

That the following Delegations, respecting Item 8.1, Proposed Encampment Protocol (HSC20036(f) / PED21188(c)), be received:

- (1) Gessie Stearns (In Person) (Added Item 7.1(a))
- (2) Lisa Nussey, HAMSMaRT (Added Item 7.1(b))
- (3) Jammy Lo, Keeping Six (In Person) (Added Item 7.1(c))
- (4) Leon Blaze (In Person) (Added Item 7.1(d))

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

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

(g) STAFF PRESENTATIONS (Item 8)

(i) Proposed Encampment Protocol (HSC20036(f) / PED21188(c)) (Item 8.1)

Angela Burden, General Manager, Healthy and Safe Communities introduced Michelle Baird, Director, Housing Services Division; and Monica Ciriello, Director, Licensing and By-law Services who addressed the Committee with a presentation respecting Report HSC20036(f) / PED21188(c), Proposed Encampment Protocol.

(M. Wilson/Kroetsch)

That the General Issues Committee recess for 40 minutes until 1:30 pm.

Result: MOTION, CARRIED by a vote of 13 to 1, as follows:

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

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

(Cassar/Clark)

That the staff presentation respecting Report HSC20036(f) / PED21188(c), Proposed Encampment Protocol, be received.

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

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

(Horwath/Hwang)

- (a) That Council adopt the Proposed Encampment Protocol attached as Appendix "A" to Report HSC20038(f) / PED21188(c) and that staff be directed to implement the Proposed Encampment Protocol upon Council ratification on May 24, 2023.
- (b) That the staff and budget resources for the Coordination Response Team previously approved through Report HSC20038(e) / PED21188(b) be allocated to the implementation of the Proposed Encampment Protocol attached as Appendix "A" to Report HSC20038(f) / PED21188(c).
- (c) That, following Council ratification, staff be directed to make the Proposed Encampment Protocol attached as Appendix "A" to Report HSC20038(f) / PED21188(c) available for public comment, and that staff monitor the implementation of the protocol, and that

staff report back with a final recommended protocol at the General Issues Committee on August 2023.

- (d) That staff be directed to conduct a scan of jurisdictions that currently operate sanctioned encampments and further research/consultation as required and bring back options regarding operating models, parameters and criteria for site identification and potential sites with the goal of incorporating sanctioned sites into the new encampment protocol once site(s) and operating model are approved by Council; and,
- (e) That staff be directed to work with stakeholders to address washrooms, showers, and access to drinking water, as well as integration of peer and Indigenous supports into encampment response, and report back to the General Issues Committee with recommendations and required resourcing.

Upon request, Committee considered the sub-sections of Report HSC20036(f) / PED21188(c), Proposed Encampment Protocol separately, as follows:

(M. Wilson/Horwath)

- (a) That Council adopt the Proposed Encampment Protocol attached as Appendix “A” to Report HSC20038(f) / PED21188(c) and that staff be directed to implement the Proposed Encampment Protocol upon Council ratification on May 24, 2023.

Result: Vote on Sub-Section (a) of Report HSC20036(f) / PED21188(c), respecting Proposed Encampment Protocol, DEFEATED by a vote of 3 to 10, as follows:

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

No - Ward 15 Councillor Ted McMeekin

- (b) That the staff and budget resources for the Coordination Response Team previously approved through Report HSC20038(e) / PED21188(b) be allocated to the implementation of the Proposed Encampment Protocol attached as Appendix "A" to Report HSC20038(f) / PED21188(c).

Result: Vote on Sub-Section (b) of Report HSC20036(f) / PED21188(c), respecting Proposed Encampment Protocol, DEFEATED by a vote of 2 to 11, as follows:

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

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

(Kroetsch/A. Wilson)

That the General Issues Committee meeting of May 17, 2023, be extended past the 5:30 pm curfew, up to an additional 60 minutes.

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

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

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

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

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

(A. Wilson/Hwang)

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

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

Encampment Pilot Evaluation (HSC20038(e) / PED21188(b)) (City Wide)

OBL Item: 2023-E

Added: February 1, 2023 at GIC (Item 10.4)

Completed: May 17, 2023 at GIC (Item 8.1)

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

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

(i) PRIVATE & CONFIDENTIAL (Item 14)

(A. Wilson/Hwang)

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

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

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

(i) Encampment Litigation Update (LS20023(g)) (City Wide) – REVISED (Item 14.1)

For disposition of this matter, refer to Item 10.

(ii) Safety and Security at City Hall (No Copy) (Added Item 14.2)

For disposition of this matter, refer to Item 11.

(j) ADJOURNMENT (Item 15)

(Spadafora/Jackson)

That there being no further business, the General Issues Committee be adjourned at 6:21 p.m.

CARRIED

Respectfully submitted,

Deputy Mayor Esther Pauls
Chair, General Issues Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

Submitted on Tue, 05/23/2023 - 08:17

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee
General Issues Committee

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

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

Requestor Information

Requestor Information
David Braden

Preferred Pronoun
he/him

Reason(s) for delegation request
Based on experience and some success, I will recommend that the City take a number of specific actions to respond to causes of climate change as far as buildings are concerned. In my last appearance, I spoke only about the process of applying for permission. In this presentation I will answer the question, "what should the City do now?"

Will you be requesting funds from the City?
No

Will you be submitting a formal presentation?
No

Submitted on Wed, 05/24/2023 - 11:40

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee
General Issues Committee

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

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

Requestor Information

Requestor Information
Rob Maclsaac
Hamilton Health Sciences
Hamilton Health Sciences - King West
P.O. Box 2000
Hamilton, ON. L8N 3Z5
president@hhsc.ca
905 521 2100

Preferred Pronoun
he/him

Reason(s) for delegation request
Request for Hamilton Health Sciences and St Joseph's Healthcare Hamilton to present at the June 14, 2023 General Issues Committee meeting. The focus for the presentation will be an update regarding Hamilton hospital redevelopment.

Will you be requesting funds from the City?
No

Will you be submitting a formal presentation?
Yes

Submitted on Tue, 05/23/2023 - 16:35

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee
General Issues Committee

Will you be delegating in-person or virtually?

In-person

Will you be delegating via a pre-recorded video?

No

Requestor Information

Requestor Information
Paul Vermaat
White Star Group

Preferred Pronoun

he/him

Reason(s) for delegation request

Reasons for Delegation Request

To submit a formal presentation and discuss matters relating to:

- The Motion brought forth by former Ward 2 Councillor Bratina of September 14, 2010 within Committee of the Whole Report 10-024

"Resolution of Matters Related to Lands in the West Harbour Stadium Precinct"

- The resulting Report LS10017 introduced to Council on October 13, 2010 within Committee of the Whole Report 10-027

- Motion 4.1 (b) from City Council Meeting of October 11, 2011 directing staff to cease expropriations of land at the west harbour site, as was directed by Council on February 24, 2010, by way of Item 2 of Subsection B of Committee of the Whole Report 10-008

- Supreme Court of Canada Ruling of October 21, 2022 as it relates to defacto expropriations/constructive taking where no land is acquired

- The Supreme Court rules that a private land developer can take the regional municipality to court for its plan to expropriate its land.

Will you be requesting funds from the City?

No

Will you be submitting a formal presentation?

Yes

Submitted on Tue, 05/02/2023 - 22:45

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee
General Issues Committee

Will you be delegating in-person or virtually?
Virtually

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

Requestor Information

Requestor Information
Hafeez Hussain

Preferred Pronoun
he/him

Reason(s) for delegation request
I would like to request to be a delegate for the next meeting on the General Issues Committee to share more about my experience on Unconscious Bias and EDI and how as a resident it is hard to navigate the city of Hamilton to address these matters to management. Areas of concerns include - Timelines of what is being done, SLA or ETA on what action plans are being done by management, and what support services that the City can provide residents who are faced with Unconscious Bias and how it is impacting their mental health.

Will you be requesting funds from the City?
No

Will you be submitting a formal presentation?
No

My Experience with the City of Hamilton

Navigating through a Complex Complaint Handling Process when dealing
with EDI and Unconscious Bias

May 31, 2023

Agenda

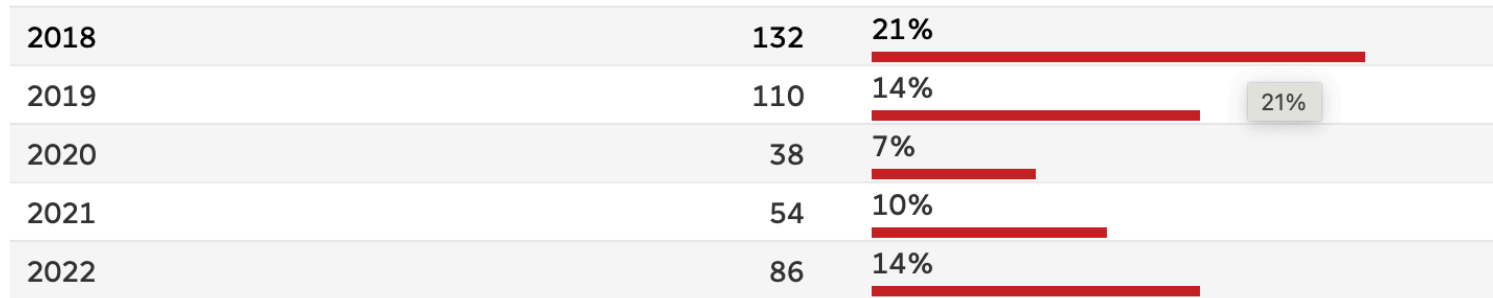
- Landscape of EDI issues facing Canadians – Canadian Human Rights Commission
- Current Issues Facing Taxpayers
- Transparency and Accountability
- Recommendation

Landscape of EDI issues facing Canadians – Canadian Human Rights Commission

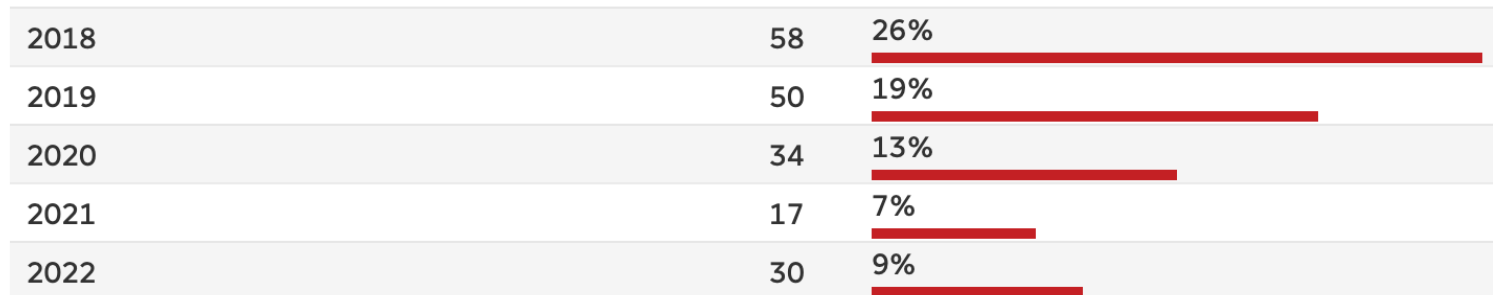
- The Canadian Human Rights Commission's recent numbers show it has been dismissing racism-based claims at a higher rate than other human rights complaints — but the commission insists it's working to change that.
- The year 2020 saw the largest disparity. The percentage of racism-based complaints the commission rejected — 13 per cent — was almost double the percentage of other types of claims it rejected (7 per cent).
- The commission accepted more racism-based claims in subsequent years, referring them either to mediation or to the Canadian Human Rights Tribunal. Last year, for example, the commission dismissed only nine per cent of racism-based claims, compared with a 14 per cent rejection rate for other types of claims.

Canadian Human Rights Commission – Racism-Based Complaints Rejection

Total dismissed complaints (Non-RCNEO¹)



Total dismissed complaints (RCNEO¹)



¹Race, colour, and/or national or ethnic origin

Current Issues Facing Taxpayers when dealing with EDI

- Complex Complaint Handling Process when dealing with City of Hamilton Management when City Staff have allegedly discriminated against taxpayers based on unconscious bias towards colour, race, religion, or nationality
- No Transparency or updates on the complaint – What’s happening, What Support is being provided to taxpayers, how is it impacting a taxpayers mental health, no mediations or contacts?
- What happens if a taxpayer suffers emotional distress or financial loss as a result of a City employee actions towards a taxpayer?
- Does this City Human Resources Dept have the up-to-date skill set to handle these complaints, are members represented in the community part of the complaint process, why isn’t it a third-party investigating taxpayers matters vs. city staff who report to management and is a conflict of interest as they are part of management and do not report to council such as other offices (i.e. Office of the City Auditor).

Transparency and Accountability

- Why are taxpayers not getting updates during the investigation?
- What happens at the end of the investigation?
- Support for Taxpayers on Mental Health and Community Support?
- What happens if a taxpayer suffered emotional distress, financial loss as a result of a city policy or employee action towards EDI issues (i.e. unconscious bias)?


Recommendation

- The Council of the City of Hamilton to recommend to management a report to review its complaint handling process when it comes to complaints dealing with city staff actions against taxpayers and impacts in undue hardship in taxpayers.
- Complaints should be handled by third party, involving mediation and transparency.
- Human Resources should not be the department to investigate these complaints as these complaints should be handled by a team representing the community reflecting a diverse view
- Management should report to council annually # of complaints it receives on EDI issues, report trends and recommendations.



Hamilton

CITY OF HAMILTON
OFFICE OF THE AUDITOR GENERAL

TO:	Deputy Mayor and Members General Issues Committee
COMMITTEE DATE:	May 31, 2023
SUBJECT/REPORT NO:	Elections Administration Audit (AUD23008) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Charles Brown CPA, CA (905) 546-2424 Ext. 4469 Brigitte Minard CPA, CA, CIA, CGAP, CFE (905) 546-2424 Ext. 3107 Kris Fletcher (Consultant) Valencia Risk Metroline Research Group
SUBMITTED BY:	Charles Brown CPA, CA Auditor General Office of the Auditor General
SIGNATURE:	

RECOMMENDATION

- (a) That Report AUD23008, respecting the Elections Administration Audit be received;
- (b) That the Management Response, as detailed in Appendix "D" to Report AUD23008 be received;
- (c) That the City Clerk be requested to report back to the Office of the Auditor General by September 2023 with a detailed management action plan, which will then be reported to the General Issues Committee; and

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SUBJECT: Elections Administration Audit (AUD23008) (City Wide) - Page 2 of 6

- (d) That the General Issues Committee Outstanding Business List Item 2023-V, respecting the Audit of the 2022 Municipal Elections in the City of Hamilton, be considered complete and removed.

EXECUTIVE SUMMARY

The purpose of the audit of elections administration was to review and assess the adequacy and effectiveness of systems, resources, agreements, policies and procedures used to administer the 2022 election cycle. Relevant to our audit were election processes not only on election day, but those prior and leading up to the election. Accordingly, we reviewed various processes related to logistics, communications, planning and preparations, in addition to those affecting compliance with procedural requirements of the *Municipal Elections Act*.

The review was conducted in three parallel streams. The first stream was the review by a municipal expert of the key processes used to administer the election. The major areas reviewed included elector information, voting list, location management, candidate nomination and information, voting methods, procedures and administration, and third-party advertisers.

For the compliance review phase, our Office found that the Clerks processes substantially complied with requirements under the *MEA*. As indicated in the detailed report, there were some compliance issues related to voting hours, voter lists and notification. However, the deviations did not compromise in any material way the seven generally accepted election principles that engender confidentiality of voting, absence of bias, voter accessibility, integrity, certainty and accuracy of results, and fair and consistent treatment of voters and candidates. There were some important observations relating to more efficient and effective processes to better support candidates and voters that we outline in the report.

For the technology assessment phase we found that technologies, when deployed and used as designed, are reliable and effective in protecting against security or infiltration threats, and in providing accurate processing and outputs. Some issues found relate to the absence of Canadian standards with which to assess and ensure the sufficiency and efficacy of technology controls, limited training and technical support, the level of involvement of in-house IT security, use of formal IT threat assessment, lack of contingency planning and the need for stronger technical controls.

For the survey phase, the results show that residents are mainly satisfied with the process, with 68% saying they were very satisfied and 24% somewhat satisfied (92% total). Some 86% said they were able to cast their vote in 10 minutes or less. The survey sent to all 150 candidates brought 42 responses (28%). Over half responding candidates were satisfied (very or somewhat) with every resource. About 81% made

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SUBJECT: Elections Administration Audit (AUD23008) (City Wide) - Page 3 of 6

use of the candidates portal with 62% saying that finding information was very or somewhat easy and 26% saying it was very or somewhat difficult. The two primary election administration issues expressed by candidates were residents not receiving a voter's card (67%) and residents not aware of their polling locations (55%). From the survey results we concluded there is opportunity to improve the candidate experience.

Overall, we have made 50 recommendations to the Clerk for consideration in the next election. Given the breadth and depth of recommendations, balanced with the need to bring forward timely findings as directed by Council, the City Clerk has agreed to provide OAG with one overall Management Response, with a commitment to provide a detailed set of management action plans for each recommendation to the OAG by September 2023. These will be brought forward and reported to General Issues Committee upon acceptance and review by the OAG.

Alternatives for Consideration – Not Applicable**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: None.

Staffing: None.

Legal: None.

HISTORICAL BACKGROUND

On January 25, 2023, Council provided the following direction to the Auditor General (previously known as City Auditor):

Audit of the 2022 Municipal Elections in the City of Hamilton (Item 11.2)

WHEREAS, the City Clerk has responsibility under the *Municipal Elections Act* for conducting elections within the city of Hamilton;

WHEREAS, Council is responsible for providing funding for the conduct of municipal elections, the use of City resources during an election, the methods used for voting and the passing of by-laws related to election signs; and,

WHEREAS, there have been concerns raised including, but not limited to, the use of vote by mail ballots, elector privacy, timely distribution of information to electors and

SUBJECT: Elections Administration Audit (AUD23008) (City Wide) - Page 4 of 6

candidates, as well as voting delays during the 2022 municipal elections in the city of Hamilton;

THEREFORE, BE IT RESOLVED:

- (a) That the City Auditor be directed to:
 - (i) undertake and oversee, an audit of the administration of the 2022 municipal election in the city of Hamilton and report back in May of 2023 to Audit, Finance and Administration Committee on the findings of the audit to ensure that sufficient systems, resources, vendors and vendor agreements, and policies and procedures are in place to comply with the provisions of the *Municipal Elections Act*;
 - (ii) produce an actionable set of recommendations focused on improving the administration of the City of Hamilton's elections for the 2026 municipal election; and,
 - (iii) and make recommendations to Council with regards to suggested legislative reforms to the Municipal Elections Act; and,
- (b) That the audit process, of the 2022 municipal election in the city of Hamilton, include the retention of an election expert, and the solicitation of feedback from electors and candidates.

In April, 2023, Council provided direction that the Elections Administration Audit was to report back to the General Issues Committee in May 2023.

This report fulfils the requirements of both Council directions. A consulting election expert (Kris Fletcher) was retained by the Office of the Auditor General (OAG). Ms. Fletcher has extensive experience as a Municipal Clerk who administered many municipal and school board elections, along with experience as a Returning Officer for an Electoral District in recent Ontario Provincial Elections. Additionally, the OAG retained Valencia Risk, a specialty IT Risk Advisory and Audit firm to complete work relating to the technology aspect of municipal and school board elections.

Feedback was solicited from eligible voters and candidates via two surveys that were conducted through late March and April 2023. The surveys were administered by Metroline Research Group (Metroline), and Metroline completed the survey analysis and results reporting.

SUBJECT: Elections Administration Audit (AUD23008) (City Wide) - Page 5 of 6

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Municipal Elections Act

Municipal Freedom of Information and Protection of Privacy Act

Safe Schools Act

RELEVANT CONSULTATION

Appendix “D” to Report AUD23008 includes the response from management responsible for overseeing municipal election administration in the Office of the City Clerk in the Corporate Services Department.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The audit objective was to review and assess the adequacy and effectiveness of systems, resources, agreements, policies and procedures used to administer the 2022 election cycle.

The Office of the Auditor General and team conducted surveys of eligible voters and candidates, and reviewed process documentation, compliance information, technology-related items, and other documents using the expertise of municipal experts, technology specialists and survey consultants.

The Audit Report summarizing our findings can be found at Appendix “A” to Report AUD23008.

The OAG made 50 recommendations which can be found in Appendix “D” to Report AUD23008. They comprise the following categories:

- Election Preparation and Readiness
- Technology
- Candidate Experience
- Voter/Resident Experience
- Advocacy to the Province of Ontario

Due to time constraints, one overall management response was received for all recommendations. The City Clerk has agreed to provide a detailed set of management action plans for each recommendation to the OAG by September 2023. These will be brought forward and reported to the General Issues Committee upon acceptance and review by the OAG.

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SUBJECT: Elections Administration Audit (AUD23008) (City Wide) - Page 6 of 6

The Recommendations and Management Response can be found in Appendix “D” to Report AUD23008.

ALTERNATIVES FOR CONSIDERATION

None.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

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 AUD23008 – Elections Administration Audit Report

Appendix “B” to Report AUD23008 – Elections Administration Audit – Technology Report

Appendix “C” to Report AUD23008 – Elections Audit – Market Research

Appendix “D” to Report AUD23008 – Recommendations and Management Response

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Hamilton
OFFICE OF THE
AUDITOR GENERAL

Elections Administration Audit Report

May 31, 2023

Charles Brown, Auditor General

Brigitte Minard, Deputy Auditor General

Kris Fletcher, Consultant



**HAMILTON
VOTES 2022**

MUNICIPAL ELECTION

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Executive Summary

- 1 The purpose of the audit of elections administration was to review and assess the adequacy and effectiveness of systems, resources, agreements, policies and procedures used to administer the 2022 election cycle. Relevant to our audit were election processes not only on election day, but those prior and leading up to the election. Accordingly, we reviewed various processes related to logistics, communications, planning and preparations, in addition to those affecting compliance with procedural requirements of the Municipal Elections Act.
- 2 The review was conducted in three parallel streams. The first stream was the review by a municipal expert of the key processes used to administer the election. The major areas reviewed included elector information, voting list, location management, candidate nomination and information, voting methods, procedures and administration, and third-party advertisers. Compliance with the Municipal Elections Act (MEA) was assessed, and our audit team also reviewed the practices adopted by the Clerk for possible improvement opportunities. The second stream was a review of technologies used to conduct the election including tabulators, e-poll books, and related software. The purpose of this phase was to understand the implications of the technologies used with respect to election efficiency, and to ensure risks can be appropriately managed including cyber threats, adequacy of privacy and integrity controls, resources support and failure contingencies. The last part of the review consisted of two statistical surveys - one of electors and the other of candidates. The objective was to obtain objective information about the satisfaction of these groups with the election process and through their commentary identify areas for improvement.
- 3 For the compliance review phase, our Office found that the Clerks processes substantially complied with requirements under the MEA. As indicated in the detailed report, there were some compliance issues related to voting hours, voter lists and notification. However, the deviations did not compromise in any material way the seven generally accepted election principles that engender confidentiality of voting, absence of bias, voter accessibility, integrity, certainty and accuracy of results, and fair and consistent treatment of voters and candidates. There were some important observations relating to more efficient and effective processes to better support candidates and voters that we outline in the report. Some of the major issues of the report include the disruption of service on election day due to technology failure; logistical issues in printing voter notification cards; tight timelines and reliance on Canada Post that affected the receipt of voter cards and vote by mail kits; and a privacy breach that had to be reported to the Information and Privacy Commissioner. Specific improvement opportunities are described in the detailed findings section.
- 4 For the technology assessment phase, our experts, Valencia Risk (Valencia), sought and obtained explanations for technology issues that arose during the election. In general, they found that technologies, when deployed and used as designed, are reliable and effective in protecting against security or infiltration threats, and in providing accurate processing and outputs. Some issues found that are included in their presentation (Appendix B) relate to the absence of Canadian standards with which to assess and ensure the sufficiency and efficacy of technology controls, limited training and technical support, the level of involvement of in-

house IT security, use of formal IT threat assessment, lack of contingency planning and the need for stronger technical controls.

- 5 For the survey phase, Metroline Research has provided an analysis of the survey results (Appendix C). A survey of electors was conducted by telephone and had 600 respondents which is considered accurate to within +/- 4% 19 times out of 20. The results show that residents are mainly satisfied with the process, with 68% saying they were very satisfied and 24% somewhat satisfied (92% total). Some 86% said they were able to cast their vote in 10 minutes or less. The survey sent to all 150 candidates brought 42 responses (28%). Over half responding candidates were satisfied (very or somewhat) with every resource. About 81% made use of the candidates portal with 62% saying that finding information was very or somewhat easy and 26% saying it was very or somewhat difficult. The two primary election administration issues expressed by candidates were residents not receiving a voter's card (67%) and residents not aware of their polling locations (55%). From the survey results we concluded there is opportunity to improve the candidate experience.
- 6 In addition, there were residents who proactively provided commentary via the Office of the Auditor General (OAG) website and dedicated election audit site. As outlined in this report the comments received were a mixture of positive and negative experiences. From a process improvement perspective, not receiving voter cards or vote by mail packages, election website challenges, the expressed need for more polls closer to the voters, the election day crash of the system during which staff struggled to cope, and the desire to have online voting were most often given as opportunities.
- 7 In the course of reviewing the election process we found some practices adopted by the Clerk to be innovative and worthy of honourable mention. In particular, the use of a formal risk assessment framework and accompanying methodologies in preparing and planning for various risk scenarios in the administration of the election was a best practice, as was the use of a virtual assistant on the election website, and the voice assistant that provided capability to respond to Siri and Alexa enquiries.
- 8 Overall, OAG made 50 recommendations to the Clerk for consideration prior to the next election. Due to the constraints of time we gave the Clerk the option of providing individual responses or alternatively one overall response, outlining general agreement and/or any concerns with the recommendations along with a commitment to provide detailed responses by September 2023 for presentation to the General Issues Committee.
- 9 Finally, our Office wishes to acknowledge the co-operation of the Office of the Clerk in responding to the review requirements. We also acknowledge and point out to the reader that the Clerk has broad authority to make decisions regarding election process, in order to ensure elections are conducted impartially and fairly, without bias or influence. It is a solemn responsibility. Our recommendations are therefore just that – recommendations - and are intended to be respectful of the Clerk's independence.

Introduction

10 On January 25, 2023, Council passed the following motion:

Audit of the 2022 Municipal Elections in the City of Hamilton (Item 11.2)

WHEREAS, the City Clerk has responsibility under the *Municipal Elections Act* for conducting elections within the city of Hamilton;

WHEREAS, Council is responsible for providing funding for the conduct of municipal elections, the use of City resources during an election, the methods used for voting and the passing of by-laws related to election signs; and,

WHEREAS, there have been concerns raised including, but not limited to, the use of vote by mail ballots, elector privacy, timely distribution of information to electors and candidates, as well as voting delays during the 2022 municipal elections in the city of Hamilton;

THEREFORE, BE IT RESOLVED:

(a) That the City Auditor [now Auditor General] be directed to:

- (i) undertake and oversee, an audit of the administration of the 2022 municipal election in the city of Hamilton and report back in May of 2023 to Audit, Finance and Administration Committee on the findings of the audit to ensure that sufficient systems, resources, vendors and vendor agreements, and policies and procedures are in place to comply with the provisions of the *Municipal Elections Act*;
- (ii) produce an actionable set of recommendations focused on improving the administration of the City of Hamilton's elections for the 2026 municipal election; and,
- (iii) and make recommendations to Council with regard to suggested legislative reforms to the Municipal Elections Act; and,

(b) That the audit process, of the 2022 municipal election in the city of Hamilton, include the retention of an election expert, and the solicitation of feedback from electors and candidates.

11 In April 2023, Council provided direction that the Elections Administration Audit was to report back to the General Issues Committee in May 2023.

12 This report fulfils the requirements of both Council directions. A consulting election expert (Kris Fletcher) was retained by the Office of the Auditor General (OAG). Ms. Fletcher has extensive experience as a Municipal Clerk who administered many municipal and school board elections, along with experience as a Returning Officer for an Electoral District in

recent Ontario Provincial Elections. Additionally, the OAG retained Valencia Risk, a specialty IT Risk Advisory and Audit firm to complete work relating to the technology aspect of municipal and school board elections.

- 13 Feedback was solicited from eligible voters and candidates via two surveys that were conducted through late March and April 2023. The surveys were administered by Metroline Research Group (Metroline), and Metroline completed the survey analysis and results reporting.

The 2022 Election

- 14 In Ontario, Municipal and School Board elections are conducted pursuant to the Municipal Elections Act, 1996 (MEA), as amended, and its regulations. The Clerk is responsible for administering municipal elections in accordance with the Act. Specifically, Subsection 11(2) of the MEA provides that the Clerk's responsibility includes:
- (a) preparing for the election;
 - (b) preparing for and conducting a recount in the election
 - (c) maintaining peace and order in connection with the election; and
 - (d) in a regular election, preparing and submitting the report described in Subsection 12.1(2) [removal and prevention of barriers that affect electors and candidates with disabilities]
- 15 Election administration engenders a daunting set of tasks, often with very strict time constraints. Prior to and leading up to an election requires rigorous planning by the Clerk and the election office team. The Clerk must ensure Council approval and enactment of By-Laws and/or amendments that are necessary to carry out the election as prescribed by the MEA, and of certain policies, as well as the establishment of an Election Compliance Committee. The Clerk and elections office staff must face significant logistical, administrative and communications challenges in carrying out the procurement of vendors of equipment, supplies and services, the hiring and training of staff, the development of forms and procedures for use in administering the election including those for voters, candidates and third party advertisers, the determination and establishment of polling locations, voting methods, the fulfillment of accessibility requirements of the Act, and in developing the materials, policies, procedures, strategies and infrastructure for communicating information to stakeholders.
- 16 The Clerk has the independent authority under the Act to prescribe procedures and forms that are not otherwise provided for in the Act or regulations, including the power to require a person to furnish proof of identity and residence, citizenship or any other matter.
- 17 A very important responsibility of the Clerk mandated by the Act is providing electors, candidates and persons eligible to be electors with the information to enable them to exercise their rights.

Voting Methods Approved for the 2022 Election

18 Hamilton electors were able to cast their ballots in a number of ways:

In-person voting on election day, and at advance polls conducted on specific days and locations in each ward. Votes were cast by marking physical ballots which are read and counted by tabulator machines. Electors who were unable to get to a voting location were able to appoint a **proxy** to cast a ballot on their behalf by completing the appropriate form certified by the Clerk.

In-person voting at special advance polls being conducted at institutions using "ballot on demand" technology. This technology enabled a ballot to be printed and cast at the institution's location for any ward to offer convenience to voters who might otherwise face barriers or have to travel to their ward to vote.

Vote by Mail which allowed eligible electors to make application to be able to receive a vote by mail kit containing a ballot, instructions, voter declaration form and secrecy and prepaid return envelopes. The use of mail meant that voters needed to make timely application and mail back their vote sufficiently ahead of time to ensure it would be received by election day otherwise it would not be counted.

Long Term Care-Special Provisions




19 Special provisions in the *MEA* allow for in person voting on election day at long term care facilities and retirement residences. Due to COVID, there was a concern that these facilities would be closed to the public if there was an outbreak. Such a closure would not have permitted election works to enter these facilities. Staff developed a program to allow residents in these facilities to vote using Vote by Mail. Kits were prepared for the residents and delivered to the various facilities and picked up by staff on voting day. These ballots were not accounted for as vote by mail ballots but were included in the in person voting totals as they would have in a regular election year.

Election 2022 Results

20 The election took place on Monday, October 24, 2022 where in Hamilton one Mayor, 15 Councillors, and 22 School Board Trustees were elected to office. There were a total of 143,375 votes cast out of 405,288 electors eligible to vote, resulting in a voter turnout of 35.38%. By comparison, the City of Kitchener had a turnout of 20.26%, Cambridge 28.87%, Waterloo 27.18% and Ottawa 43.79%. The average turnout across Ontario was 36.3%.

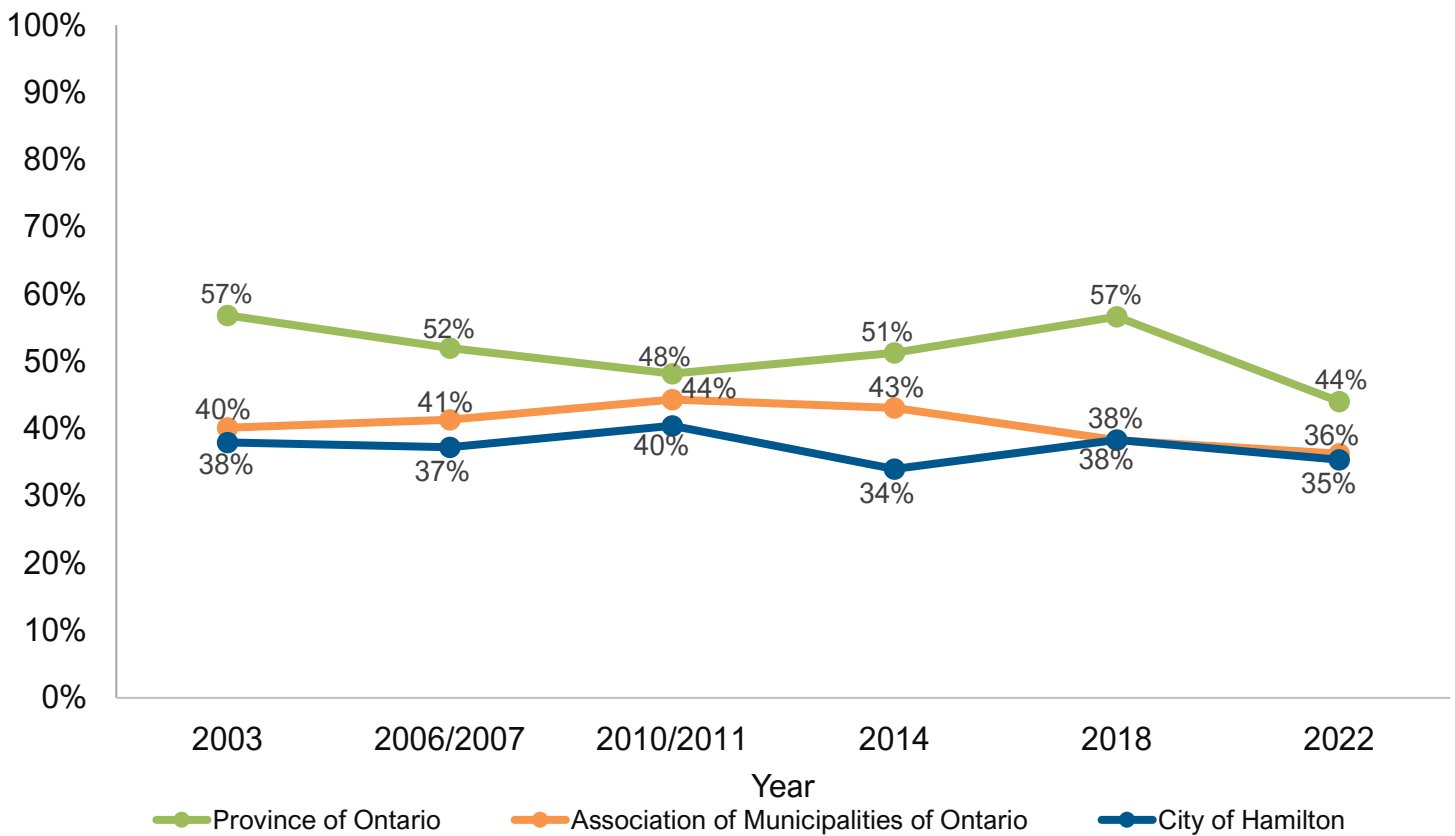
21 The total spending for the election was \$2.7M which compares slightly favourably to the budget of \$2.8M.

Voter Turn Out

Voter Turn Out		
	Number of Eligible Voters	405,288
	Ballots Cast	143,375
	Voter Turn Out	35.38%

22 As can be seen in the accompanying graph (below), Hamilton has been historically lower in voter turnout than the municipal average.

Voter Turn Out (Percentage %)



Source: Elections Ontario, Association of Municipalities of Ontario, and, City of Hamilton, Office of the City Clerk.

23 In the chart below, it shows the voter turnout alongside the voting methods the municipality uses. There does not appear to be a discernable correlation between the two. For example, Burlington and four other municipalities, which have online voting, did not experience a turnout as high as Hamilton.




2022 Municipal Election Voter Turnout and Voting Method

Municipality	Number of Eligible Voters	Number Who Voted	Turn Out Percentage	Voting Methods
Brampton	354,884	87,155	24.56%	<ul style="list-style-type: none"> • Paper – Tabulators/Scanners • Touch Screens • Assistive Devices
Burlington	142,218	39,217	27.58%	<ul style="list-style-type: none"> • Internet • Paper Ballot- Tabulators/Scanners • Assistive Devices
Cambridge	95,921	27,689	28.87%	<ul style="list-style-type: none"> • Internet, Paper – Tabulators/Scanners • Vote by Mail • Assistive Devices
Guelph	104,612	29,254	27.96%	<ul style="list-style-type: none"> • Paper Ballot – Tabulators/Scanners • Vote by Mail
Hamilton	405,288	143,375	35.38%	<ul style="list-style-type: none"> • Paper Ballot Tabulators/Scanners • Vote by Mail • Assistive Devices
Kitchener	171,025	34,658	20.26%	<ul style="list-style-type: none"> • Paper Ballot – Tabulator/Scanner • Assistive Devices
London	281,074	71,678	25.50%	<ul style="list-style-type: none"> • Paper – Tabulator/Scanner • Vote by Mail • Assistive Devices
Markham	220,234	68,641	31.17%	<ul style="list-style-type: none"> • Internet • Paper Ballots • Assistive Devices
Mississauga	491,260	107,310	21.84%	<ul style="list-style-type: none"> • Paper • Tabulator Scanner • Assistive Devices
Oakville	144,970	41,021	28.30%	<ul style="list-style-type: none"> • Paper • Assistive devices
Ottawa	722,227	316,260	43.79%	<ul style="list-style-type: none"> • Paper-Tabulator/Scanner • Vote by Mail • Assistive Devices
Richmond Hill	130,714	41,148	31.48%	<ul style="list-style-type: none"> • Internet • Paper Ballot
Toronto	1,930,812	563,124	29.17%	<ul style="list-style-type: none"> • Paper – Tabulator/Scanner • Assistive Devices
Vaughan	171,025	60,935	26.96%	<ul style="list-style-type: none"> • Internet • Paper Ballots – Vote Tabulators

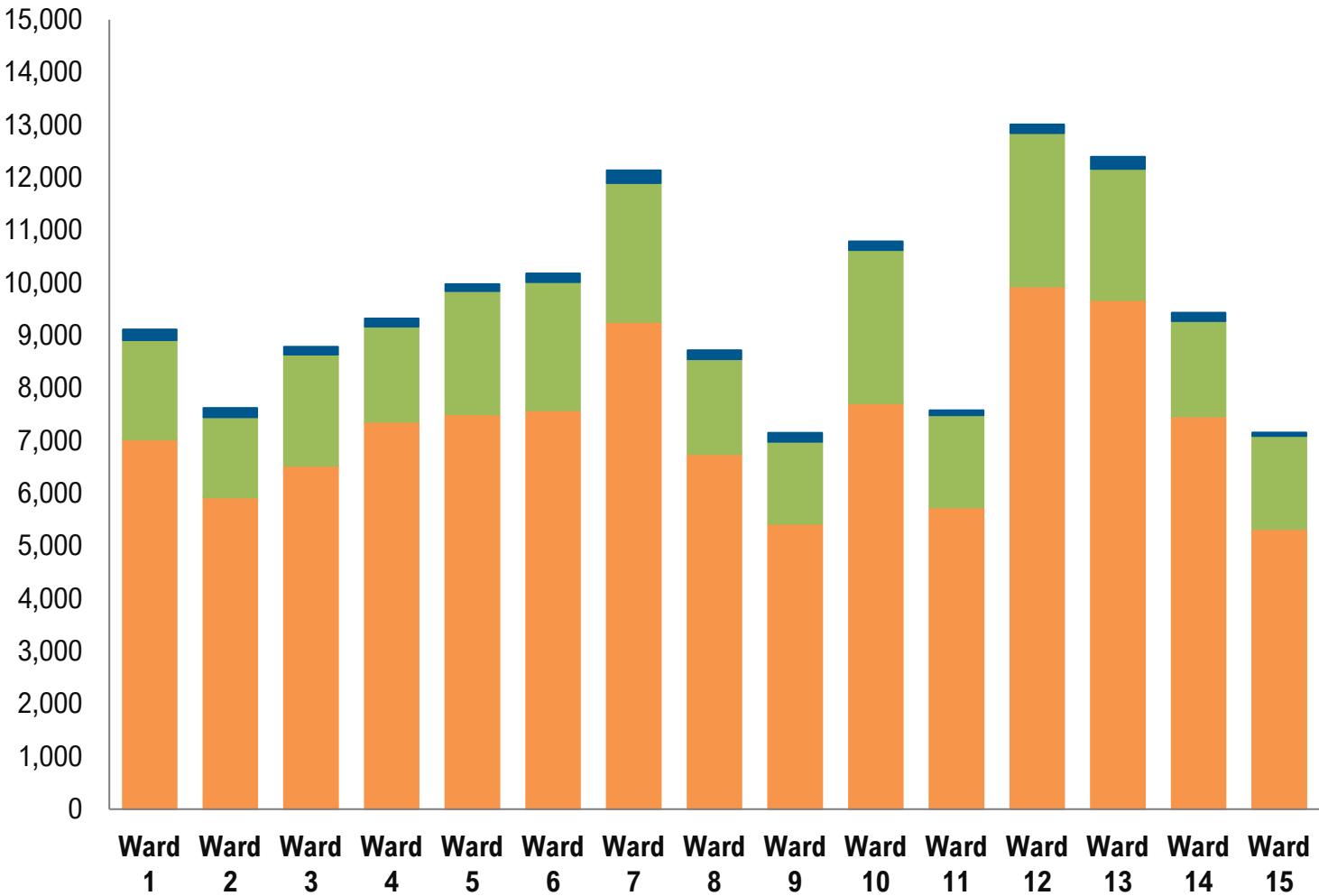
Source: Association of Municipalities of Ontario, 2022 (<https://elections2022.amo.on.ca/web/en/home>).

24 Below is shown the voting methods used by electors overall and broken down by ward.

City of Hamilton Voting Methods Used by Electors (2022)

Voting Methods	Number of Ballots	Percent Turn Out
 Ballots cast (vote Tabulator) Election Day	109,179	76.15%
 Ballots Cast (vote Tabulator) Advance Poll	31,748	22.14%
 Vote by Mail	2,448	1.71%
Total	143,375	100%

Total Number of Ballots Cast by Ward and Voting Type



	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Ward 6	Ward 7	Ward 8
■ Vote By Mail	205	176	151	151	132	162	239	173
■ Advance Votes	1,883	1,523	2,110	1,812	2,344	2,434	2,638	1,803
■ Voting Day	7,027	5,924	6,527	7,358	7,502	7,581	9,258	6,745
Total	9,115	7,623	8,788	9,321	9,978	10,177	12,135	8,721

	Ward 9	Ward 10	Ward 11	Ward 12	Ward 13	Ward 14	Ward 15
■ Vote By Mail	169	167	94	168	235	157	69
■ Advance Votes	1,559	2,910	1,753	2,914	2,490	1,809	1,766
■ Voting Day	5,424	7,711	5,733	9,930	9,672	7,464	5,323
Total	7,152	10,788	7,580	13,012	12,397	9,430	7,158

Source: City of Hamilton, Office of the City Clerk.

Key Vendors

25 **Dominion Voting Systems**

The City rented tabulator hardware, obtained software licenses and procured services from Dominion Voting Systems (Dominion).

26 **Comprint Systems Inc. (Operating as DataFix)**

The VoterView system was procured from DataFix. VoterView is an internet-based application offered by DataFix designed to provide election administrators with complete election administration capability, including an electronic view of electoral information, and other election planning tools.

27 Per Clerks, the system offered by Datafix is used by the majority of municipalities in Ontario, and the Province of Ontario. Datafix offers optional modules to be subscribed to that can be added to the VoterView system. These modules support enhanced election administration, including live voter list strikeoff, human resources management, and the development of a portal for candidates.

The City of Hamilton subscribed to the following Optional Modules:

- Online Voter Services
- Candidate Access Portal
- Election Worker Management
- Epoll book – VoterView Express
- Voting Place Management
- Election Event Dashboard

- 28 DataFix was also contracted to deliver "Vote by Mail Application" and "Vote by Mail Fulfillment" services.

Vote by Mail (VbM) Application services consisted of an online application where voters apply to receive a VbM kit, and where the City of Hamilton is responsible for reviewing and approving the applications in VoterView. Elections Office staff also requested applications received via telephone through VoterView.

Vote by Mail fulfillment services consisted of the preparation, printing, and depositing of Vote by Mail kits for each approved Client at a Canada Post facility.

29 **Elections Ontario**

The City leased tabulators and ePoll books (laptops) from Elections Ontario.

30 **Voter Notification Cards (VNC's)**

Significant issues were encountered in the production and mailing of VNC's. Ultimately a variety of vendors were used to produce the VNC's.

Audit Objective

31 The overall objective of the audit was to:

- Ensure that sufficient systems, resources, vendors and vendor agreements, and policies and procedures are in place to comply with the provisions of the *Municipal Elections Act*.
- Produce an actionable set of recommendations focused on improving the administration of the City of Hamilton's elections for the 2026 municipal election are to be made.
- To make recommendations with regards to suggested legislative reforms to the Municipal Elections Act to the Province of Ontario.

Audit Scope

32 The audit scope was focused on the administration of the 2022 Municipal Elections in Hamilton. This included all the processes related to the administration of the Act, logistics planning and execution, communications, resources, budgeting and reporting.

33 Not included in our scope were processes related to post-election compliance activities that are prescribed under the MEA such as financial disclosure requirements. The audit scope also did not include the process to adjudicate ballots that were unable to be read by tabulators for vote by mail ballots and proxy ballots.

What We Did

34 The OAG performed the following procedures:

- Gained an understanding of the processes related to the administration of municipal elections.
- Gained an understanding of the technologies utilized in elections and the associated risks and opportunities.

- Researched and reviewed relevant information including initial interviews with key stakeholders involved in various aspects of the election process and experts.
- Assessed key risks and challenges, including known issues for the election administration process.
- Reviewed of how the various risks are mitigated/controlled.
- Identified areas of non-compliance or high risk of non-compliance with the *Municipal Election Act*.
- Concluded on reasons/root causes for the various issues identified.
- Identified areas of improvement or advocacy for the municipal elections process.
- Obtained feedback from eligible voters and candidates to draw conclusions about the customer service aspect of the administration of municipal elections.

How We Did It

- 35
- Reviewed the applicable regulations and guidelines in the *Municipal Elections Act* for the administration of municipal elections in the Province of Ontario.
 - Interviewed relevant staff
 - Interviewed and consulted with the CEO of Elections Ontario
 - Retained subject matter experts (SMEs), namely an Elections SME (Kris Fletcher, Consultant), Valencia Risk (Cyber and Technology Risk Advisors and Auditors), Metroline Research Group (Survey SMEs)
 - Examined the Office of the City Clerk's election reports and supporting documentation
 - Evaluated various election technology components.
 - Reviewed the planned election processes vs actual and conducted a gap analysis.
 - Compare the City of Hamilton approach to other municipalities.
 - Conducted two surveys to obtain feedback:
 - Survey of eligible voters (telephone survey)
 - Survey of candidates in the 2022 municipal elections administered by the City of Hamilton

Detailed Findings

Compliance Review

Why is a compliance review important?

- 36 The *Municipal Elections Act* establishes rules and procedures that need to be followed in order to have a successful election. While internal policies and procedures typically provide necessary guidance, legislation and regulations are mandatory and must be addressed. Non-compliance can lead to fines and penalties, and potential damage to the organization's reputation resulting in the loss of trust and confidence of those people served by the City of Hamilton.
- 37 The purpose of compliance is to adhere to both internal policies and procedures, along with governmental laws. Implementing compliance procedures protects the municipalities reputational risk and improves the municipality's vision and value and prevents and detects violations of rules.

The *Municipal Elections Act* (MEA)

- 38 The *Municipal Elections Act* is a substantial piece of Legislation that sets out the rules for a Municipal Election. The legislation is also accompanied by a series of regulations. The *MEA* provides directives and guidance on how an election should be conducted.
- 39 The legislation also provides substantial authority to the municipal Clerk. Section 12 of the *Municipal Elections Act* outlines the powers of the Clerk, including that they may provide for any matter or procedure that is not otherwise provided for in an *Act* or regulation and that, in the City Clerk's opinion, is necessary or desirable for conducting the election.
- 40 The Clerk shall create and implement any policies and procedures that are necessary to conduct an election in a manner that reflects the principles of the Act, and its regulations. These principles are generally recognized as being:
- (a) The secrecy and confidentiality of the voting process is paramount;
 - (b) The election shall be fair and non-biased;
 - (c) The election shall be accessible to the voters;
 - (d) The integrity of the voting process shall be maintained throughout the election;
 - (e) There is to be certainty that the results of the election reflect the votes cast;

- (f) Voters and candidates shall be treated fairly and consistently; and
- (g) The proper majority vote governs by ensuring that valid votes are counted and invalid votes are rejected so far as reasonably possible.

41 Under Section 15(2) the Clerk can delegate any of their powers and duties in relation to an election to any election official as they consider necessary. This delegation shall be in writing.

Council's Role in the Election

42 In order to preserve the integrity of the election Council's official role is limited. Council is responsible for ensuring certain policies and by-laws are in place. As an example, Council is responsible for authorizing the use of vote counting equipment and alternative voting methods or for agreeing to put a question on the ballot (Not done in the 2022 election). Council is also responsible for budget, use of corporate resources and the Election Sign By-law.





Compliance with the Legislation





43 **Overall the OAG finds that the Clerk's processes substantially complied with requirements under the MEA. While there were some deviations, they did not compromise in any material way the seven principles of the Act described above.**







The follow areas were reviewed:



- Prior to election
- Nomination Procedure
- Wards, Polls, Vote Locations
- Voters and Voters' List
- Voting, Counting, Voting Places
- Accessibility
- Third Party Advertisers
- Staffing and Appointments
- Post elections

The key findings have been summarized into the tables below:






Legend	
	Some Non-Compliance Found
	Compliant: some Concerns and Areas for Improvement
	Substantially Compliant
	Not Applicable/Not Used/No Changes

Phase and Description	Compliance Rating
PRIOR TO ELECTION	
Budget <ul style="list-style-type: none"> Council approves budget administered by Clerks Policy Matters <ul style="list-style-type: none"> Notice, Forms Sign By-law Procedures established Various Administrative Matters <ul style="list-style-type: none"> Hours of voting 	 Substantially Compliant
Policy Matters <ul style="list-style-type: none"> Recount Campaign Contribution Rebates Ballot <ul style="list-style-type: none"> Questions on ballot 	 Not Applicable/Not Used/No Changes
NOMINATION PROCEDURE	
Nominations <ul style="list-style-type: none"> Notify office is open to accept nominations Process for accepting nominations documented Nomination of qualified persons is certified by Clerks Ballot Form <ul style="list-style-type: none"> Clerk permits another name a Candidate uses to appear on ballot Financial Reporting <ul style="list-style-type: none"> Certificate of maximum campaign expenses and notice of penalties is determined by Clerk 	 Substantially Compliant
Nominations <ul style="list-style-type: none"> Electronic filing of nomination 	 Not Applicable/Not Used/No Changes

Phase and Description	Compliance Rating
WARDS, POLLS, VOTE LOCATIONS	
Space <ul style="list-style-type: none"> School Boards 	 Substantially Compliant
Space <ul style="list-style-type: none"> Procedure for selecting poll locations established Locations must be accessible to electors with disabilities Municipalities mandatory provision of space 	 Substantially Compliant
Voting Subdivisions <ul style="list-style-type: none"> Dividing Municipality into voting subdivisions in an election year Space <ul style="list-style-type: none"> Landlords, condos, Corporations managing buildings containing 100 units or more 	 Not Applicable/Not Used/No Changes
VOTERS AND VOTERS' LIST	
Voters (Electors) <ul style="list-style-type: none"> Clerk notifies electors about the voting locations, hours of voting, manner for proxy voting, and alternative voting methods Voters' List <ul style="list-style-type: none"> Electronic Voters' List on Voting Day 	 Compliant: Some Concerns and Areas for Improvement (Voter Notification Cards)
Voters (Electors) <ul style="list-style-type: none"> Electronic proxy filing Voter identification policy Clerk determines policy to inform electors how to exercise their voting rights Preliminary list of Electors Voters' List <ul style="list-style-type: none"> Revisions to Voters' List – interim list changes provided to certified Candidates and send list of changes to MPAC within 30 days of Election Day Removing deceased persons from list 	 Substantially Compliant
VOTING, COUNTING, VOTING PLACES	
Voting Hours <ul style="list-style-type: none"> Voting places open to vote from 10:00 AM to 8:00 PM 	 Some Non-Compliance Found (Voting Hours)

Phase and Description	Compliance Rating
<p>Notice of Elections</p> <ul style="list-style-type: none"> • Clerks required to notify about voting locations, hours of voting, manner for proxy voting, and alternative voting methods <p>Advance Vote</p> <ul style="list-style-type: none"> • Updates to Voters' List <p>Vote By Mail</p> <ul style="list-style-type: none"> • Alternative voting method <p>Proxy</p> <ul style="list-style-type: none"> • Filing by proxy <p>Voting Hours</p> <ul style="list-style-type: none"> • Hours of voting at Institutions <p>Declaring Emergency</p> <ul style="list-style-type: none"> • Clerk discretion to determine emergency or circumstances that will undermine the integrity of election, and when such emergency has passed <p>Counting Votes</p> <ul style="list-style-type: none"> • Clerk makes information for the number of votes for each candidate, declined and rejected ballots and votes on a question available as soon as possible after Voting Day 	<p> Compliant: some Concerns and Areas for Improvement (1- Voters List-Voting Day and 2- Vote by Mail Privacy Breach)</p>
<p>By-law</p> <ul style="list-style-type: none"> • Authorizing use of voting, vote count equipment and alternative methods <p>Vote Counting</p> <ul style="list-style-type: none"> • Clerk establishes procedures for carrying out intent of the by-law and provides candidates the procedures when nominations filed <p>Advance Vote</p> <ul style="list-style-type: none"> • Clerk establishes dates, locations, hours, and process for securing advance ballot boxes, materials, and documents <p>Vote by Mail</p> <ul style="list-style-type: none"> • Alternative voting method <p>Proxy</p> <ul style="list-style-type: none"> • Clerk determines persons qualified to appoint and be appointed as voting proxy 	<p> Substantially Compliant</p>

Phase and Description	Compliance Rating
<p>Voting Places and Procedures</p> <ul style="list-style-type: none"> • Clerk designates number and locations of voting places, ensuring each voting place is accessible to electors with disabilities • Clerk issues instructions to DRO regarding attending on an elector in an institution or retirement home to allow person to vote and assisting voter with mobility impairment <p>Secrecy</p> <ul style="list-style-type: none"> • Secrecy is maintained by every person present at the voting place and at the counting of votes <p>Advance Poll Voting</p> <ul style="list-style-type: none"> • Clerk establishes dates, number, and location of voting places <p>Counting Votes</p> <ul style="list-style-type: none"> • Clerk compiles statement of results received from DROS to determine election results • Clerk in presence of DRO can open a ballot box to assist with interpreting statement of result 	
<p>Proxy</p> <ul style="list-style-type: none"> • Clerk may provide electronic filing <p>Voting Places and Procedures</p> <ul style="list-style-type: none"> • Clerk may establish certain polls voting locations open before 10:00 AM on voting day 	<p>⊖ Not Applicable/Not Used/No Changes</p>
ACCESSIBILITY	
<ul style="list-style-type: none"> • Clerk prepares a plan to identify, remove, and prevent barriers that affect electors and candidates with disabilities and reports any barriers identified and removed • Clerk notifies electors about the voting locations, hours of voting, manner for proxy voting, and alternative voting methods 	<p>✔ Substantially Compliant</p>

Phase and Description	Compliance Rating
THIRD PARTY ADVERTISERS	
Registration <ul style="list-style-type: none"> Accepted by Clerk or designate Filing requirements, registration fee Maximum campaign contributions determined 	 Substantially Compliant
Registration <ul style="list-style-type: none"> Municipality has authority to remove advertising 	 Not Applicable/Not Used/No Changes
STAFFING AND APPOINTMENTS	
<ul style="list-style-type: none"> DRO was appointed at each voting location and Clerk may appoint other election officials in addition to DRO Clerk provides training Instructions provided to DRO on attending on an elector in an institution or retirement home 	 Substantially Compliant
POST ELECTIONS	
<ul style="list-style-type: none"> Clerks determines retention location of ballots, documents, materials for destruction after 120-day period ends Clerk retains financial statement until elected candidates in next election take office Candidates' financial reports are available to the public at no charge Security during and after election 	 Substantially Compliant
POST ELECTIONS	
<ul style="list-style-type: none"> Not included in audit scope 	 Not Applicable/Not Used/No Changes

44 As noted in the above tables, there were four areas that raised concerns to the OAG:

- 1) Voting hours compliance
- 2) Vote by mail privacy breach
- 3) Voter notification cards
- 4) Voters' list

A more detailed analysis of each area of concern is listed below.

(1) Voting Hours Compliance

Issue of Non-Compliance on Voting Day

- 45
- The *MEA* establishes core hours for voting day - 10:00 a.m. to 8:00 p.m. (Section 46(1))
 - The Clerk has the authority to open the polls earlier if there is a by-law passed to allow this (Section 46(2)). This did not happen in Hamilton.
 - The Clerk may establish reduced voting hours in institutions, specifically retirement homes and long-term care facilities.
 - There were 157 poll locations on Voting Day.
 - On voting day 12 of 157 polls were not open at 10:00 a.m. (7.65%).
 - Eight of the 12 were open by 10:15 a.m. This reduced the percentage of polls that did not open to 2.55%.
 - Nine of the 12 were open before 10:30. This reduced the percentage of polls that did not open to 1.91%.
 - The remaining three polls opened at 10:45, 11:00 and 11:20.
 - Due to the fact that the polls were not open in accordance with the legislation the Clerk sought a legal opinion (from in-house legal counsel) prior to extending the polling hours.
 - The only official recourse available to the Clerk under the *MEA* is to declare an emergency under section 53(1).
 - Notice of the emergency declaration was provided to candidates (via email), the local media via a news release, and on the City's website.
 - In the issued declaration, the hours were extended at all these polls to provide 10 hours of voting. Voting was concluded at all polls by 9:20 p.m.

Emergency Declaration – Communication Protocol for the Opening of Polls

- 46
- The Managing Deputy Returning Officer (MDRO, site supervisor) for each polling location was responsible for “verifying that all staff are present and ready to work (notify Ward Centre immediately of any issues)”, per the MDRO Training Manual and they were also expected to check-in when opening polls. Per the Elections Office, this was reviewed in the training received by MDROs.
- 47
- While manuals and training material may have covered these important steps, the message can be lost when an opening is not going according to plan, when the situation is “live”. Polls that were unable to open by 10:00 a.m. should have contacted their Ward Captain immediately. Some did, some did not, and some polls needed to be chased down.

- 48 In fact, there were 3 polls that didn't open until after 10:30. This precipitated an emergency situation in which the Clerk had to consult with Legal on the official declaration of the emergency.
- 49 In our view this begs the question as to whether there should have been more rigorous protocols in place for the correct response to (in this case, technology) issues that cause disruption to openings which then require expeditious response. Protocols we would expect would be in the nature of procedures, decision making criteria, and explanation of what roles make what decisions.
- 50 Ward Captains and the Election Office also could have been more proactive in ensuring polls were up and running. The elections team had an electronic dashboard to indicate if a poll is open and the number of electors that were being processed. This had worked very well during the advance polls, however it failed on voting day due to the technology problems described elsewhere in this report. Elections Ontario uses software called DOMO Dashboard for use during the recent provincial election. This is, perhaps, an alternative that can be considered for the next election. The poll that opened the latest was the Hamilton Dream Centre which was caused by connectivity issues and ultimately IT was sent out to ensure they got connected.
- 51 Finally, with clear and rigorous protocols in place, you have the opportunity to confidently vest decision making authority with Ward Captains who in some circumstances can help troubleshoot basic problems, or, establish clear understanding of when to escalate a matter to the Election Office.
- 52 While the OAG did review feedback from various sources received by the Office of the City Clerk regarding the polls not being open on-time or being slow to process people, we did not find any comments about the extension of the voting period.
- 53 The OAG notes that the *MEA* does not provide an opportunity for the "ranking" of emergencies. Either a municipality is compliant or not compliant. Polls not opening exactly on time does happen in many municipalities. The circumstances can all be unique. Likewise, the declaring of an emergency with respect to the opening times of polls is also dependent upon the municipality. Some municipalities may not declare an emergency if a poll opens late as there is no set standard. Per the *MEA*, "The clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act, 1996, c. 32, Sched., s. 53 (1)". Accordingly, this may be something to advocate to the Province – that there be a standard or guidance that speaks to the criteria for when emergency declarations need to be made. Otherwise the public is left wondering why one municipality declares an emergency in the exact same circumstance that another does not.

(2) Vote By Mail Privacy Breach

- 54 There was a privacy breach that occurred on October 13, 2022 that impacted approximately 450 individuals that had registered to use the Vote by Mail process. Multiple email addresses were inadvertently entered in the to: line of the email instead of the bcc: line, exposing email addresses to all recipients of the email message. A media release was issued on October 14, 2022 to local media to advise of the privacy breach.
- 55 The individuals impacted by this breach were persons who applied for Vote by Mail, and were receiving notification from the City about the next steps in this voting process.
- 56 There were 450 email addresses exposed to the other people on the email chain. The only piece of personal information exposed was the email address. Depending upon that email address, the email may not have exposed any personal information.
- 57 In sending mass emails the practice utilized by Clerks is to put the email addresses in the BCC (blind carbon copy) field. When email addresses are placed in the BCC field of an email message, those addresses are not visible to the recipients of the email. In this case, staff put the email addresses in the CC (carbon copy) field. When email addresses are placed in the CC field of an email message, those addresses are visible to everyone who receives the message).
- 58 We found that there was action taken by the City when the breach was found. There was an attempt to recall this message however this was unsuccessful for all external email addresses outside of the "Hamilton.ca" domain. An email was sent to those individuals who had received the email apologizing for the error. A media release was also issued, and the OAG found evidence that the Information and Privacy Commissioner of Ontario (IPC) was notified.
- 59 Individuals impacted by the breach were advised via email on October 13, 2022 (same day as the breach occurred) that they could contact the IPC directly.
- 60 Ten comments were received by the Office of the City Clerk regarding the privacy breach. Those people who commented were very unhappy about the exposure of their email address.
- 61 The IPC notified the City on January 10, 2023 that they had opened a file and requested information from the Office of the City Clerk by January 24, 2023. Clerks responded within the required timeframe and provided analysis of the breach. Overall, it was found although the initial report of the number of affected individuals being 450, the total of affected unique individuals was ultimately found to be 167. Analysis of the event was provided to the IPC and ultimately it was found by the assigned Corporate Privacy Specialist that the breach was an isolated incident resulting from human error.
- 62 The OAG finds that this is a breach under *MFIPPA*, not under the *Municipal Elections Act*. The *MEA* is silent on this topic as *MFIPPA* would have overreaching authority.
- 63 It is the OAG's opinion that while the privacy breach is regrettable, the breach did not infringe upon the secrecy of the election ballot as ballots were being mailed via postal mail, and were

not being sent by email. Ultimately how people were voting was not exposed in this privacy breach.

64 That being said, there is room from a process improvement perspective to better manage privacy risks in the future. The OAG enquired if the Office of the City Clerk had an email marketing software tool to utilize for the many instances during the administration of the election where it is necessary to send emails to a high volume of individuals. The Office of the City Clerk did not have this type of technology available to them during the administration of the 2022 municipal election.

(3) Voter Notification Cards

65 Per the *MEA*, The Clerk is required to give Notice of the Election. This notice is to include information on voting places, and dates and times of voting. The City fulfilled this notification by advertising in local newspapers, having radio announcements, social media posts, posting on the City of Hamilton website, and the sending of Voter Notification Cards (VNC) via postal mail.

66 The City of Hamilton faced 2 issues when developing their VNC:

1. The printing of the VNC cards; and
2. The mailing of the cards.

67 The original vendor (for Contract Number C3-10-22) was unable to provide the services within the timelines specified in the Request for Tender. This left the Clerk scrambling at the last minute to find another printer. Ultimately a combination of in-house printing and various other local printers was utilized to complete the work.

68 While the issue with the vendor was unfolding, it was also challenging because of paper shortages within the paper commodity market, which made the City unable to utilize the existing corporate contract for paper.

69 Details on these procurement challenges can be found in the Budget, Procurement and Vendor Management Issues section of the report on page 41.

70 Complaints were received by the Elections Office about cards not arriving, or cards arriving after advance polls were completed. In one instance the cards arrived after the election was over. In some cases, this was a problem with the voters' list as it may not have captured all elector changes, or there was new development/subdivision.

71 The delivery timeframes of VNC by Canada Post was not always the most consistent. This causes confusion with electors as they try to determine if they are or are not on the voters' list. For some electors the VNC is the only way they know there is a municipal election. VNCs are generally about the size of a postcard. Some electors inadvertently throw these cards into the garbage or recycling by accident.

72 The Elections Office also found several cards that were undeliverable. No count was taken of the number of cards returned before these cards were destroyed.

(4) Voters' List - Prior to Voting Day

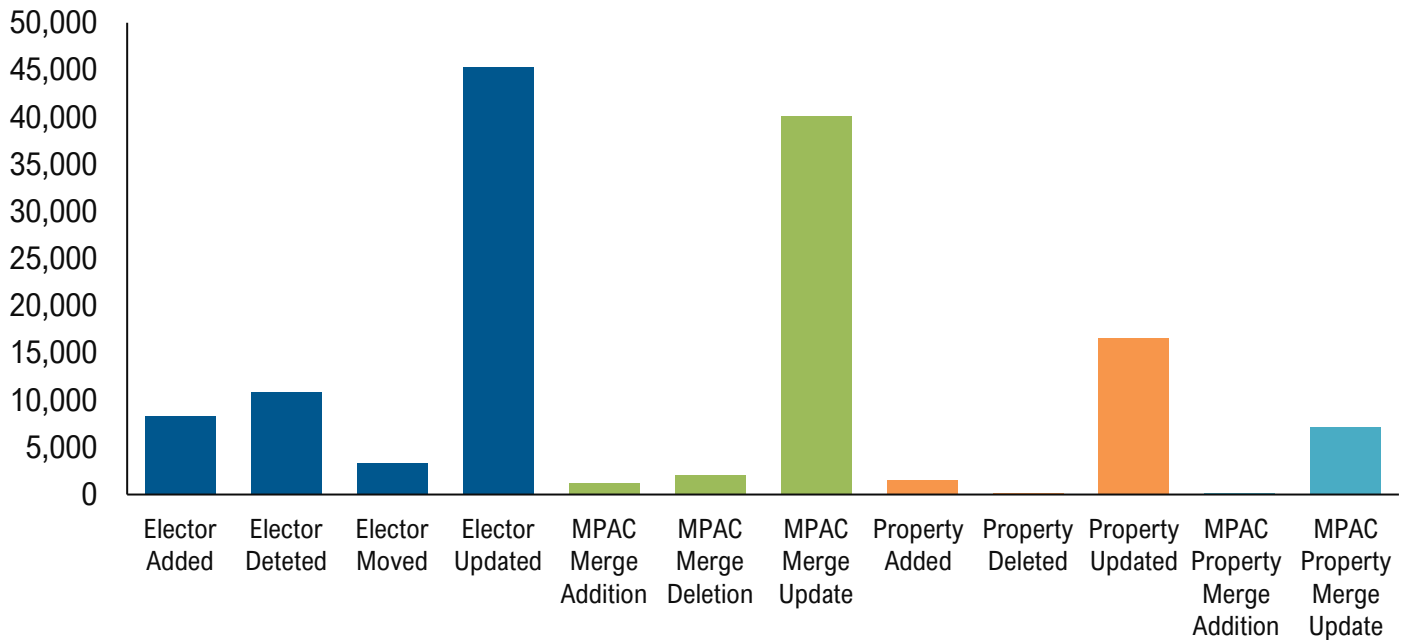
73 The creation of the voters' list currently comes from the Municipal Property Assessment Corporation (MPAC). The quality of the list has historically caused municipal clerks across the Province concern. For the 2026 elections the voters' list will come from Elections Ontario. This has been something that clerks have wanted for several years. The process utilized for the 2022 municipal election is the last time that the MPAC provided voters' list will be utilized.

74 Municipalities will need to develop a strong partnership with Elections Ontario to ensure the voters' list process fulfills municipal needs. Currently the Ontario voters' list does not include information such as school support (which is critical for the election of school board trustees). Municipalities need to be proactive to ensure the transition to the new list is successful.

75 To support the accuracy of the voters list, MPAC created the Voterlookup tool. This allows electors to go online (www.voterlookup.ca) to see if they are registered for the election. If the person is not on the list, they can add themselves to the list as long as they provide the required data. The City of Hamilton, like several municipalities, supports this tool through various notices and advertisements. This happened in the Spring of 2022 while Elections Ontario was promoting their electronic tool. This may have caused some confusion with electors. This should not happen in the 2026 election with the change to the voters' list.

76 Overall, there were 136,927 changes to the voters' list in Hamilton between September 1, 2022 and November 24, 2022. These changes were made by MPAC, electors and the Election Office. Approximately 85,500 changes came from MPAC directly through the merging and updating of data. After the merging and updating was complete, the most common change was deleting someone from the list. Over 10,000 names were deleted. The reason for this deletion varied however the most common deletion was a duplicate on the list. For the Election Office, updating the voters' list is a significant amount of work in a compressed time period. After Voting Day, only Elections Office staff were able to make changes to the list, and these changes are part of the administrative tasks that occur after the election when various types of required paperwork are completed.

Voters List Changes by Type of Change



		Change Type			
		Added	Deleted	Moved	Updated
■	Elector	8,305	10,845	3,381	45,271
■	MPAC Merge	1,266	2,102		40,122
■	Property	1,539	205		16,571
■	MPAC Property Merge	118			7,202
TOTALS		11,228	13,152	3,381	109,166

Elector Deleted Reason

Elector Deleted Reason	
Deceased	230
Decline Oath	6
Duplicate Name in Voters list	9,677
Lives in Another Municipality	262
Name Anomaly	82
Not a Canadian Citizen	2
Not at This Address	568
Not of Voting Age	5
Other	13

Source: City of Hamilton, Office of the City Clerk.

77 Overall, the OAG finds that there generally was compliance with the MEA regarding the voters' list prior to voting day.

(4) Voters' List - Voting Day

78 Access to the voters' list was very problematic on voting day. Many municipalities across Ontario (who all had the same voting day, October 24, 2022) use the same vendor DataFix for the provision of VoterView system that provides election administrators with complete election administration capability, including an electronic view of electoral information (e.g. the Voters' List), and other election planning tools.

79 Based on information provided by the vendor, DataFix, some customers experienced a slowdown in response times while using the VoterView website. Per DataFix, the root cause "was a race condition on a single web server that was triggered by a series of simultaneous events. Only users connected to the problem web server were affected: all others would not have experienced any issues. The server impacted the City of Hamilton's municipal elections, causing the system to slow and polls were impacted because access to the electronic Voters' List (including real-time strike-off's) was not timely. Based on feedback received by Election Office that was reviewed by the OAG as part of the audit, some people left the polls in frustration or endured longer than normal waits.

80 Per DataFix, this specific server issue had not been experienced in previous load testing or large-scale elections (including the British Columbia municipal elections on October 15, 2022). They also noted that they have already implemented significant changes to the VoterView hosting architecture, and have longer term plans for future improvements, and will be exploring new communications mechanisms so that status updates can be quickly distributed to all customers during critical time periods.

What Happened on Election Day?

One election day there was a widespread technology disruption to the voting process and this caused a delay in the opening of some polls and a slowdown in voter check-in. E-poll books, which are basically laptops stationed at each poll location, are equipped with voter management software that is used to view and process voter information, poll activity and staffing. An e-poll book provides access to the voters' list so that poll workers can quickly find an elector using the voter cards they bring to the poll location, and it allows staff to strike the voter off the list as having voted. On election day the functionality to perform these tasks was lost and/or disrupted at various points in time.

We found that the vendor was experiencing issues with one or more servers which affected the capacity of the system to process voter information. Lack of vendor communication regarding the nature and scope of the technical problem, and expected time to resolution, created uncertainty amongst staff about whether they should switch to manual processes.

Some poll stations switched to a printed voters' list while others chose to keep using the software. The technical failures also knocked out the "dashboard" function which inhibited the ability of the central elections team to see what was happening at poll stations.

- 81 While the above information provided by DataFix is relevant and informative, in order to ensure there is a no repeat of this issue (or another technology issue) during the 2026 municipal elections, the City of Hamilton needs to ensure that it is adequately protected by having rigorous technical specifications and options for recourse due to vendor non-performance in future vendor contracts. It is crucial that the vendor contracts include specific vendor support specifications and requirements, with particular attention given to contract terms regarding Voting Day support. It is also important that vendors are available for support as required on Voting Day and that they are able to be held accountable if they are found to be not to be delivering their services in accordance with the contract. Weaknesses in vendor contracts was identified by Valencia in their audit of the election technology, refer to paragraph 105, and Appendix "B" to Report AUD23008.
- 82 While Voting Day staff was trained on what to do if they needed to go to contingency, no one anticipated this kind of slow down across all locations and they were not prepared adequately for it. This type of specific issue was also not anticipated when Elections Office staff completed the risk management analysis. Technology failure was identified but not the specific syncing issue that occurred. To make matters worse DataFix was not communicating with municipalities about the issue.
- 83 It is critically important for Voting Day staff to be well trained to switch over to manual contingency plans in the event of a technology failure. Consideration needs to be given to devoting a meaningful amount of training time to show how to act in the event that contingency plans are activated. This could involve a tabletop exercise or simulations for key voting day staff (Managing Deputy Returning Officer's and Ward Captains at a minimum) and the provision of easy-to-understand tools to support staff in the field on Voting Day. These tools should include the provision of clear direction of when the switch over to manual should occur, if technology issues are encountered.
- 84 The issues with the Voters List also impacted candidates. They were unable to get up to date strike-off data that was promised to them by the Elections Office. This caused frustration and Elections Office staff was unable to provide adequate answers to candidate questions. The OAG notes that this situation is not a compliance issue under the *MEA* as there is no legislative requirement to provide strike off data on voting day to candidates. Essentially the Elections Office over promised and under delivered due to the issues encountered with the vendor (DataFix), but there was not any non-compliance with the *MEA*.
- 85 DataFix provides services to a significant number of municipalities in Ontario. They are the dominant player in this business to the point of exclusivity. DataFix has provided a useful service for many elections, so it was disappointing for many municipalities when the system failed. One way for this issue to be prevented would be to ensure that minimum technical requirements are included in the contract, along with significant penalties for non-performance of contracted services.

Efficiency and Effectiveness of Processes: Identified Issues

- 86 In addition to the compliance review that was completed above, the OAG team identified a number of additional process issues. We have grouped them by theme below.

Staffing and Resource Issues

- 87 Staffing a municipal election is no small feat. For the 2022 municipal election, the Elections Office had 2,419 positions they were required to fill. To do that they seconded 750 City of Hamilton staff and hired 871 external staff. Many staff (both City and external) filled more than one role on more than one day (e.g. an individual had a position at both an advanced poll and a voting day poll). So, in the end, 1041 positions were filled by City of Hamilton workers which would account for 43% of the positions available. The Elections Office secured the commitment of the senior leadership team of the City, and increased the number of city staff working the election by 400 (750 vs 350) from the last election. In our view, this was a critical step in meeting the resource requirements necessary for the election.
- 88 Further, there was difficulty in hiring qualified staff from external sources. Recruitment is a perennial challenge for municipal elections due to a reluctance to work a one-day job. As noted above, for the first time ever, the Elections Office obtained commitment from the City's Senior Leadership Team (SLT) to help staff the election, and this more than doubled the number of staffing coming from City staff. In order to plan for contingencies and manage the risk of staff illnesses (due to the COVID-19 pandemic) or no-shows, some staff are hired as "spares" and their initial assignment is to be on "standby" and they are assigned as needed on voting date. Some 47 spares were hired and per the Elections Office all of them were used by Voting Day. Overall, per Clerk's there were no staffing shortages experienced at the polls.
- 89 There was no involvement from the Human Resources Division (HR) in hiring elections staff the worked at advance polls or on voting day, other than consulting for some sharing of materials and resources at the start of the elections planning process. Elections Office staff charged with hiring had this included in the position's job description, but due to the position being unionized and the hiring process that was required to be adhered to, there is no guarantee that the successful candidate for that position will have previous HR (or hiring and recruitment) experience. This is a significant risk to the organization, and the details of these critical positions and their place within the Elections Office structure needs to be carefully considered.
- 90 The hiring process for internal City of Hamilton hires for election day did not include an interview. For external hires, an interview was conducted. Consideration may need to be given to engaging the services of a recruitment firm if the HR Division is unable to support the election administration efforts due to the high volume of hires needed within a short time period, along with a more robust recruitment campaign to attract staff.
- 91 Another issue regarding resourcing noted by the OAG was the fact that there was no dedicated Communications Officer for the election. Assigned staff also had to cover two other City departments in addition to their duties relating to the election. Consideration should be given to assigning a staff member from Communications to work on the election during critical points of the voting period. Elections are so fundamental to municipal government, and communications is a critical part of running a successful election, the OAG notes that the allocation of communications resources should be commensurate with this importance.

Organizational Structure Not Optimal, Internal Resources Could be Better Utilized

- 92 The organizational structure for the Elections Section is quite flat. There are a high volume of positions reporting to the Manager, Elections, creating a bottleneck during peak activity periods. The only permanent staff in the Elections Officer are the Manager (Elections, Print and Mail), and one Program Secretary. The remaining team members are brought in on a contract basis in the lead up to the election. Based on the OAG's review of staffing contracts, start dates ranged from July 2021 to May 2022. Consideration may need to be given to having contract positions start earlier so that logistics and planning tasks can be completed over an extended time period.
- 93 The OAG found there was generally a shortage of management and supervisory expertise to direct staff. The City Clerk and Elections Manager do not have the capacity and availability to be responsible for everything related to day-to-day decision making and execution during peak demand periods during the election cycle. Evaluation is required of the positions and organizational structure needed to effectively support the administration of the municipal election.
- 94 Based on the OAG's analysis, there is a high need for logistics expertise, recruitment, and a need for at least part-time resources to establish standards relating to the election and adult education/trainer expertise, and user experience (as it relates to the candidate's portal). There is a need for some positions to have more authority, both supervisory and decision-making in order to make the team more effective and responsive.
- 95 In-house expertise for hiring and training was not utilized (there are teams within the City's Human Resources (HR) Division that specialize in recruiting, and organization learning and development). Training of staff did not involve the organizational development and learning section from the HR Division. Training was provided by Elections Staff.
- 96 In-house expertise for user design and experience could be utilized in future elections for candidate portal setup and customization, or at a minimum to advocate to the vendor for changes to their system. Within the City's Communications and Strategic Initiatives Division there is the Web Strategy and User Experience team that has relevant expertise.
- 97 Information Technology Division staff are utilized to support each municipal election and by-election, it is therefore reasonable to expect the same utilization of other existing organizational resources. There is an opportunity to leverage in-house expertise in adult learning and development and user experience to train the large, temporary workforce and to review the design of the candidate's portal that is critical to the success of the municipal election.

Voting Technology Issues

- 98 Technology now plays a vital role in municipal elections. Voting technologies, namely tabulators and e-poll solutions are intended to make the election process more efficient and reliable.

- 99 A wide range of technology was used by the City of Hamilton as part of the administration of the 2022 municipal election. The technology included tabulators, E-Poll books, an electronic voters list, and a candidate portal to name a few.
- 100 Tabulators, which were used to read and count manually completed ballots for the 2022 election, were leased from the Province of Ontario and supplied by Dominion Voting Systems. The e-poll books (laptops, are also leased from Elections Ontario. The software that is run on the e-poll books (VoterView Express) which is used to facilitate the management/interface with the electronic voter list are procured directly from a vendor, DataFix.
- 101 To that end, the OAG engaged Valencia Risk (Valencia) to complete an audit of the technology utilized in the administration of the 2022 municipal election in Hamilton. Specifically, we retained Valencia to examine and evaluate the use of technology and related administrative procedures and controls. We requested that this include the technology(ies) used to maintain and administer the Voters' List, strike-off list, and for the tabulation of the votes. Our technology consultants conducted a thorough review of the use of these technologies, and the results of their work is contained in Appendix "B" to Report AUD23008. Access and availability of the software utilized on the e-poll books was without issue on the advance poll days of the election. However, on election day there were problems experienced with the software used on the e-poll books that are explained elsewhere in this report.
- 102 Valencia also examined and evaluated IT systems, resources, vendors and vendor agreements, as well as policies and procedures supporting electoral practices at the City and compliance with the Municipal Elections Act. The Elections Administration Audit – Technology Report from Valencia is attached as Appendix "B" to Report AUD23008.
- 103 Valencia also provided recommendations to mitigate gaps in existing processes that can be implemented for the 2026 municipal election. These are included in both Appendices "B" and "D" to Report AUD23008. They also provided the OAG with suggestions for support or legislative reforms to be provided to the Province of Ontario through Elections Ontario. A summary of the key findings from the technology portion of the audit are listed below:

Standards, Guidance, and Legislation

- 104 One of the key findings is that there are no Canadian standards to assess Canadian municipal electoral technical controls. Therefore, Valencia utilized the National Institute of Science and Technology's Cybersecurity Framework for Election Infrastructure (NISTIR-8310 draft) for this audit. NISTIR-8310 provides a risk-based approach for managing cybersecurity activities and reducing cyber risk to election infrastructure.

Procurement

- 105 The audit also found that there was reliance (via Council-approved single source procurements) on Elections Ontario for selecting key technology vendors (DataFix – Voters' List and Dominion (Vote Tabulator), and there was limited involvement by the City's IT Security team to establish technical security controls. Vendor contracts were also utilized and there were no security requirements established in the procurement documents or contracts.

Training and Support

- 106 Some training issues were also identified. There was limited training from DataFix and Dominion. Staff training was not always mandatory, there was inconsistent engagement with the IT Division regarding training and IT security requirements. There was also a generally a lack of clarity around roles and responsibilities regarding IT security.

What is an E-Poll Book?

An e-poll book refers to the hardware (laptop) and software program that contains information about eligible voters and provides the functionality necessary for voter check-in and validation. It can provide real-time voter turnout tracking and statistics such as the activity at different locations. Electors have a unique number on their voter cards. Scanning of the card automates the process of bringing up the elector's information and striking off who has voted, making the process fast and efficient.

Since the software utilized on e-poll books plays a crucial role in the voting administration process, and they contain personal information, it is important to ensure both physical and electronic security controls are in place. As with technology, the potential for malfunction exists. The possibility of system outages, whether they happen on a wide scale or more locally, cause some jurisdictions to keep paper copies of the voters list on hand for such contingencies.

IT Project Management

- 107 IT project management for the election was organized and executed by the Clerk's office and IT project manager independently. There was a limited number of continuing/experienced staff involved on the electoral team. This resulted in reliance on past processes and lessons learned to conduct elections. Overall the Elections Office was well supported by Dominion Voting. The audit found that there was a lack of support from DataFix (specifically when troubleshooting electoral technologies).

IT Controls

- 108 Standards and vendors used by the Province were adopted and adhered to by the Clerk's office. Accountability for IT security and cybersecurity controls and standards was not well established or understood, which resulted in a complete reliance on contracted third parties such as Dominion and DataFix. We also found that there were weak controls regarding Wi-Fi passwords for polling stations. Additionally, it was found that there was weak Detective Intrusion Monitoring.

Suggested Support from Province and/or Legislative Reform

- 109 Elections Ontario has established an Advisory Committee on Standards for Voting Technologies. For the 2026 municipal elections, Elections Ontario will be taking over the voters' list from MPAC. There is an opportunity for the City of Hamilton to request that Elections Ontario provide guidance on electoral best practices for all municipalities that includes IT security standards. The City of Hamilton should also consider working with other municipalities to improve IT security and testing.

Vendor Participation in Audit

- 110 The OAG notes that attempts were made to interview both DataFix and Dominion. Both refused to meet with the OAG audit team. Neither contract contained an audit clause, which would have been useful to the OAG. DataFix ultimately did provide written responses to OAG questions. Dominion would not provide a written response to questions sent by the OAG. Rather, Dominion responded by referring OAG to its website rather than agree to participate in an interview or provide a written response to the OAG's questions.

Tabulators

- 111 With the tabulators, we attempted to obtain information from the vendor about the controls that exist to protect the confidentiality and integrity of information and accuracy of processing. However, as noted above, we were unsuccessful in speaking directly with their representatives or obtaining specific answers to our questions. Therefore, the assurance we can provide regarding the functioning of this technology is limited. That being said, we were able to meet with staff that test and use the equipment, as well as other technology experts familiar with these systems, sufficient to gain a high-level understanding of the controls that would prevent tampering and ensure integrity of results. Based on our limited understanding as described above, we can say that we developed no concerns with the tabulating equipment.

Voter and Candidate Experiences

- 112 At the time of our audit, feedback had been received directly by the Elections Office from residents, and it was reviewed by the OAG and our Elections Expert as part of the audit and considered during the development of our audit procedures. The Council direction for this audit specifically included obtaining the feedback of electors and candidates. OAG engaged a market research firm, Metroline Research Group Inc. (Metroline) to provide professional expertise and advice to the OAG in developing and finalizing the surveys. Metroline administered both surveys independently, and completed the survey analysis on behalf of the OAG. The report from Metroline that includes the survey findings, methodology and questions is included as Appendix "C" to Report AUD23008.
- 113 In order to obtain statistically valid feedback from electors, a telephone survey of eligible voters for the 2022 municipal election in Hamilton was completed. The rationale for selecting

this quantitative research method was so that a **representative sample** of eligible voters from the 2022 municipal election in Hamilton could be obtained. A random telephone survey (cellphones and landlines) with 600 interviews, considered accurate to within +/- 4%, 19 times out of 20 (95% Confidence Interval) was completed. The candidate survey was an online survey that was sent to all registered candidates (150 in total) for Mayor, Councillor, and School Board Trustee from the 2022 municipal election in Hamilton.

- 114 The community survey found that 92% of respondents (eligible voters) who voted were satisfied with the experience. Of those who voted in person, 86% said they were able to cast their vote in 10 minutes or less. Overall, voters had a good experience when they went to vote in person, the hours were found to be convenient (82% strongly agreed), location was easy to find (86% strongly agreed), and the signage in the building was easy to follow (87% strongly agreed).
- 115 90% of voters strongly agreed that election workers provided good service and 80% found that election workers were knowledgeable. Voters did not feel anxious or intimidated by going to vote in-person (89% strongly disagreed when asked if they felt intimidated).
- 116 In the candidate survey, the top resources candidates were aware of included the City of Hamilton website (88%), the candidates portal (81%), and the Candidates' Information Session (79%). Overall, at least half of candidates were satisfied (very or somewhat) with every resource. Highest satisfaction came from in-person/virtual meetings with the City Clerk's office (81%), and email contact with the City Clerk's office (70%).
- 117 Overall, 81% of those candidates who filed prior to nomination day said it was easy, and all of those who filed on nomination day said it was easy. About 4 in 5 candidates made use of the candidates portal (81%). The two primary reasons mentioned in using the portal were to access policies and procedures (91%) and to review the voters list (85%), keeping up with messages from the City was third (74%).
- 118 The two primary election administration issues expressed by candidates were residents who didn't receive a voter's card (67%), and residents not aware of their polling location (55%). Most candidates who responded to this survey had received a copy of the voters list (86%).
- 119 Overall, 42% found it 'very' or 'somewhat' easy, compared to 22% who found it 'somewhat' or 'very' difficult, the balance (36%) found it neither easy nor difficult. Just over one-third of candidates (36%) had some issues with the electronic voters list on Election Day. The issues were related to seeing who had or had not voted, to be able to focus efforts of the campaign team and volunteers.
- 120 More than half (57%) of the candidates needed to contact the City of Hamilton Election office, 38% were satisfied with the answer they received, compared to 45% who were not satisfied, and 17% were neutral. Of the 71% of the candidates contacted the Customer Contact Centre or the Municipal Services Centre with a question/request about the election, more than two-thirds (69%) of those who made contact were satisfied (very or somewhat) with the response received, compared to 8% who were not satisfied.

Internet Voting and Vote by Mail

- 121 Regarding internet voting, per the community (elector) survey:
- 31% are aware that internet voting is happening in other communities.
 - 52% said they would have been at least somewhat likely to cast their vote online if that had been an option in the 2022 election.
 - 44% believe internet voting is safe and secure.
 - 83% feel that Hamilton should add internet voting in the next election, either as a way for them to cast their own vote, or as a way for other residents to do it.
 - 17% feel that Hamilton should not consider it.
- 122 Per the candidate survey:
- Two-thirds feel that the City of Hamilton should continue to offer voting by mail (67%). 19% (about 1 in 5) feel that mail voting should be discontinued. A review of their responses as to why indicates a concern about fraud.
 - A little more than half (55%) of candidates are aware of internet voting. Whether aware of internet voting or not, 60% of the candidates feel that internet voting is safe and secure.
 - 53% of candidates feel that Hamilton should offer internet voting in the future.

Additional Feedback Opportunities

- 123 In addition to the survey sample we provided an opportunity for anyone who wanted to provide comment on the election process to do so by going to the OAG website www.hamilton.ca/electionaudit. Voters landing at the site were able to provide direct feedback through an online form (comments box), or they could speak with us directly, so they could articulate their observations, concerns or suggestions regarding the election process. Alternatively, they could choose to take an online version of the same telephone survey that was being used in the random sample. (Note: the online survey results were not included in the results of the sample.)
- 124 We have summarized the comments received from these additional feedback channels, citing the category of issue, along with the number of commentators pertaining to that issue. The summarized comments were as follows:
- Well organized election (6)
 - Election not well organized (5)
 - Poor communications at polling location (1)
 - Friendly, helpful staff (4)
 - Election day system crash/ staff struggled to cope (2)
 - Vote by mail very easy process (1)
 - Did not receive voter notification card or received late/wrong information (5)

- Election website not linked/navigable to candidates (2)
- Mail in ballots not delivered in a timely manner (5)
- Election website difficult to navigate (2)
- Need more advance polls, locations too few and too far (3)
- Need more location selection transparency (1)
- Late/inaccurate poll location information (1)
- City should have online voting (3)
- Voter turnout too low (2)
- Used website chat to find vote location (1)
- Need to advocate for rank balloting (1)
- Privacy concern (disclosure of private email) (1)

125 More broadly, of the submissions received, there were mixed results with a slightly higher number in the general responses saying the election was well organized versus not well organized. The highest number of improvement opportunities was in distribution of voter notification cards on a timely basis with the correct information, timely delivery of vote by mail packages, sufficiency and proximity of poll locations, and the desire for internet voting.

126 The random telephone survey results cannot be directly compared to online survey/self-directed feedback results due to the differences in survey methodology, sample size, and respondent profile. A summary of the online results is included in Appendix "C" to Report AUD23008.

Candidate Experience

127 Overall, it was generally found in the survey results that residents were more satisfied with the elections administration than candidates. During the OAG's audit work, it was found that there was no dedicated method by which to respond to candidate questions and/or concerns. Candidates were instructed to email the same generic mailbox (elections@hamilton.ca) as for general enquiries of the public. It would perhaps be more effective to have a "candidate concierge" approach, with an email or other form of contact that was dedicated to candidates, and with dedicated resources trained in all the requirements and issues facing candidates to ensure that the Elections Office is as responsive as possible to candidates and their teams. This would enable a more targeted response to candidate questions and concerns.

Nomination Process

128 One of the issues that came to our attention regarding candidate experience was related to the number of supporting signatures required to be submitted. The *MEA* requires at least 25 qualified nominators for the Clerk to be able to certify the candidate's application. Administratively, the form itself can only accommodate 25 entries. The Clerk's Office stated and provided evidence to the OAG that they communicated to candidates that "it is a good

idea to get more than 25 endorsements in the event that some of your endorsements are not valid".

- 129 The reason is that there have been situations in the past that we have been made aware of, where a candidate has one or two nominators that are found not to qualify. In those situations, having the extra signatures mitigated against the risk of not meeting the minimum needed. Regardless of how many endorsements are submitted, the Clerk need only utilize the first 25 endorsements that are deemed to be valid for certification purposes. Per the OAG's review, there is no obvious reason that the Clerk cannot simply accept whatever number of endorsements a candidate chooses to submit, and then ensure compliance with the *MEA* for the required 25.
- 130 We understand that Clerks across the province often advise candidates to get more than 25 signatures. To assist candidates with this process, some municipalities provide candidates with additional paper copies of the endorsement form (Form 2), add and post an additional unnumbered pdf for the candidate to print or they suggest to candidates that they just copy additional pages themselves and change the numbering. The best solution however would be that the Province amend the form to make it open ended so more signatures could be collected using the prescribed form. We therefore recommend that the City advocate to the Province that the form be revised to accommodate more than 25 signatures.

Candidates Portal

- 131 We do note that the OAG was unable to access the Candidate's Portal as it had been shut down, but we were able to review the documents uploaded to the portal and obtained feedback from candidates regarding their portal experience via the candidate's survey.
- 132 Also during the OAG's work, whilst reviewing comments received from candidates, it was found that there was feedback about the need for the candidates to have post-election access to the portal for financial reporting purposes. While the post-election financial reporting was not part of the scope of this audit, it is important for candidates to have the information they need to successfully comply with *MEA* financial reporting requirements. Having access to information relating to financial reporting resources is a legitimate business purpose and the resources should remain easily accessible to candidates. Per Clerks, candidates were provided this information via registered letter, it was posted on the website and email reminders were sent. It is the OAG's opinion that it would improve the candidate experience if it were easily accessible on the portal that candidates became used to using before Voting Day.
- 133 Overall, for the 2026 municipal election, additional efforts should be made to consider the candidate experience throughout the design of election administration processes and enable candidates to access information for the entire duration required (through to the post-election financial compliance reporting period).

Voter List Availability Post Election

134 There were some candidates that expressed concern that the voters' list was not available after the election day. It was normally available to them through the electronic portal using a special identifier. Under the *Municipal Elections Act* a candidate may obtain access to that part of the voters' list that contains the names of electors who are entitled to vote for their office provided they agree to follow the conditions prescribed in the *Act* concerning its use. However, on the timeframe for availability and access post-election day the *Act* provided no specification. In the absence of any guidance the Clerk conferred with other municipalities on what they were planning and chose to close access to the voters list at midnight after closing of the polls on election day. However, we have been advised of new legislation that is in place that now specifies an access period up to the end of the campaign period (December 31 of the election year).

Consideration of the Use of Internet/Online Voting

135 In the course of collecting feedback on the election from Hamilton electors, some of the voters expressed a desire for the City to go forward with using internet voting as a method in the next election. In Ontario, municipalities may choose to adopt online voting, and for the 2022 election more than 200 municipalities did so.

136 However, neither Elections Ontario or Elections Canada have introduced online voting for provincial or federal elections. Many experts say that despite the advantages, online voting is not mature enough from a security perspective. Electronic voting systems, because they are necessarily connected to the internet, face the threat of attack by cybercriminals and other malicious actors, with the potential consequences of service denial, ballot secrecy compromise, or votes being altered, added or not being counted at all. These are valid concerns given the rise of cybersecurity incidents more generally across the world, including some notorious examples from cities and municipalities.

137 In Ontario, in 2018, several municipalities using online voting experienced problems with online ballots on election day, which required them to implement emergency voting time extensions for up to 24 hours.

138 In our view, the City should consider the use of online voting, but should do so only through careful consideration of the benefits and risks.

The benefits of online voting:

- Accurate and efficient processing
- Greater accessibility for some electors who currently face barriers
- The ability to reduce the number of workers, and the associated strain and burden of finding and hiring capable resources which is becoming increasingly difficult
- Convenience for voters

- An incentive for voters to participate
- The ability to reach underrepresented populations

139 The risks of online voting:

- Implementations in other jurisdictions have yet to conclusively demonstrate a significant impact on voter participation
- Currently there are no national or provincial standards for online voting systems
- Election security concerns and the opportunities for organized cybersecurity attacks against online voting systems that could breach, disrupt, manipulate or compromise voting integrity
- Internet voting could disenfranchise electors that do not have access to a computer or the internet
- Weakness in the ability to verify the identity of the online voter
- Challenges in assuring voting confidentiality and preserving ballot secrecy
- Significant costs associated with implementing robust technology solutions for online voting
- Denial of service as a result of issues with equipment malfunction, network outages or capacity constraints
- Lack of an audit mechanism or verifiable paper trail alternative to satisfy a challenge to results or recount
- If a major incident happens in an election, the general public may not accept the legitimacy of the election and elected members.

140 In coming to a decision about future online voting in Hamilton elections, we believe the above risks, cost and benefits should be thoroughly evaluated.

Budget, Procurement and Vendor Management Issues

Budget

141 The overall budget for the 2022 municipal elections in Hamilton was \$2.8M. Based on the most recently available numbers (unaudited), actual spending was slightly under the budgeted amount at \$2.7M. The OAG notes that it was challenging to obtain support for the \$2.8M budget amount that was provided to us by Clerk's. Essentially what is missing is the "buildup" to the total election cost. We were able to obtain the actual spending for election broken down into categories and line item detail, and we were expecting to be able to compare that to a budget work up on the same basis. Ottawa for example, is able to report its variance in greater detail to the public. However, we were advised the City would not be able to do so because there was no corresponding budget detail. The budget is based on estimated need, using prior election costs, adding in for new activities, anticipated cost increases, inflation, etc. Due to this approach, it is challenging for members of the public to obtain this information in an easy-to-understand format.

142 The OAG also reviewed the webpage www.hamilton.ca/elections and while there were many resources relating to the election on this page, there was not any information regarding the cost of administering municipal elections and how these costs were broken down. To improve transparency and accountability to the public, financial information in an easy to understand format should be posted on the City's website and more broadly shared with the public.

Procurement

143 The OAG reviewed the procurement of various items relating to the election. We did not find any non-compliance with the City of Hamilton's Procurement By-law, however we do note some opportunities for improvement in this area.

144 We did find that Legal Services reviewed all but one of the contracts relating to procurements for the election. The contract that they did not review was not provided to them by the Elections Office. However, we do note that most of the contracts relate to the procurement of IT equipment and services, and it would be prudent for the Elections Office to have IT security review the technical specifications and have a lawyer that is experienced in IT contracts complete the contract review.

Voter Notification Card Production Challenges

145 Significant challenges were encountered during the procurement of Voter Notification Cards (VNCs, also known sometimes as Voter Information Cards). Approximately 400,000 VNCs were required. Procurement was not initiated until mid-July 2022, with the Request for Tender (RFT) being posted publicly on Bids & Tenders in early August 2022. The RFT closed on September 2, 2022. In our view this was an unrealistic timeline leaving little room for error.

146 A delay was then encountered in awarding the tender due to the amount that was listed as the "budgeted" amount on the "Request for Tender Form" (\$350,000) that is required to be completed to initiate a tender and is signed off by the relevant General Manager. This "budget" amount was an informal amount, as it is part of the overall election budget that is allocated to the Clerk, not on a line-by-line basis. The lowest compliant tender came in at about \$44K over the budget amount that was listed on the "Request for Tender Form". General Manager approval was sought for the overage and was ultimately obtained, but four calendar days passed between the request and the approval. As noted above, ultimately the election was delivered slightly under budget. These four days were critical time that was lost during this procurement process. The postage alone for mailing the VNC's was \$368,000 (plus HST).

147 The tender was ultimately awarded on September 22, 2022 to Trico Packaging & Print Solution Inc. This was problematic because the tender specifications required the successful bidder to provide samples for final approval on September 19, 2022, which ultimately ended up being before the tender was actually awarded. The VNC's were to be mailed out the week of September 25, 2022. This was only three days after the tender was awarded. On top of

this, issues were also encountered with the vendor on September 23, 2022 (one day after the contract award) regarding the timing of payment for postage, which also contributed to delays in the procurement process.

- 148 Ultimately the contract was cancelled on September 30, 2022 due to the fact that the required dates set out in the RFT for submission of proofs, final approval of samples and submission of VNC's to Canada Post had past and were all unachievable. Given that the first date of advance polls was October 7, 2022, it was critical that an alternative solution for the production and mailing of VNC's be found.
- 149 The elections team had to scramble for these resources at a most inopportune time, so a decision was made to use a combination of the City's in-house print shop and vendors that were part of existing corporate contracts for printing services to produce the VNC's. On top of all the other issues encountered in this procurement, per the Procurement Section, there was a challenging paper commodity market at the time that the paper was needed to produce the VNC's. Paper suitable to the production of the VNC's was extremely difficult to source on such short notice.
- 150 A Policy 11 Non-competitive Procurement (Single Source) form was ultimately approved by the City Manager on September 29, 2022 for the procurement of paper, and was supported by the Procurement Section for the purchase of the paper required for the printing. Additional approvals were not required for the usage of existing corporate contracts. The cost of paper was approximately \$17K (plus HST).
- 151 The above-noted issues caused a delay in getting the VNCs to Canada Post by their original deadline. This deadline was missed, as per the original tender for this work, the cards were to be in the mail the week of September 25, 2022. It should also be noted that Friday, September 30, 2022 was a federal holiday (including Canada Post). This federal holiday may have contributed to a backlog and/or delays in deliveries the following week.
- 152 Based on evidence reviewed by the OAG, ultimately the VNC's were at Canada Post the morning of Monday, October 3, 2022. The first day of advanced polls was Friday, October 7, 2022.
- 153 The VNC's were produced and deposited at the Canada Post Hamilton Processing Facility (in Stoney Creek) on Monday, October 3, 2022. Per Canada Post's published service standards, delivery from Hamilton to within Hamilton should be two business days (the day of drop off is Day 0). This meant that the VNC's would have been delivered on October 5 if the Canada Post service standards were met. October 5 was two days prior to the start of advance polls (October 7, 2022). In our view, this was cutting it very close.
- 154 One other factor that needs to be considered is that Friday, September 30 was a federal holiday (National Day for Truth and Reconciliation), with federally regulated workplaces such as Canada Post impacted. Canada Post operations were impacted by this, with post offices closed and no collection or delivery of mail. This may have led to a backlog and catchup of delivery the week of October 3, 2022. Additionally, shortly after that was Thanksgiving Day (Monday, October 10, 2022), which may have also impacted postal delivery.

- 155 The Procurement Section completed some analysis of the issue regarding vendor contract termination. One of the problems identified was that the "award notification" was not issued until September 22, 2022, which was after the date in the contract where the sample VNC cards were to be provided by the City (September 19, 2022) and made it infeasible to have all VNC cards produced and submitted to Canada Post for mailing by the week of September 2022. Overall, the Procurement Section advised the OAG that their own "lessons learned" assessment recommended that the procurement process for elections items should begin much earlier for the next election, by June at the latest. The OAG agrees with this assessment, the procurement process should begin as early as possible for the 2026 municipal elections.
- 156 Given the broad authority granted to the City Clerk under the *MEA*, consideration should be given to granting the City Clerk temporary enhanced signing authority levels for elections-related contracts that fall within the overall Council-approved elections budget to ensure that procurements can be successfully completed within the tight timelines for an election. The need for this is illustrated in the 4 days that were lost seeking a higher approval authority for the spend because the winning bid was higher than the budget.
- 157 The OAG enquired with Procurement if a "Vendor Performance Form, Policy #8" was completed for the vendor that had the contract cancelled. Per Procurement, this was not feasible due the fact that it was Procurement's opinion that the City's Election Office was partially responsible for some of the delays encountered with the procurement.

Vote by Mail Vendor Challenges

- 158 DataFix was contracted to deliver "Vote by Mail Application" and "Vote by Mail Fulfillment" services. The Vote by Mail (VbM) Application services procured were an online application where voters apply to receive a VbM kit, and where the City of Hamilton is responsible for reviewing and approving the applications in VoterView. Electors could also telephone in and request a VbM kit, whereupon Elections Office staff would input the request into the VoterView system.
- 159 The Vote by Mail fulfillment services procured were the preparation, printing, and depositing the Vote by Mail kits for the Client at a Canada Post facility.
- 160 Per information provided by the vendor, the final available date for sign off on voter kits was to occur by September 19, 2022 for mailing on September 30, 2022. Per the Elections Office, proofs were not received for review until September 21, 2023. There were issues with the proofs, resulting in some back and forth with the vendor, with final approval occurring on September 27, 2022. Datafix verified that printing and mailing would be completed by end of week (September 30, 2022) but packages for Long Term Care homes and other backup packages would be delivered the week of October 5 by courier.
- 161 Around September 28 or September 29, 2022, DataFix notified the City that mail was delayed due to the federal holiday on September 30, 2022. DataFix told the Elections Office that the City of Hamilton's VbM packages were part of this delay and they would be mailed on October 3. The Elections Manager requested proof of mailing and this was provided by the vendor. OAG was able to verify that items were mailed on October 3, 2023.

- 162 However, the City's items were dropped off at the Mississauga (Toronto Gateway East) location. This changed the Canada Post delivery standard from 2 days (Hamilton to Hamilton, per the Canada Post Service Standards Table for Lettermail) to 3 days (Toronto to Hamilton, per the Canada Post Service Standards Table for Lettermail).
- 163 Drop off at the Canada Post facility is considered to be Day 0 (October 3, 2022), therefore delivery to the Canada Post Service Standard would be Thursday, October 6. As previously noted, Monday, October 10, 2022 was another statutory holiday federally, Thanksgiving Day, on which there is no mail delivery. Overall, this may have negatively impacted the delivery of the VbM packages and compressed the delivery timelines to residents, who were instructed to put the completed ballot into the mail no later than October 13, 2023.
- 164 A Vendor Performance Form, Policy #8 was not completed for DataFix's Vote by Mail Services. This is not required as per Policy #8 of the Procurement By-law (it is a requirement for contracts over \$100K). This should be completed in the future when a significant issue described as above is encountered with a vendor.
- 165 Further compounding these challenges was the fact that the Elections Office lost staff that were responsible for the Vote by Mail process prior to some of the critical dates listed above. Overall, we noted that the Vote by Mail process has many dependencies and tight timelines. It requires a high degree of organization, logistics and reliance on the vendor to perform as contracted. This meant that the Vote by Mail cut off date for applications was September 23, which is to assure that voters can receive the ballots and get them returned by elections. Additionally, it is our understanding that users of the Vote by Mail process were instructed to mail back the ballot by October 13, so the ballot was received back by the Elections Office by Voting Day. Careful consideration and planning of Vote by Mail timelines and vendor performance will need to occur if Vote by Mail is an approved voting method for the next election in Hamilton.

Risk Assessment Plan

- 166 A risk assessment is not required by Provincial Legislation for the administration of municipal elections in Ontario. A risk assessment was completed by Elections Office staff. It is to staff's credit that they completed a risk assessment. Per the Elections Office, the risk assessment was reviewed by the Legal and Risk Management Services Division.
- 167 The risk assessment was developed around the following themes:
- in-person voting on voting day;
 - vote-by-mail;
 - risks related to Public Health (COVID-19) and
 - technology.
- 168 Staff did use the assessment tool in planning for supplies and logistics related to COVID-19. However, the magnitude of the technology issues encountered was beyond what had been

envisaged by the plan. Vendor management issues (print, mail, technology) were not clearly articulated nor addressed in the risk assessment and corresponding action plans.

- 169 The risk assessment did not include anything regarding the labour market and the difficulties of a general labour shortage. The plan did consider the impacts of a potential labour shortage due to COVID-19. The was the right focus but with the wrong lens.

Communications Strategy

- 170 With any election it is important to engage with electors through a well crafted strategy and plan to increase their awareness of the election and provide them with the information they need to vote.
- 171 In reviewing the strategy, we found that the Clerk's plan, done in consultation with the City's Communications and Strategic Initiatives Division, was very comprehensive and included multiple channels of communication so that no matter what media citizens consumed there would be a high chance of reaching most people. The following channels were used:
- Print – Hamilton Spectator, Hamilton Community News Chain
 - TV – CHCH, Cable 14
 - Radio – 3 local stations (Corus Radio, Bell Radio, KX 94.7)
 - Online – Google, Bell Digital, Corus Digital, Hamilton Spectator online, McMaster Silhouette online
 - Digital Billboards – City Hall, Gage Park, Farmer's Market TVs, Hamilton Public Library TV screens, City-owned TV screens
 - Outdoor Billboards – Outfront media (ex. located along LINC)
 - Transit Shelters – full sized promo at transit shelters located in every ward and near all post-secondary schools
 - Social media – Twitter, LinkedIn, Instagram, Facebook
 - Physical posters – located in Recreation Centres, Libraries and Municipal Service Centres
 - Mail/Post – inserts included in property tax bill mailings
 - HamOnt Youth – leveraged relationship with HamOnt Youth team to raise awareness and call to action with young voters
 - Post-secondary partnerships – leveraged the social media outlets, campus radio stations and/or newspapers (where possible), digital screens and posters on campus at Mohawk, McMaster and Redeemer

- 172 The team issued three media releases in advance of the election:

- (October 3) [New online tool helps Hamilton voters prepare for municipal election](#)

- (August 25) [Hamilton launches new Vote by mail option ahead of municipal election](#)
- (June 21) [Hamilton committed to making voter experience more accessible for municipal election](#)

173 Seven videos were created and posted on YouTube/social media reels/Hamilton.ca to highlight election FAQs, the voting process, accessible voting equipment, polling locations, etc.

Administration of Election Sign By-Law

174 The City's Election Sign By-Law 22-031 applies to signs used to advertise, promote, or take a position with respect to a candidate in the municipal election. Candidates must conform to rules regarding sign size and content, as well as where and under what circumstances they can be placed.

175 Due to the significant effort and cost associated with campaign activities that promote candidates it is important that the By-Law be understood and complied with at the outset.

176 Various efforts are made by City officials to communicate and inform about sign compliance, starting with a letter sent to candidates upon the filing of their nomination papers. The letter provides candidates with very basic information about compliance requirements. It provides official notice that non-compliant signs may be removed without notice, and a link to the consolidated By-Law. We noted there would be improvement in this communication if it also provided contact information and was linked to additional information on the City's election website containing the By-Law infographic and FAQ's. The Sign By-Law is also presented at one of two information sessions held for candidates regarding election administration and compliance (which is also recorded and made available via linked, YouTube video recordings).

177 Enforcement of the By-Law is carried out by the City's Licensing and By-Law Services Division (Enforcement). Infractions of the By-Law are identified by persons who submit complaints, as well as proactively by Enforcement personnel. They have the ability to lay charges as well as to issue a fine. When non-compliant signs are proactively removed, they are stored for 28 days, during which time they may be retrieved by candidates for re-use, subject to a storage fee that is published in accordance with the City's approved fee schedule.

178 When signs are removed proactively by the City, there is an expectation by management that candidates be informed of the sign removal in a timely fashion by By-Law staff. However, we note there is not a policy in place to establish that formally. These occurrences have the potential to cause consternation amongst candidates and/or campaign staff if they are not advised of the removal in a timely manner.

179 In general, we found there was little information presented/available to candidates in materials on the website or in information sessions regarding the nature of enforcement activities - specifically, how enforcement will be administered, what to expect insofar as communication of removal; how, where and what one should expect to pay for retrieval of signs, and the most common infractions that occur.

180 We asked Enforcement if a candidate were to enquire about where, specifically, they can place a sign with respect to a particular address, we were advised candidates can call the Enforcement office where staff have the ability through the City's geographic information system (GIS) to provide that information. However, they don't appear to have established a standard procedure for that circumstance. They could also improve communications to candidates regarding the availability of such information.

181 In the 2022 election there were no formal charges laid for election sign infractions, and no fines issued. Statistics we received from Licensing and By-Law Enforcement state there were a total of 240 election sign infractions, 162 of which were identified proactively by By-Law staff. The most common reasons for violation and/or removal were signs placed on City property, or on private property without permission, placement before or after the allowed timeframe, posting on utility poles or a structure that is larger than allowed.

Application of the Use of City Resources During an Election Policy

182 The policy on the "Use of City Resources During an Election" is a very important policy meant to ensure fairness to candidates and maintain the independent and non-partisan functioning of government.

183 It is also intended to ensure the requirements of Section 88.18 of the *MEA* are met: ".....municipality shall establish rules and procedures with respect to the use of municipal resources during the election campaign period"

184 The policy states that the City shall not provide city resources or financial or in-kind contributions to election campaigns for candidates or third parties in municipal, provincial, or federal elections. It goes further in providing specifics regarding prohibitions of various sorts against Members of Council and candidates using City resources or displaying campaign material at or in City owned or leased facilities.

185 In the course of our audit we became aware of an issue that arose in the application of this policy during the campaign period. The issue relates to the application of Section 6.1.3 of the policy which states:

"During the campaign period, Members of Council, candidates and third parties are not permitted to:

(c) Use City facilities or property for campaign events **unless** the facility or property is rented in accordance with approved policies and procedures."

186 In discussion with the Clerk, as verified by a review of the frequently asked questions supporting the policy, a campaign event is something distinct and apart from having a photo or video taken whilst standing in a public place on City property. Further, candidates are not precluded from holding a campaign event on City property. They can hold a campaign event if they meet the requirement that the space, for example the forecourt in front of City Hall, be rented or "booked" in advance. Our understanding is there is no charge for this.

- 187 It is also our understanding that there was some controversy in how this particular aspect of the policy was applied during the campaign. As a result, we decided to review the policy itself.
- 188 In our assessment of the issue, in light of the circumstances and the wording given, there is room for interpretation as to what constitutes a "campaign event" in the application of this part of the policy. A person reading it might be challenged to know what specifically, is meant by a "campaign event" and what factors are used to judge that threshold. Bringing clarity to what constitutes a campaign event – meaning the criteria that are used to decide and ultimately trigger when something is (or isn't) a campaign event would go a long way toward resolving and preventing misunderstandings. Accordingly, we made a recommendation to develop guidelines and information tools to assist candidates in understanding the application of the requirement that they may not use City facilities or property for campaign events unless rented or booked.

Development of Standard Operating Procedures

- 189 The City of Hamilton's Election Office has a robust set of standard operating procedures (SOPs). All standard operating procedures were created from scratch through researching of best practices from other municipalities, the Ontario Provincial Election, and were reviewed by legal services. New procedures were developed for Vote by Mail, and Vote on Demand. Consideration should be given to the effectiveness of the SOPs in the lead up to the 2026 municipal election.

Selecting Poll locations – Suitability Standards Should be Evaluated

- 190 There were 157 polling locations on Voting Day. Additionally, there were 15 Advance poll locations, 50 Institutional Polls, seven Ballot on Demand locations, and 18 special advance polls for legacy institutions. The City of Hamilton does have a poll inspection checklist, "Voting Location Assessment" and this checklist does consider accessibility. For the polls in this election, all polls met the criteria so no remediation measures were needed. This information is also included in the accessibility plan. The polling locations were inspected using the checklist by Elections Office Staff. The OAG notes that the Voting Location Assessment does not consider if the location is a neutral location (e.g. not affiliated with a political party supported by incumbents, not known to be supporting specific candidates, including incumbents). We also note that the Clerk developed their own accessibility criteria for the election. Per Clerks, this included best practice research with the Province, federal government, other municipalities and with an AODA Specialist on staff at the City of Hamilton. We understand that there are no universal criteria for all municipalities in Ontario. There is an opportunity for the City to advocate that the Province develop such criteria.
- 191 One positive noted by the OAG is that poll workers were surveyed after Voting Day, and the survey asked about the suitability of poll locations. The survey asked "Was the voting site suitable for a polling station location?". If the worker responded "no", they were asked to provide details regarding "What made this location unsuitable?" in a free form comment box. This feedback should be considered in selecting poll locations for future municipal elections.

192 Each polling location also had WIFI internet capabilities, however this was not used. Hamilton used modems from the province that connected to sim cards to Hamilton’s secure network. This process established a dedicated cellular connection that avoided having to use local WIFI as staff didn't want to have any reliance on WIFI or broadband during voting and for security purposes.

193 However, we do note that IT did not visit every site. This is something that Elections Office staff would like to see done at the next election. The OAG agrees that this would be a useful step to take from both a logistics and risk management perspective. In addition, we would advise that the Clerk assess feedback from the elector survey to decide if other suitability criteria should be added or more clearly specified. For example, survey responses suggested that parking was very important to electors, yet for some was not adequate. In another case it was suggested that locations should not be selected if the building and/or tenant of the building is associated with or known to be supportive of a particular candidate.

Voting Places – Staffing Standards Should Be Evaluated

194 Currently a standard is used for determining the number of staff to hire. This standard uses the total number of electors in a poll. For example:

- 1 DRO (Deputy Returning Officer) is hired for every 300 people
- 1 revising officer is hired for every 600 people
- 1 election assistant is hired for every 500 people.

195 Given the difficulties in recruiting staff and low voter turn out (consistently at or below 40% for the past 20 years), the question needs to be asked if it makes sense to continue to use these standards. The standard needs to be periodically evaluated by the Elections Office to determine if it meets current needs. The poll size could be evaluated to determine if additional electors could be handled by each location. This is also supported by the community survey results where 86% of voters said they were able to cast their ballot in ten minutes or less. Potentially, the standard could be informed by what other election jurisdictions use, such as Elections Ontario, or other municipalities. Once those are in place they could also be used in analyzing and evaluating the opportunities that exist for poll consolidation.

Setting Standards for Long Term Care and Retirement Institution Voting

196 Voting at Retirement and Long-Term Care facilities was managed differently in the 2022 municipal election than in previous elections due to the ongoing impact of the COVID-19 pandemic. A vote by mail process was used and the vote by mail ballots from these types of locations accounted for about 50% of vote by mail ballots that were ultimately tabulated. During our audit work, we were unable to find evidence that Hamilton has formally documented standards that would be based on some objective standard such as number beds and/or residents that is used for establishing the number of hours that poll workers attend a facility.

- 197 Provincially there are standards for voting hours at these types of locations. A standard should be established for Hamilton municipal elections and consistently applied to ensure fairness and consistency.

Evaluation of Voting Methods and Advance Polls

- 198 Vote by Mail (VbM) is an alternative voting method. There are no Provincial regulations governing the use of this voting method. Municipalities must develop their own policies/procedures. Hamilton did develop both.

Application Process

- 199 There was an online application process for VbM. The application could also be completed over the phone with the Elections Office. The applications were reviewed by Election Officers. If the person's name was found on the voters' list, generally the application was approved electronically. VbM electors also had to have a completed and signed "declaration form" for the ballot to be counted. If the person was not found on the list, the individuals needed to take steps to add their name to the list. For the 2022 municipal election, authentication of applications via review of qualifying identification (ID) was not completed. For the 2026 municipal elections, this is something that could be considered. It would consist of the uploading of qualifying ID required under the legislation. This is what the Province does for their VbM process. This is something that could be considered if Hamilton decided to do vote by mail again. IT security risks would need to be carefully assessed as part of this decision-making process.

Accepting "Vote By Mail" Ballots

- 200 VbM ballots could be mailed, dropped off at City of Hamilton Municipal Service Centres, or the City of Hamilton Elections Office at City Hall. Voters were advised to mail ballots by October 13 to ensure they arrived by Voting Day on October 24, 2022. Municipal Service Centres accepted ballots until Friday October 21, and someone from the Election Office drove around and collected ballots on that day. Ballots could be dropped off at the City of Hamilton Office until 8:00 p.m. on Voting Day. Some people took their ballot to the polls on Voting Day. The voters' name on the Voters' List would have the name struck off, but the Elections Office had developed a process to allow the person to vote. At the poll the vote by mail ballot was cancelled and placed in a special envelope for return to the city. The voter was then issued a new ballot at the poll. It is the OAG's opinion that the Elections Office provided the voter multiple ways to return their ballot.

201 Vote by Mail (VbM) and Ballot on Demand (BoD) were used in Hamilton municipal elections for the first time in 2022. It is important that these new methods of voting, and all voting methods be evaluated regularly to consider if they achieved their intended purpose. Consideration also needs to be given to if these methods could be expanded upon to provide even more opportunities for voting. While consideration for online voting has been discussed, one additional voting option that needs to be given serious consideration and evaluation is vote by home visits, in order to provide an additional accessible voting option for persons with disabilities and other accessibility needs.

Processing and Counting "Vote By Mail" Ballots

202 Vote by Mail ballots were processed as they were received at the Elections Office. There were two envelopes in each VbM package, a secrecy envelope for the actual ballot and an outer envelope. The secrecy envelope was to be placed inside the outer envelope with the signed declaration form. The outer envelope contained information about the elector. This envelope was scanned, and the voter's name was struck off the voters' list electronically. The ballot envelope was placed inside a ballot box to be counted. In some instances, the voter did not return both envelopes, so when the first envelope was opened to retrieve the ballot envelope, the ballot was not in its secrecy envelope. Per Clerks, in these instances, the ballot was placed in a secrecy envelope for tabulation on Voting Day.

203 The processing of vote by mail ballots started on October 21 and concluded on October 24 (Voting Day). Using a high-volume scanner/tabulator, the available ballots were processed in batches. Very few ballots were not read, however some voters had used pencil or a light-coloured pen to mark their ballots and these were not read. These ballots were put aside for adjudication on Voting Day. Adjudicators re-marked those rejected ballots exactly using a black marker and the ballots were put through the scanner again. The same tabulator was used to process ballots as they were received throughout the day. The results from the tabulator were not finalized (tabulator summary produced and closed) or released until after the close of polls.

Institutions

204 Since Long Term Care facilities and assistive living Retirement Residences had used a vote by mail process, these ballots also had to be processed. Ballots from these institutions were picked up on Voting Day. These ballots were also run through a tabulator using a different memory card. The processing of these ballots commenced at approximately 3:00 p.m. on Voting Day. The final tabulator tape was not produced until after the close of polls (as outlined above).

Vote by Home Visit

205 A vote by home visit program was successfully piloted by the Town of Oakville in 2018 and was approved again for the 2022 municipal elections. In 2022, the City of Markham also

offered this. The Province of Ontario also offers vote by home visit for Provincial elections (<https://www.elections.on.ca/waystovote>).

206 Provincially, you can request to vote by home visit if:

- you are unable to go to your voting location because of a disability;
- you are unable to read or write;
- you are unable to complete an application form; and/or
- you are someone who requires assistance.

207 The two main risks are resources (and associated cost), and security concerns for staff visiting private domiciles. Typically, for security reasons, 2 people are sent on a home visit.

208 The way it works is that two election officials bring a voting kit to the approved elector at their domicile to assist in voting. The voter needs to show one piece of ID and complete the application form before receiving the ballot. The ballot, when completed, is sealed and brought back by the election officials.

209 Regular consideration needs to be given towards and evaluation of the use of accessible voting in Hamilton to ensure there are sufficient options for persons with disabilities and other accessibility needs.

Ballot on Demand (BoD)

210 In the 2022 election Hamilton used a new voting process called Ballot on Demand. According to the Elections Office, this program was offered in an attempt to increase voter turnout in specific underrepresented segments of the population, remove barriers and engage voters where most convenient. BoD provides an opportunity for a potential elector to vote in a space where they are comfortable. The sites used for this voting process were at post-secondary institutions, shelter locations and the Hamilton Regional Indian Centre for Indigenous voters.

211 Specialized equipment prints the required ballot based on the elector's qualifying address. This method allowed election officials to have ballots created at the moment rather than to bring all 75 ballot faces to each voting location. According to the Elections Office, this method was successful at these chosen locations. It did however create a longer wait for voters to receive their ballots. Some of these voting locations had very short voting times and required additional training to set up the equipment for the voting officials.

212 There were seven BoD locations. Three (3) locations operated for 9 hours, one (1) location operated for 10 hours and the remaining three (3) locations 2-3 hours. Three hundred and twenty-five (325) electors used this process.

213 BoD provides additional opportunities for voting. Election Staff should evaluate whether BoD could be used for additional polls or potentially some advance polls. There may be a potential that the equipment could be utilized at a regular advance poll to allow electors at

some locations to vote anywhere. The cost effectiveness of any proposal would need to be evaluated.

Advance Poll Voting

- 214 The City of Hamilton held 4 days of advance poll voting, Friday October 7, Saturday October 8, Friday October 14 and Saturday October 15. Fifteen (15) locations were used, one for each ward. Number of ballots cast was 31,748, representing 22.14% of the voter turn out. Poll hours for advance poll voting was Fridays 10:00am to 8:00 pm, Saturdays 10:00am – 5:00pm.
- 215 Advance polls can be very popular. Elections Canada and Elections Ontario both saw an increase in the number of voters who attended advance polls. Covid may have been a contributing factor in this increase. There is no legislation or regulation that stipulates how many advance polls a municipality must have. The Clerk is responsible for determining the number of days and the times required.
- 216 Before the next election, Election staff should evaluate the use of advance polls and determine whether additional days and/or additional hours should be added to increase voter turnout. Some municipalities run advance polls for a number of consecutive days from 10:00 a.m. to 8:00 p.m. (standard voting day hours). Elections Ontario, in its process, requires that at least 1 advance poll in each Electoral District is open for 10 consecutive days. The cost effectiveness of any proposal would need to be evaluated.

Voting anywhere, anytime

- 217 The concept of voting anywhere at any time is not realistic when using traditional voting methods. Hamilton however has experimented with different voting methods during this past election. Vote by mail, ballot on demand, and advance poll voting all provide opportunities for the voter. Internet voting may get Hamilton closer to this concept of voting anywhere at anytime however there are many risks that need to be overcome. City staff should continue explore new methods of voting.

Time Between Nomination Day and the Commencement of Voting

- 218 Prior to the 2022 election, a legislative change by the Province moved the final day for nominations to be registered from July 31 to August 19. This eliminated approximately 14 business days (or 19 calendar days) traditionally used to prepare for the election from the calendar. This negatively impacted the time available to prepare ballots and created a real "pain point" in the process. Ballot vendors like Dominion Voting were pressing for candidate names on Nomination Day, August 19, even prior to the candidates being certified on August 22. Dominion Voting was doing so because it was preparing hundreds of different ballots across the province in this very short space of time.
- 219 Hamilton had 75 different ballots (less acclamations) that were required for the 2022 municipal election. To provide context regarding the number of ballots, in the 2022 Provincial election, there were 124 different ballots, one for each electoral district. However, when it

comes to municipal elections, three to four municipalities could easily eclipse this total making it more complex and demanding. An example would be Hamilton at up to 75 different ballots plus Guelph at 30 different ballots and a small municipality like Woolwich Township had 15 unique ballots. One additional municipality would push the total over the number of ballots managed during the Provincial election. When one takes account of all municipalities finalizing their ballots at the same time, it is considerably more than in a provincial election.

- 220 Many Ontario municipalities use the very same vendors, and this puts a great deal of pressure on the vendor who is responsible for the ballot printing and the staff who need to review that all the ballots are correct.
- 221 The change to the election timeline described above, depending somewhat on when a municipality commenced their advanced polls, leaves approximately six weeks between the final nomination day and the start of advance polls.
- 222 The nomination day for the next election remains unchanged and is set for the third Friday of August.

Legal Interpretations under the Municipal Elections Act

- 223 One issue raised with our team in the course of discussions with the Clerk was how often they have need of legal advice in administering an election. On some occasions it is worthwhile to have the perspective of other municipalities who have faced a similar issue, or the Province that is the overseer of the *MEA*. We note that Elections Canada issues guidelines and interpretation notes on the application of the Canada Elections Act. However, no such guidance is provided for the *Municipal Elections Act*, which would presumably come from the Province. We were advised by the Clerk that the Province has resisted providing formal interpretive guidance, and they tend to refer municipalities back to a City's own legal teams.
- 224 In our opinion, there is a potential wasted opportunity because what one municipality experiences as an interpretive conundrum might very well present the same way or reflect similar circumstances at another municipality. With the assistance of guidance from the Province and the sharing of such information amongst all municipalities there is an opportunity to improve the efficiency and effectiveness of the electoral process. Further, with certain types of situations and guidance, the Province may be in a better position to provide direct assistance, for example with respect to candidate financial requirements. Accordingly, we recommend this be an area that the Clerk consider for advocacy to the Province.

Use of Schools on Voting Day

- 225 Under the *MEA*, School Boards are required to provide their facilities free of charge for voting purposes. Using schools as polling locations has become much more difficult over the past several years. Legislation such as the *Safe Schools Act*, limit access to schools during teaching hours. This results in voting place challenges because doors may be locked and the route to a poll location inside a school may have accessibility concerns.

- 226 Another common problem is access to parking. While parking may be available on site, during school hours this parking may not be available to voters. This has been a frustration. For the 2022 municipal election, the City of Hamilton faced this challenge early on and went to the School Boards to ask them to have a Professional Development (PD) Day on Voting Day. Both English School Boards agreed to this proposal for 2022.
- 227 Many municipalities across Ontario have made this request of their local School Boards only to be turned down. There is no consistency across the Province about this issue and municipalities are at the mercy of the School Boards. There is also no guarantee that Hamilton will be successful in getting a PD day in 2026 for the next municipal election.
- 228 This was also a request made by the Chief Electoral Officer, Elections Ontario. He recommended to the Province that there be a mandatory PD day across the province on Voting Day or that Voting Day be moved to a day when the School was not in session such as a Saturday. His recommendation has not been implemented by the Province.

Third Party Advertisers

- 229 A third-party advertisement is an advertisement in broadcast, print, electronic or other medium that has the purpose of promoting, supporting, or opposing a candidate, and is carried out by a third party that is not under the direction of the candidate.
- 230 According to the *MEA*, no individual, corporation or trade union may incur expenses for third-party advertising during what is called the "restricted period" leading up to the election without registering with the municipal Clerk. When a party registers, they become subject to rules limiting or capping the advertising expenses they may incur, and they are required to comply with the disclosure of certain information with each advertisement. For the 2022 municipal election the restricted period began on May 1, 2022 and ended on election day.
- 231 The purpose of these rules and restrictions is to ensure an even playing field for candidates in an election, balanced against an individual's constitutional right of freedom of expression.
- 232 The process for becoming a third-party advertiser begins with the filing of a notice of registration ("notification") with the municipal Clerk. If satisfied that the person or entity is qualified under the *MEA* to be a third-party advertiser, the Clerk certifies the notification and the filing party officially becomes a third-party advertiser subject to the obligations under the Act.
- 233 From this point on our understanding is that the Clerk has no role in the enforcement or investigation or disposition of complaints they may receive about non-compliance by a third-party advertiser. Complaints could potentially be about third-parties that engage in and incur advertising expenses such as the purchase of broadcast time, or social media ads whilst being unregistered, or not yet registered. Complaints could also be about exceeding the limits of spending required under the Act, not following the rules of disclosure with their advertising, and/or not making the required filing of financial statements by the post-election deadline.

- 234 In our view, under the current system, it is not transparent to members of the public, who is supposed to have regulatory oversight of third-party advertisers from the perspectives of monitoring and enforcement – in other words, who monitors and checks for compliance, how do individuals proceed if they have complaints, who investigates, who lays charges etc. In the case of the 2022 municipal election, Hamilton had three third-party advertisers that had properly registered as third-party advertisers. However, we found that one of them did not meet the obligation of submitting their financial statements by the required deadline.
- 235 Accordingly, we recommend that the City advocate to Elections Ontario and/or the Province of Ontario about the need for clarity regarding the responsibility for regulatory oversight of third-party advertisers, and following that determination, the Clerk should ensure it is being communicated so that third-party advertisers and the public understand the roles and procedures for cases of suspected non-compliance.

Recommendations

- 236 Please refer to Appendix "D" to Report AUD23008 for a list of Recommendations and the related Management Response that will strengthen the administration of and improve the candidate and voter experience for the 2026 Municipal Elections administered by the City of Hamilton.

Conclusion

- 237 The OAG has brought forward 50 observations and recommendations to strengthen compliance, improve process efficiency and effectiveness, enhance the candidate and voter experience, and identified areas where the City can advocate to the Province of Ontario.
- 238 The OAG would like to thank the Office of the City Clerk's staff and other participants in this audit (including Legal, Procurement, Finance, By-law, etc.). We look forward to following up with management in the future to see the progress of their action plans and their impact on improving municipal election administration.

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**City of Hamilton
Elections Administration Audit
Technology Report**

May 19, 2023



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1. Introduction

The City of Hamilton engaged Valencia Risk to support the internal audit of IT controls surrounding the 2022 municipal election processes. Our objective was to examine and evaluate the use of technology and related administrative procedures and controls; specifically, the technologies used to maintain and administer the Voter's List; and the technologies used for Tabulation of the votes.

To do so, Valencia:

- Examined and evaluated IT systems, resources, vendors and vendor agreements as well as policies and procedures supporting electoral practices at the City and compliance with the Municipal Elections Act.
- Suggested actionable items based on recommendations to mitigate gaps in existing processes that can be implemented for the 2026 municipal election.
- Provided the Office of the Auditor General with suggestions for support or legislative reforms to be provided to the Province of Ontario through Elections Ontario.

2. Audit Methodology

In the absence of existing Canadian guidance or standards to assess electoral technical controls, Valencia has referenced the draft [NIST Election Infrastructure Profile](#) (NIST IR 8310) provides a voluntary, risk-based approach for managing cybersecurity activities and reducing cyber risk to election infrastructure.

Our team used this cybersecurity framework:

- 📌 To highlight and communicate high priority security expectations
- 📌 As a guideline for assessing the information gathered in interviews and in documentation to assess the state of City of Hamilton's elections technologies.

Emphasis was placed on six control categories from the NIST framework: Asset Management, Governance, Access Control, Awareness and Training, Anomalies and Events, and Recovery Planning.

These six controls categories were aligned, and high-level findings are summarized below.

3. Summary

Standards, Guidance, and Legislation

- Canadian standards have not been established for municipalities pertaining to technology and cybersecurity controls.
- Policies and procedures are based on prior years' elections processes and lessons learned.

Procurement

- Sole source for selection of DataFix (Voter's List) and Dominion (Vote Tabulator) was approved by Council, and relied on Elections Ontario own rigorous procurement practices and the US Election Assistance Commission Certification Process)
- Limited involvement of IT Department to establish technical security controls.
- No clear security requirements established in RFP or Contracts provided by Vendors.

Training and Support

- Training from DataFix and Dominion was limited to FAQ's and Online self serve with some "train the trainer" support.
- Staff training was not always mandatory and focused on execution and response to technical failures (manual processes established)
- Unclear engagement, roles and responsibilities regarding IT and IT Security.

3. Summary (continued)

Project Management

- Well organized and executed by Clerks office and IT project manager
- Limited number of continuing/experienced staff
- Reliance on past processes and lessons learned
- Well supported by Dominion
- Lack of support from DataFix (Specifically when troubleshooting electoral technologies)

Controls

- Standards and vendors used by the Province were adopted and adhered to by the Clerk's office
- Accountability for IT security and cybersecurity controls and standards was not well established or understood resulting in a complete reliance on contracted third parties.
- Weak controls regarding WiFi passwords for polling stations.
- Absence of Detective Intrusion Monitoring
- Assumptions made around detective controls to identify repeat/fictitious voters

Suggested support from Province and/or Legislative Reform

- Elections Ontario has established an [Advisory Committee on Standards for Voting Technologies](#) and will be taking over the voter's list from MPAC
- Request best practices for all municipalities that includes IT security standards

4. Findings

(a) Standards, Guidance, and Legislation

- ❑ We found no policies or procedure that specifically address cybersecurity for the election process.
- ❑ No Canadian Elections IT and cybersecurity standards currently exist. Valencia used the US NIST Framework on Cybersecurity (NIR 8310). It considers regulatory, risk, legal, environmental, operational controls.
- ❑ Cybersecurity expertise was not engaged internally or through a third party for the 2022 municipal election, leading to IT security roles and responsibilities not being fully defined.
- ❑ A risk assessment was completed; however, comprehensive IT threats, risks, and vulnerabilities were not documented, no cybersecurity personnel were involved in the election process.
- ❑ The Clerk's office addressed regulatory items, including civil liberties and privacy requirements.
- ❑ The IT department was not included in efforts to review IT configurations, assist with policy development, review of implementations, or to provide guidance on IT security.

Conclusion: Management is **compliant with established legislation** and **partially compliant** with the standards outlined in the Draft NIST IR 8310.

Recommendation: Until Canadian guidance is available, management should adopt the framework used in NIST IR 8310 and engage the IT department to ensure the skills required to address IT Security and Cybersecurity relevant to the Elections process.

4. Findings

(b) Procurement

- ❑ The Clerks office used sole sourcing to obtain elections technology and chose to use the same voting list (DataFix) and tabulation (Dominion) vendors. This was approved in advance by council.
- ❑ Hardware, rental inventory, and external information systems were thoroughly documented and catalogued; however, they were not prioritized based on classification, criteria, or business value.
- ❑ Cybersecurity expertise was not engaged internally or through a third party.
- ❑ The IT department was not fully engaged in the procurement process or finalization of contracts with DataFix or Dominion.
- ❑ Contracts were drafted by vendors and not by the City of Hamilton

Conclusion: Management is **compliant** for adherence to established internal policies and procedures. Management is **partially compliant** with standards outlined in the Draft NIST IR 8310.

Recommendation: Management should establish clear accountability for the IT department to prepare and review technology and IT security and cybersecurity requirements for both the RFP and the final contract.

4. Findings

(c) Training and Support

- ❏ Roles and responsibilities for technical team members in the context of the 2022 election were well understood and integrated in organizational charts.
- ❏ Delays at the polling stations were due to 2 main factors:
 - 1) Lack of Datafix server capacity for updates to the Voters' list
 - 2) Uncertainty at polling stations on when to transition to backup procedures to keep the voter line moving.
- ❏ Dominion Voting provided online and in-person training primarily director to senior individuals at the City of Hamilton.
- ❏ DataFix training was primarily provided online and through FAQ's and assistance was not timely when syncing issues delayed updates to the voter lists resulting in delays at some voting locations.

Conclusion: Management is **partially compliant** with the standards outlined in the Draft NIST IR 8310.

Recommendation: Management should make all training sessions mandatory for all staff involved in the elections process. The IT department should be invited to all training sessions. Training should be improved on when moving to backup processes.

4. Findings

(d) Project Management

- ❑ The Clerk's Office used project management effectively and engaged an IT project manager appropriately and showed maturity in its management of communications.
- ❑ Milestones, critical functions and dependencies for the 2022 elections were understood and established. Contingency planning included offline and/or manual backup to maintain the voter list and tabulation of votes. Load balancing was done on the website hosting the election results and select location testing to validate SIM cards connection prior to election day.
- ❑ A full understanding of the resilience requirements was achieved by the team; this did not translate into correct execution when server lag was experienced through DataFix.

Conclusion: Management is **compliant** with the standards outlined in the Draft NIST IR 8310 and established internal policies and procedures.

4. Findings

(e) Controls for Systems and Preparation

- IT systems for approximately 700 elections laptops, (ePollBooks) were configured, updated, and tested to the established specifications before the election.
- Despite the absence of cybersecurity guidelines, management developed appropriate and effective physical and IT security for election rooms, ballots, voter information, mail voting, information access, tabulators, regulators, and poll location Wi-Fi.
- The IT security team was short staffed. A cybersecurity team was not consistently engaged to identify, assess, or implement IT security technology; IT incident response and recovery plans were not developed or tested.
- An IT security vulnerability assessment, or management plan, specific to the elections process was not provided.

Conclusion: Management is **partially compliant** with the standards outlined in NIST IR 8310.

Recommendation: Management should complete an IT security vulnerability assessment and management plan specific to the Elections process.

4. Findings

(e) Controls for Risk Assessment

- ❏ A risk assessment was introduced and implemented for the first time in 2022.
- ❏ The City of Hamilton's 2022 municipal election risk assessment concentrated on establishing a basic outline of potential threats with mitigation options, focusing on operational impact.
- ❏ Likelihood, impact, and mitigation strategies were identified, but did not factor in identified vulnerabilities or threats.
- ❏ Risk mitigation strategies and options were provided prior to the election. On election day, the City displayed good inventory capabilities for its physical devices and systems.

Conclusion: Management is **partially compliant** with the standards outlined in the Draft NIST IR 8310.

Recommendation: As a member of the Municipal Information Systems Association (MISA), Hamilton also has access to security threat feeds and resources. Management should consider an IT vulnerability assessment specific to external threats relevant to election day.

4. Findings

(e) Controls for Physical and Network Security

- Management used appropriate physical security and secure networks to protect data-at-rest.
- Data transitioned from polling locations to transmission sites was physically moved to a secure room for upload to a collator and sending to City Hall via a secure municipal network.
- Hardware inventory was maintained in Microsoft Excel sheets.
- Vote technologies used (DataFix and Dominion) were the same as used by Elections Ontario who required these vendors to provide proof of certification by the US Elections Assistance Commission. These technologies were also thoroughly tested by Elections Ontario.
- Reliance on e-mail "bcc" functionality for constituent communication contributed to a privacy breach.
- The City recorded a chain of custody for removable media such as memory cards and USD sticks used in the election. Items were protected by encoded zip-ties to ensure that potential tampering could be detected.
- Access to systems is controlled, with the technical team only having administrator privileges and only two people having access to election results folders.

Conclusion: Management is **compliant** with the applicable controls outlined in the NIST IR 8310.

4. Findings

(e) Controls for Access and Passwords

- Management documented and managed credentials and identities using a Contacts and Password List Excel spreadsheet.
- Some passwords were simple and easy to guess or crack.
- Knowledge of administrator credentials were held by technical team and election data folders had controlled read and write accesses (limited to 2 users).
- Physical access to assets was managed and protected by sealing memory cards with unique keys.
- Collation of election data took place on Hamilton laptops behind the DMZ to minimize risks and final reporting took place on a Dominion laptop never connected to the internet.

Conclusion: Management is **compliant** with the standards outlined in the Draft NIST IR 8310.

Recommendations: Management should consider improving password security by using passphrases or complex passwords. Municipal credentials would be stronger when paired with a password manager protected by multifactor authentication.

4. Findings

(e) Controls for Detection and Response

- Management did not deploy or test detection technologies specific to the 2022 municipal election (Cybersecurity detection requirements are not contemplated in current legislation).
- Management did not implement network monitoring, physical monitoring, or personnel monitoring for potential cybersecurity events.
- Detection methods were absent for mobile code, malicious code, and cybersecurity attacks.
- Monitoring processes for unauthorized personnel was limited and was absent for software or connection.
- Devices used for the 2022 elections were not assessed by an internal cybersecurity expert.
- Incident thresholds were not fully defined.
- No tabletop exercises were conducted to test IT incident response plans and contingencies.

Conclusion: Management has gaps in its detection methods regarding cybersecurity attacks and is **non-compliant** with the standards outlined in NIST IR 8310.

Recommendation: IT security should assess all devices and enable detection technologies specific to the Elections process and increase monitoring on election day.

4. Findings

(e) Controls for Incident Management

- ❏ A risk assessment was conducted prior to the election and included risk mitigation guidance.
- ❏ No IT incident response and recovery plans were identified specific to the election, however a lessons learned approach was taken by the City following the election highlighting issues and actionable items identified on election day.
- ❏ Technical teams were available, called upon to resolve ongoing issues.
- ❏ Immediate involvement of legal counsel and the privacy officer due to a privacy breach resulted from an error using the "bcc" function resulted in a successfully communicated and contained incident.
- ❏ In the case of delays in mail-in ballots, affected residents were contacted in a timely manner, open channels were there to communicate with City Hall about election issues.
- ❏ IT incident response plans specific to the Election were not developed or tested in advance.

Conclusion: Management is **partially compliant** with the standards outlined in the Draft NIST IR 8310.

Recommendation: Management should consider use of technology appropriate for controlling distribution lists instead of relying on the "bcc" function. IT incident response scenarios should be developed and tested in a tabletop exercise.

Appendix

Documents Reviewed & Interviews

Documents: 245 documents were provided as support for Policies and Procedures referenced and developed for the 2022 election. 82 of these documents were considered in-scope for this internal audit.

Interviews:

Maria McChesney	IT Director
Aine Leadbetter	Manager, Elections Print/Mail
Andrea Holland	City Clerk
Kris Fletcher	Consultant
Brenda Stephan	IT Project Manager
Diane Robinson	Consultant
Lalitha Flach	COO, Elections Ontario
Stephen O'Brien	City Clerk - Guelph

E-mail Response:

Steve Papoulias	Dominion Voting Representative
Carl Stevenson	Manager (acting): Infrastructure & Security
Hortense Harvey	Datafix Representative



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Prepared by Valencia IIP Advisors Ltd.

Our thanks to management who were responsive and transparent and have shown a clear desire for improvement by participating in this audit.



Hamilton

Elections Audit - Market Research

April 2023

Research Report

Prepared for:

**City of Hamilton
Office of the Auditor General**



301 - 7 Duke Street West
Kitchener, Ontario, N2H 6N7

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Executive Summary

The purpose of this report is to summarize findings from market research completed with City of Hamilton eligible voters during April, 2023.

The results in this case provide insights into eligible voters' voting in the last municipal election - the information provided, their experience casting a vote, the polling stations, and their feelings on internet voting.

Considering the under-representation of those who did not vote, it's likely that the percentage of people who were not interested in municipal politics or elections is under-represented as well.

This research was conducted for the Office of the Auditor General for the City of Hamilton, as part of their audit of the 2022 Hamilton Municipal Elections Administration.

This research utilized quantitative research methods including the following:

- a random telephone survey with 600 interviews, considered accurate to within +/- 4%, 19 times out of 20 (95% Confidence Interval); and,
- a survey sent to all registered candidates for Mayor, Council and School Board Trustee

Community Survey Summary

A key goal of this market research was to determine levels of satisfaction related to the voting experience, or the administration of the 2022 Municipal Election. Results for those who completed a survey are mostly supportive and they are mainly satisfied with the process, demonstrated by the following findings:

- Those who claimed to vote in the last election were over-represented in this sample, at 80%. Not surprising this happened. The purpose of the study was identified, and those who did not vote were more likely to not participate. Voting level did vary by age, as the older the eligible voter, the more likely they were to say they voted.
- Those who didn't vote did not prioritize voting - they forgot, they got held up at work or they weren't very interested to begin with. A small proportion of those who didn't vote were out of town or away at school.
- More than 4 in 5 people who responded to this survey (81%), whether they voted or not, received their voter card. With only very minor exceptions (about 3%), eligible voters indicated the voter cards were accurate. About 1 in 10 (12%) of the eligible voters in this survey looked at voterlookup.ca.
- Among those who voted, 70% voted in person on election day, 28% voted at an advance poll, and 2% voted by mail.
- 92% of eligible voters who voted were satisfied with the experience, with 68% saying 'very' satisfied, and 24% saying 'somewhat' satisfied. Among those who voted in person, 86% said they were able to cast their vote in 10 minutes or less.
- Across all the various components of casting their vote, it is evident that eligible voters had a good experience when they went to vote in person. Related to location, eligible voters found the hours convenient (82% strongly agreed), the location was easy to find (86% strongly agreed), and the signage in the building was easy to follow (87%). Additionally, most of those who drove to the poll location found it easy to park, and among those who recall, the poll location seemed to be accessible. Related to staff, election workers provided good service (90% strongly agreed), and election workers were knowledgeable

(80% strongly agreed). Eligible voters did not feel anxious or intimidated by going to vote in-person (89% strongly disagreed when asked if they felt intimidated).

- Internet voting:
 - 31% are aware that internet voting is happening in other communities.
 - 52% said they would have been at least somewhat likely to cast their vote online if that had been an option in the 2022 election.
 - 44% believe internet voting is safe and secure.
 - 83% feel that Hamilton should add internet voting in the next election, either as a way for them to cast their own vote, or as a way for other eligible voters to do it. 17% feel that Hamilton should not consider it.

Candidate Survey Summary

Background

- 60% of those who replied to the survey were a candidate for City Council, 38% for school board trustee, and 2% (1 respondent) was a candidate for Mayor.
- 62% were running for office for the first time, while 38% had run previously.

Nomination Period

- The top resources that candidates were aware of were the City of Hamilton website (88%), the candidates' portal (81%), and the Candidates' Information Session (79%).
- Secondary resources were the Election Office by email (74%) or phone (71%). Working with the Election Office in-person or virtually is less (60%).
- Candidates who made use of specific resources available from the City were asked how satisfied they were with them.
- Overall, at least half of candidates were satisfied (very or somewhat) with every resource.
- Highest satisfaction came from in-person/virtual meetings with the

City Clerk's office (81%), and email contact with the City Clerk's office (70%).

Nomination Process

- Most candidates said that booking an appointment to file their nomination was "very" or "somewhat" easy. Overall, 81% of those who filed prior to nomination said it was easy, and all of those who filed on nomination day said it was easy.
- Candidates used two primary resources when discovering what information was needed to file the nomination. The City of Hamilton website was mentioned most often (62%), and then the City Clerk's office (52%).
- After that it was previous experience running for office (29%), a campaign assistant (24%), or the Candidates Guide offered by the province (26%).

The Campaign

- About 4 in 5 candidates made use of the candidates' portal (81%).
- The two primary reasons mentioned in using the portal were to access policies and procedures (91%) and to review the voters list (85%), keeping up with messages from the City was third (74%).
- Just under two-thirds (62%) say that finding information on the candidates' portal was "very" or "somewhat" easy, 12% were neutral, and 26% said it was "somewhat" or "very" difficult.
- The two primary election administration issues expressed were eligible voters who didn't receive a voter's card (67%), and eligible voters not being aware of their polling location (55%).
- The two secondary election administration issues were an eligible voter not being on the voters list (45%), and an eligible voter wanting information on how to vote by mail (43%). This last percentage is interesting, in that only 2% of eligible voters in the community survey claim to have voted by mail.

Voters List

- Most candidates who responded to this survey had received a copy of the voters list (86%).
- Overall, 42% found it 'very' or 'somewhat' easy to access the voters list, compared to 22% who found it 'somewhat' or 'very' difficult, the balance (36%) found it neither easy nor difficult.

- Just over one-third of candidates (36%) had some issues with the electronic voters list on Election Day.
- The issues were related to seeing who had or had not voted, to be able to focus efforts of the campaign team and volunteers.

Election office

- More than half (57%) of the candidates needed to contact the City of Hamilton Election office, compared to 31% who did not, and 12% who weren't sure if they had or not.
- Among the 24 candidates who contacted the Election office, 38% were satisfied with the answer they received, compared to 45% who were not satisfied, 17% were neutral.

Customer Service

- 7 in 10 (71%) of the candidates contacted the Customer Contact Centre or the Municipal Services Centre with a question/request about the election.
- More than two-thirds (69%) of those who made contact were satisfied (very or somewhat) with the response received, compared to 8% who were not satisfied.

Voting options for the future

- Two-thirds feel that the City of Hamilton should continue to offer voting by mail (67%). 19% (about 1 in 5) feel that mail voting should be discontinued. A review of their responses as to why indicates a concern about fraud.
- A little more than half (55%) of candidates are aware of internet voting. Whether aware of internet voting or not, 60% of the candidates feel that internet voting is safe and secure.
- 53% of candidates feel that Hamilton should offer internet voting in the future.

Background & Introduction

Hamilton City Council passed a motion at the end of January 2023 directing the Office of the City Auditor (now Office of the Auditor General) to complete an audit of the administration of the 2022 Municipal Election.

The purpose of this report is to summarize findings from market research completed with Hamilton eligible voters and registered candidates for the election. It provides insights into eligible voters' voting experience, from receipt of voter card (or not), and in returning a ballot by mail, by advance poll, or on election day.

The report has three main sections:

- This section provides background to the research.
- The second section summarizes findings from the community telephone survey.
- The third section summarizes findings from the candidate survey.

This main report recaps key findings, but considerably more detail can be found in the following appendices:

- Appendix 1 provides detail on the project methodology.
- Appendix 2 summarizes results from the online community survey version.
- Appendix 3 has copies of the community survey in English than in French.
- Appendix 4 has copies of the final candidate survey in English and French.

Methodology Summary

This section provides a brief overview of the project methodology. Those wanting complete details are referred to Appendix 1.

Eligible Voter Telephone Survey

600 telephone interviews were conducted. A random telephone survey of this size can be considered accurate to within +/- 4%, 19 times out of 20 (95% Confidence Interval), based on a household sample (i.e., only one response per household).

Surveys were conducted via landlines and mobile phones. Approximately 58% were conducted via mobile phone, in part to reach eligible voters who do not have a landline.

Registered Candidate Survey

Contact information for 150 candidates for Mayor, City Council, and School Board Trustees were provided. All of these candidates received an email invitation to complete an online survey about the process they went through/observed. A total of 42 candidates returned a survey, a response of 28%.

Notes and Limitations

Where statistically significant and relevant, differences between specific sub-groups are mentioned in the analysis (for example, age, etc.). More of this sub-group analysis can be found in Appendix 2.

While sophisticated procedures and professional staff have been used to collect and analyze the information presented in this report, it must be remembered that surveys are *not* predictions. They are designed to measure opinion within identifiable statistical limits of accuracy at specific points in time. This survey is in no way a prediction of opinion or behaviour at any future point in time.

Detailed Findings from the Community Survey

The Community Survey, conducted with eligible voters of the City of Hamilton, attempted to engage both voters and non-voters. The proportion of those who say they voted in the past election vastly exceeds actual voter turnout.

This was expected. In our experience, those who did not vote have no interest in participating in a survey about the election, and a small percentage will claim they did vote.

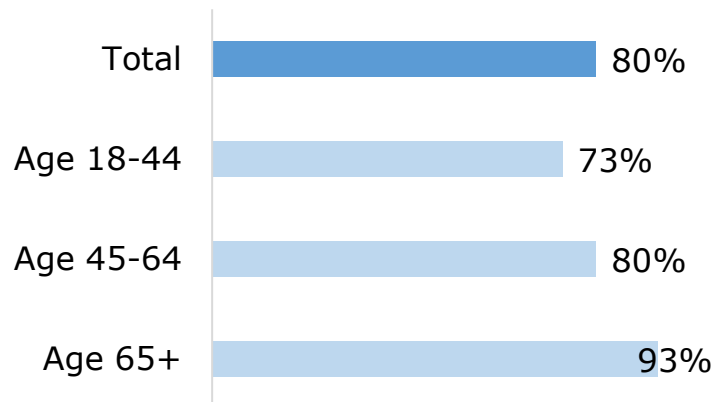
1.0 Voter in last Hamilton Municipal Election

1.1 Voter or not

Did you vote in the October 2022 Municipal Election in Hamilton?
 (Base - Full sample)

4 in 5 eligible voters who participated in the Community Survey claim to have voted in the last Municipal Election in Hamilton.

- those 18-44 years were least likely to say they voted, at 73%,
- those 45-64 years were similar to the average, at 80%,
- those 65 years and older were most likely to say they have voted, at 93%.

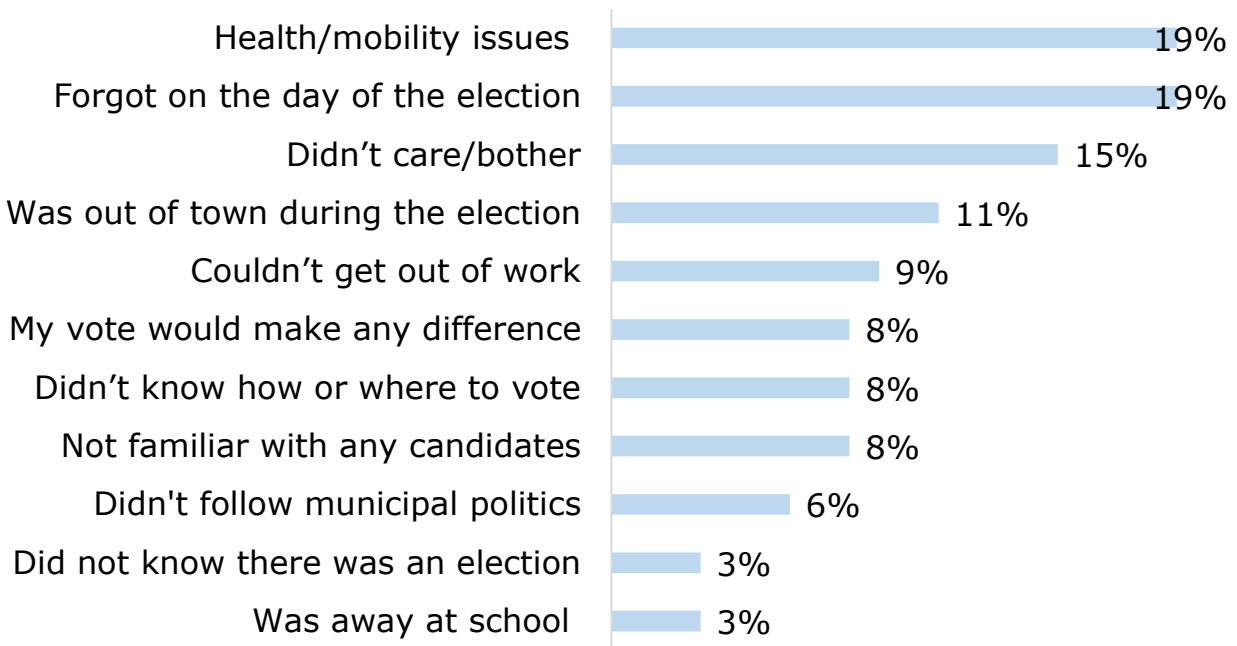


1.2 Why not vote

Why didn't you vote in the 2022 Municipal Election in Hamilton? (Base - Those who didn't vote, n=115)

Overall, about three-quarters (77%) of those who said they didn't vote did not prioritize it or didn't make enough of an effort to vote. That includes those who "didn't bother" (26%), "forgot" (19%), weren't familiar enough with the candidates to consider voting (13%), or even did not know how or where to vote (11%).

For the rest, 12% were not in town on Election Day (primarily 18-44 years who could have been away for school), or had health/mobility issues that prevented them from going out to vote (11%).



2.0 Voters List

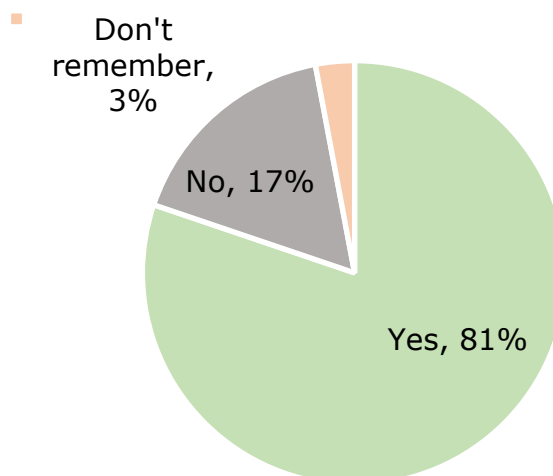
2.1 Voter card received

Whether you voted or not, did you receive a voter's card in the mail to vote in the 2022 Municipal Election? (Base - Full sample)

The vast majority of eligible voters in this survey received their voter's card, at 81%.

The likelihood to have received the card changed by age group, similar to the difference in whether they voted or not:

- those 18-44 years (74% received)
- those 45-64 years (81% received)
- those 65+ years (93% received)

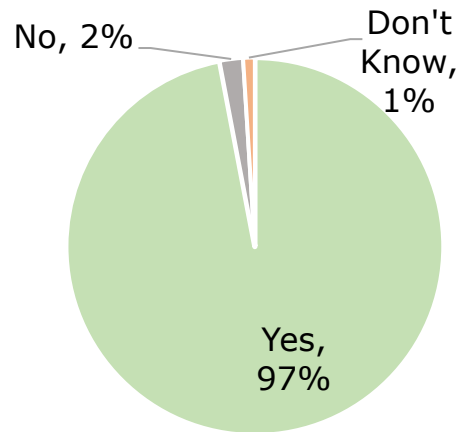


87% of those who claimed to have voted in the last election say they received their voter's card, compared to 54% of those who did not vote.

2.2 Voter card correct

*Was the information on your voter's card correct?
(Base – Received a voter card, n=482)*

Almost all (97%) of the sample who received a voter's card say the information on their card was correct.



2.3 Corrected voter card

Did you contact the City to correct or update your information prior to the election? (Base - Those who confirmed the information on the card they received was incorrect, n=10)

Ten eligible voters confirmed the information on their voter's card was incorrect. Among that group, four eligible voters called the City to correct the information.

2.4 Use of voterlookup.ca

*Did you use voterlookup.ca (online) to verify your information?
(Base - Full Sample)*

A little over 1 in 10 eligible voters (12%) visited voterlookup.ca. The balance did not visit or did not know what voterlookup.ca was (88%).

Those 18-44 years were more likely to have visited voterlookup.ca (20%), than those 45-64 years (6%) and those 65+ years (7%).

3.0 Voting process satisfaction

3.1 Voting method

Which of these voting methods did you use to cast your ballot for the 2022 Municipal Election? (Base - Those who voted, n=479)

The vast majority of those who claimed to have voted in the last Municipal Election did so in person on election day (70%), followed by those who voted at an advance poll location (28%), and a small number (2%) that voted by mail.

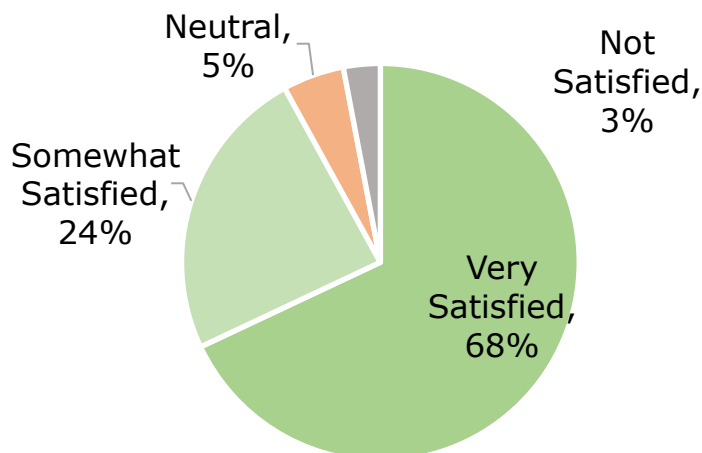
Voting Method	Total	Age 18-44	Age 45-64	Age 65+
Voted in person on election day	70%	79%	67%	63%
Voted in person at an advance poll location	28%	17%	32%	36%
Voted by mail	2%	4%	1%	1%

Voting at an advanced poll location was more likely to be older voters. 36% of those 65+ years who voted did so at an advance poll, followed by 32% of those 45-64 years, and 17% of those 18-44 years.

3.2 Voting experience satisfaction

Regardless of how you voted, how satisfied were you with the voting experience? (Base - Those who voted, n=479)

Overall, 92% of eligible voters who voted were satisfied with the experience, with 68% saying 'very' satisfied, and 24% saying 'somewhat' satisfied.



3.3 Voting experience dissatisfaction

Why were you not satisfied with your voting experience? (Base-Not satisfied with voting experience, n=13)¹

Those not satisfied with their voting experience primarily had some technical issues voting or had elections staff that were unable to help them with their questions.

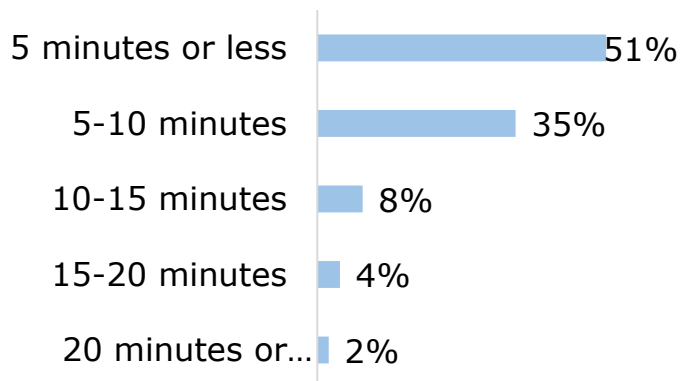
The responses were as follows, but please note the small sample size:

- technical issues
- elections staff were not helpful/knowledgeable
- did not receive a voters' card
- lack of parking
- time it took to vote
- challenges finding where to vote
- lack of signage

3.4 Voting process duration

From the time you arrived at the poll location, how long did it take you to vote? (Base - Those who voted in person, n=470)

86% of those who claimed to have voted in the last Municipal Election said that it took them 10 minutes or less to cast their vote, with half of those who voted (51%) saying it took five minutes or less.

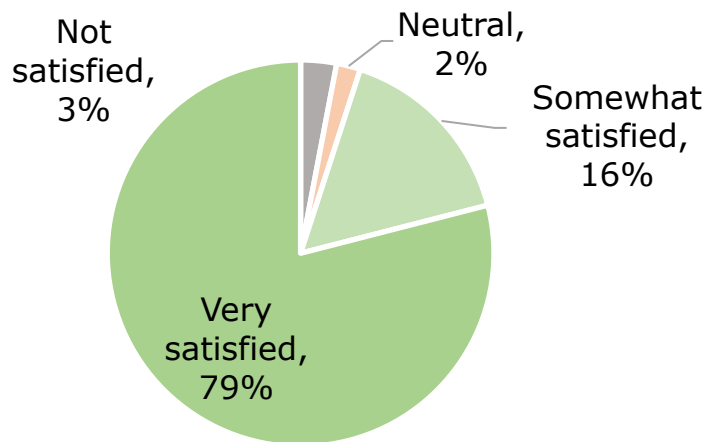


¹ CAUTION: Small sample size

3.5 Voting process duration satisfaction

*How do you feel about the time it took you to vote?
(Base - Those who voted in person, n=470)*

Almost everyone who claims to have voted in the last Municipal Election were satisfied with the time it took them to vote. Overall, 95% of those who voted say they are 'very' satisfied (79%) or 'somewhat' satisfied (16%).



3.6 Voting experience ratings

Based on your voting experience in the 2022 Hamilton Municipal Election, how would you rate the following? (Base - Those who voted in person, n=470)

Across all the variables, it is evident that eligible voters had a good experience when they went to vote in person.

Related to location, eligible voters found the hours convenient (82% strongly agreed), the location was easy to find (86% strongly agreed), the signage in the building was easy to follow (87%). Additionally, among those who drove, most found parking easy to find, and among those who noticed, the location seemed to be accessible.

Related to staff, election workers provided good service (90% strongly agreed), and election workers were knowledgeable (80% strongly agreed).

Eligible voters did not feel anxious or intimidated by going to vote in-person (89% strongly disagreed when asked if they felt intimidated).

	Strongly disagree	Somewhat disagree	Neutral	Somewhat agree	Strongly agree	Don't know
Voting location hours were convenient	1%	1%	3%	13%	82%	-
The voting location was easy to find	-	1%	1%	12%	86%	-
It was easy to find parking when I went to vote	2%	1%	7%	7%	68%	15%
Inside the building, the signage was helpful and easy to follow	-	1%	2%	10%	87%	-
Election workers provided good customer service	1%	1%	2%	6%	90%	-
Election workers were knowledgeable	1%	2%	4%	7%	80%	6%
Going to vote in-person I felt anxious or intimidated	89%	5%	2%	1%	3%	-
The voting location is or seemed to be accessible to those with mobility issues, hearing loss, vision loss, etc.	1%	1%	3%	16%	71%	8%

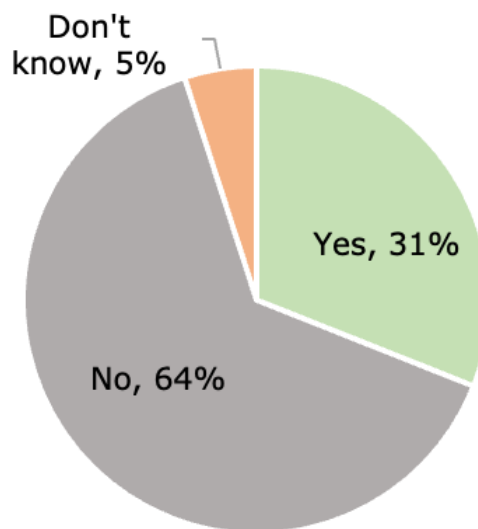
4.0 Internet Voting

4.1 Internet voting awareness

Have you heard of people in other communities being able to vote online using internet voting? (Base - Full Sample)

A little less than one-third of eligible voters (31%) were aware that internet voting is happening in other communities.

Those 65+ years were most likely to be aware of internet voting (40%, compared to those 45-64 years (34%), and those 18-44 years (23%).



4.2 Internet voting interest

How likely would you have been to use internet voting if it had been available in the last Hamilton municipal election? (Base - Full Sample)

Just over half (52%) of eligible voters in this survey would be 'very' likely (40%) or 'somewhat' likely (12%) to have used internet voting if it had been available in the last municipal election.

Those 18-44 years would be most likely to have used (66%), compared to those 45-64 years (48%), and those 65+ years (33%).

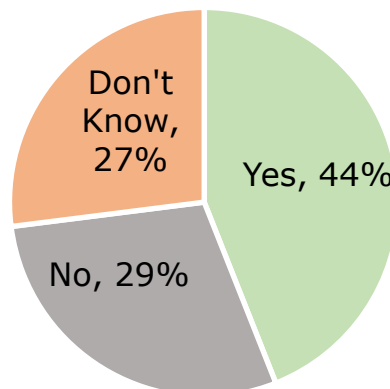
Those who did not vote in the last municipal election are more likely to say they would likely have used internet voting if it had been available (60%), compared to those who did vote (42%).

	Total	Age 18-44	Age 45-64	Age 65+
Very likely	40%	53%	37%	23%
Somewhat likely	12%	13%	11%	11%
Might/might not have used	11%	11%	13%	11%
Not very likely	12%	5%	16%	15%
Not likely at all	25%	18%	23%	40%

4.3 Internet voting safety

Do you believe that internet voting is safe and secure? (Base - Full Sample)

44% of the eligible voters in this survey feel that internet voting is safe and secure, compared to 29% who feel that it is not. The remaining eligible voters weren't sure if it is secure or not (27%).



4.4 Internet voting opinion

*Which of these best describes how you feel about whether Hamilton should add internet voting to the next municipal election in 2026?
(Base - Full Sample)*

There is support for using internet voting in future municipal elections, in total 83% feel it should be considered.

41% of eligible voters in this survey feel that Hamilton should consider internet voting and would use it to vote online in the future.

A further 42% say they are undecided about internet voting for themselves, but feel it should be considered for others to use.

	Total	Age 18-44	Age 45-64	Age 65+
Hamilton should not consider internet voting	17%	15%	14%	25%
Not sure I would use internet voting, but it should be considered so others can use it	42%	34%	47%	49%
Should definitely consider internet voting, and I would vote online	41%	51%	39%	26%

17% feel that Hamilton should not consider internet voting.

Both those who claim to have voted in the last election and those who say they did not are supportive of internet voting. Those who did not vote in the last election, however, were significantly more likely to say they would use internet voting in the future (59%) than those who did vote (36%).

There are differences by age group. Those 18-44 years are far more likely to say they definitely would consider Internet voting (51%) than those 45-64 years (39%) and those 65+ years (26%).

5.0 Communications

5.1 Municipal Election communication

How did you typically hear or see information about the 2022 Municipal Election? (Base - Full Sample)

	Total	18-44 years	45-64 years	65+ years
Postal mail	53%	47%	53%	56%
Local television stations	50%	37%	56%	63%
Local newspapers	32%	13%	35%	60%
Local radio stations	21%	27%	16%	20%
Other social media: Twitter, Facebook, Instagram, YouTube	20%	40%	15%	5%
Internet search engine	18%	28%	14%	10%
Word of mouth	15%	16%	15%	10%
City of Hamilton Elections Ambassadors	12%	8 %	14%	16%
City of Hamilton Elections Phone line	6%	3%	10%	7%
Lawn signs	5%	7%	5%	4%
City of Hamilton website (hamilton.ca)	4%	5%	4%	2%%
E-mail	2%	4%	1%	2%
City of Hamilton social media accounts	2%	5%	1%	1%
Magazine	1%	-	2%	1%

Traditional media was the primary source of information about the 2022 Municipal Election overall.

Over half (53%) received information in the regular mail, and from local television stations (50%).

Local newspapers were mentioned third most often (32%), and local radio stations fourth (21%).

There are differences by age group, following trends we see in other research.

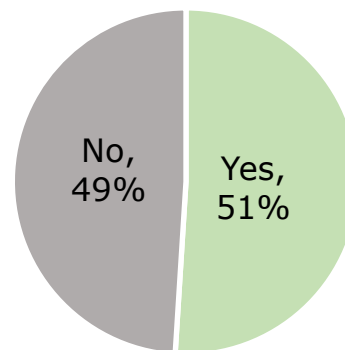
For those 18-44 years, postal mail was still the most mentioned source (47%), with social media second (40%), at the expense of television and local newspapers. The social media they consumed did not often come from the City of Hamilton social media accounts, at least not directly.

Conversely, local television stations were mentioned most for those 65+ years (63%) and local newspapers was second, (60%).

5.2 Municipal Election research

At any point, did you actively seek out information about the 2022 Municipal Election, such as candidate profiles, where to vote, advance polls, voting house, etc.? (Base - Full Sample)

The response was evenly split between those who did, and those who did not, actively seek out information about the 2022 Municipal Election.



Those who voted were far more likely to have sought information (57%) than those who did not (24%).

Those 18-44 years, perhaps being newer to an area and not sure who the candidates were, or where to vote, were most likely (62%), followed by those 45-64 years (48%), and those 65+ years (35%).

5.3 Information availability

How easy was it to find the following information about the 2022 Municipal Election? (Base - Those who actively sought election information, n=304)

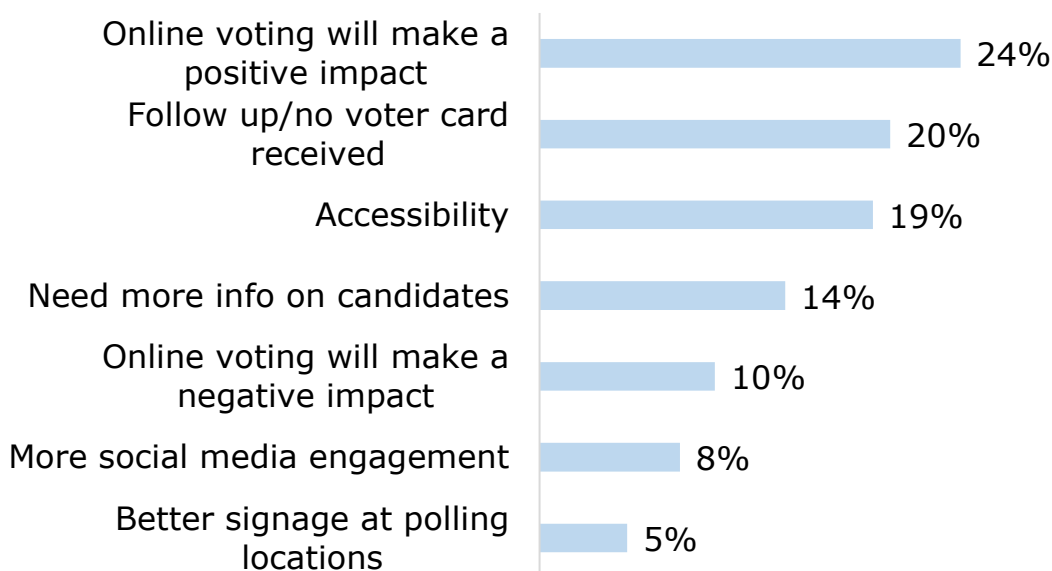
Overall, those who sought out information were able to find what they were looking for.

	Not easy	Neither easy/difficult	Some-what easy	Very easy	Don't know/doesn't apply
Voting dates and times	-	3%	16%	74%	6%
Voting locations	6%	12%	18%	64%	-
What to bring to a voting location	-	12%	20%	68%	-
Who the candidates were	-	6%	6%	88%	-

6.1 Additional Feedback

Do you have any additional feedback or suggestions for improvements to the experience of voting in the next Municipal Election? A positive experience, any challenges or barriers we haven't already covered, and so on. (Base - 148)

About one-quarter of eligible voters shared additional feedback. Mentioned most often was internet voting, both positive sentiment (24%), and negative sentiment (10%).



"When I was canvassing for 2022 Municipal election, I found it difficult to connect with newcomers to Canada, as well others who had recently moved to Hamilton. It would be good idea if a voting information night was held at schools or Town Halls so these people can get information and ask questions about anything to do with the voting process, the candidates, or the city."

"Internet voting would be a good idea, as long as it is nice and easy for seniors. Just give us the wards and the candidates, and don't make the process complicated. Also, please put pictures of the candidates so we know who is who. Lastly, I was surprised at the lack of advertisements for the election: I didn't know all the people running, and I was surprised that none of the candidates or representatives never bothered to come to my door."

"I thought the voting went very well, so I have no complaints. The location was close to home and it even had an elevator, which was great because my wife uses a walker."

"I'm happy with the voting process, because I've lived and voted in the same neighbourhood for 33 years, and I've never had a complaint."

Detailed Findings from Candidate Survey

1.0 Basic Information

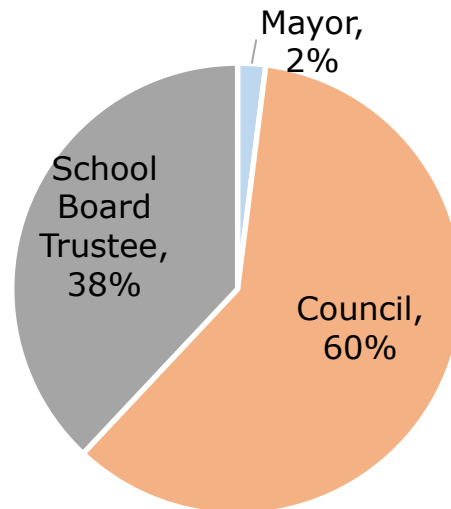
1.1 Candidate office

Which office were you a candidate for? (Base - Full sample)

60% of those who replied to the survey were a candidate for City Council, 38% for school board trustee, and 2% (1 respondent) was a candidate for mayor.

62% were running for office for the first time, 38% have run previously.

Within the group that had run for office in the past, 56% had run once or twice in the past, and 44% have run three or more times.



2.0 Nomination Period: Information, Education, Training events or activities

2.1 Candidate resources awareness

Which of these candidate resources were you aware of prior to the closing of nominations on August 19, 2022? (Base - Full Sample)

The top resources that candidates were aware of were the City of Hamilton website (88%), the candidates' portal (81%), and the Candidates' Information Session (79%).

After that, the Election Office by email (74%) or phone (71%). Working with the Election Office in-person or virtually is less (60%).

Resources outside the City of Hamilton received lower awareness, such as the Candidates Guide offered by the province (57%), external Candidates school (19%) or Municipal World (14%).

	Awareness	Usage
City of Hamilton website	88%	79%
Candidates' portal	81%	67%
Candidates' Information Session offered by the City of Hamilton	79%	43%
Election Office by email	74%	48%
Election Office by phone	71%	43%
City Sign By-law	71%	38%
Election Office Policies, Procedures and FAQs	67%	33%
Election office by in person or virtual meetings	60%	38%
Candidates' Guide, offered by the province of Ontario	57%	41%
Potential candidates school offered by another organization	19%	-
Municipal World tools and resources	14%	2%

Usage of these resources followed the pattern of awareness. 79% made use of the City of Hamilton website, 67% used the Candidates Portal, and 43% attended candidate information sessions offered by the City of Hamilton.

48% communicated with the Elections Office by email, 43% by phone, and 38% went in-person or had virtual meetings.

2.2 Candidate resources satisfaction

How satisfied were you with the information available from, or provided by, these resources? (Base - Those who say they used the individual resource in the previous question)

Candidates who made use of specific resources available from the City were asked how satisfied they were with them.

Overall, at least half of candidates were satisfied (very or somewhat) with every resource.

Highest satisfaction came from in-person/virtual meetings with the City Clerk’s office (81%), and email contact with the City Clerk’s office (70%).

	Used	Not satisfied at all	Not very satisfied	Neutral	Somewhat satisfied	Very satisfied
Candidates Portal or City of Hamilton website	67%	4%	25%	10%	36%	25%
Candidates Information session, offered by the City of Hamilton	43%	–	–	39%	39%	22%
City Clerk’s office by email	48%	–	15%	15%	25%	45%
City Clerk’s office by phone	43%	11%	5%	28%	17%	39%
Sign By-Law	38%	13%	12%	–	44%	31%
City Clerk’s office by in person or	38%	–	13%	6%	31%	50%

virtual meetings						
Election Office Policies, Procedures and FAQs	33%	21%	-	29%	29%	21%

3.0 Nomination Process

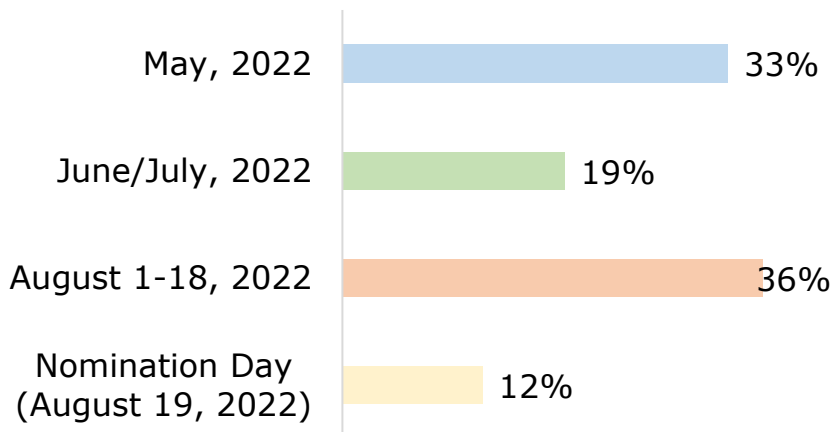
3.1 Registration date

When did you register your nomination? (Base - Full Sample)

About half (52%) of the candidates registered their nomination in the three months leading up to August, 2022.

36% registered in August, 2022 before nomination day.

Overall, only about 1 in 10 candidates (12%) registered on nomination day.



3.2 Registration ease of use

How easy or difficult was it for you to book an appointment to file your nomination? (Base - Full sample)

Most candidates said that booking an appointment to file their nomination was "very" or "somewhat" easy. Overall, 81% of those who filed prior to nomination said it was easy, and all of those who filed on nomination day said it was easy.

	Registration prior to nomination day (n=37)	Registration on nomination day (n=5)
Very easy	68%	80%
Somewhat easy	13%	20%
Neither difficult nor easy	16%	--
Somewhat difficult	3%	--
Very difficult	--	--

Only one person scored the ease of setting an appointment as "somewhat" or "very difficult". This candidate indicated there was some confusion about the dates and appointments at the outset that was eventually sorted out.

"They got the dates wrong. I seemingly had more information than they did about when the first appointment time was, and it took them a while to figure out what they were doing. Consequently, it created confusion amongst some candidates about the order of appointments. It was cleared up when it was revealed that appointments were happening concurrently."

3.3 Nomination information package

How did you know or find out what information you needed when you filed your nomination? (Base - Full Sample)

Candidates used two primary resources when discovering what information was needed to file their nomination. The City of Hamilton website was mentioned most often (62%), and the City Clerk's office (52%).

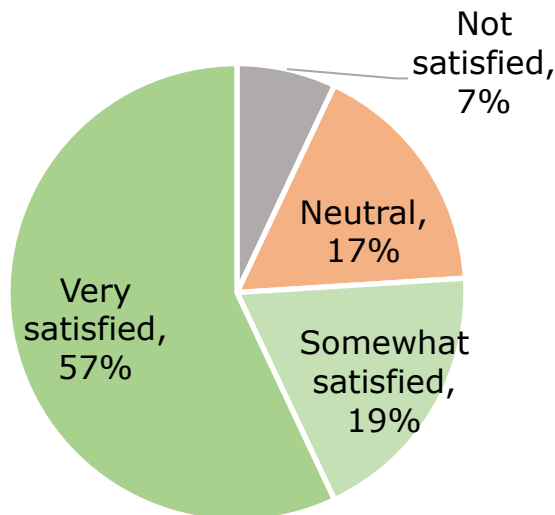
After that it was previous experience running for office (29%), a campaign assistant (24%), or the Candidates Guide offered by the province (26%).

City of Hamilton website	62%
City Clerk's office (phone, email, in person)	52%
Experience from a previous election	29%
Candidates Guide offered by the Province of Ontario	26%
From someone helping with my campaign	24%
Another candidate or previous candidate advised me	19%
Information obtained at candidate school or another related event	2%

3.4 Nomination filing satisfaction

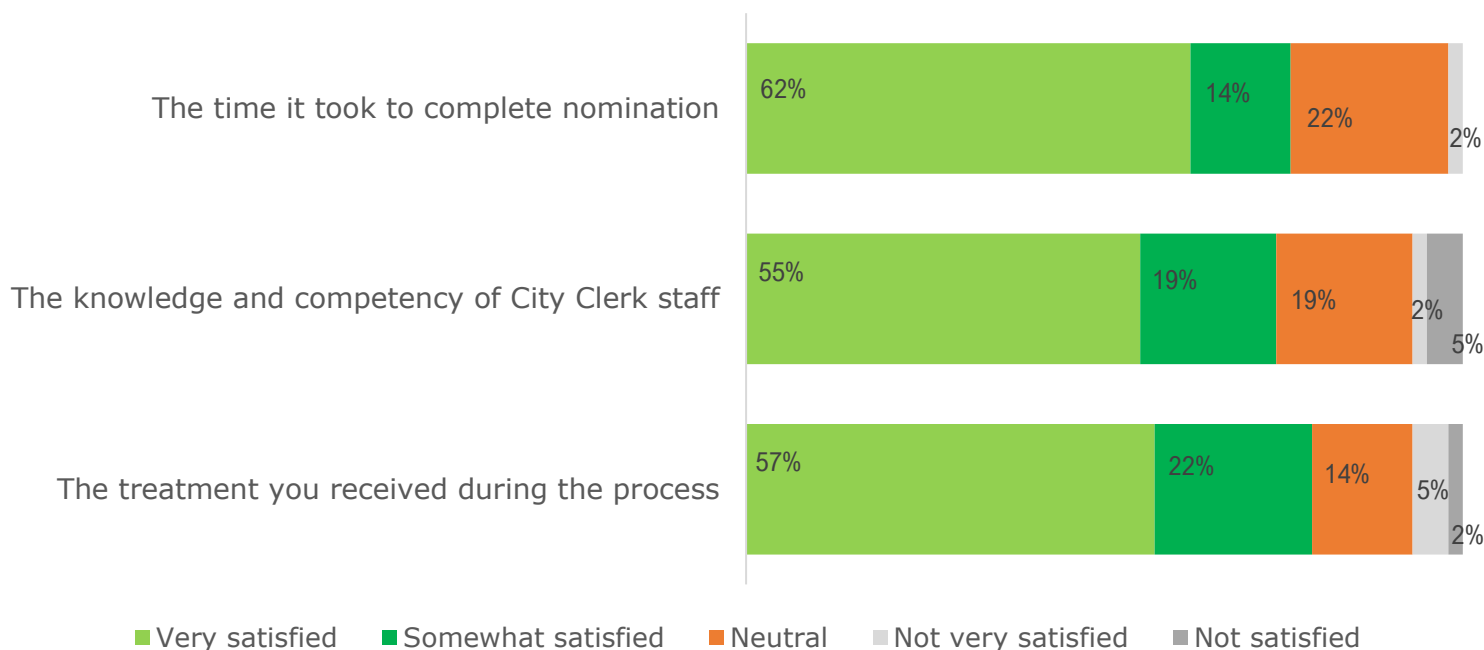
Overall, how satisfied would you say you were with the nomination filing process? (Base - Full Sample)

Candidates who answered this survey were for the most part satisfied with the nomination filing process. 76% were "very" or "somewhat" satisfied, compared to only 7% who were "not" satisfied.



3.5 Nomination process specifics

More specifically, how satisfied were you with the following parts of your nomination process? (Base - Full Sample)



Candidates were mostly satisfied (very or somewhat) with these three parts of the nomination process:

- 76% were satisfied with the time it took to complete the nomination
- 74% were satisfied with the knowledge and competency of City staff
- 79% were satisfied with the treatment/comfort they received

Out of 42 candidates who answered the survey, only one candidate (2%) needed a follow up appointment after their first nomination appointment.

4.0 - The Campaign

4.1 Candidates portal

What did you use the candidates portal for? (Base - Those who used the candidates portal, n=34)

About 4 in 5 candidates who completed a survey made use of the candidates portal (81%).

The two primary reasons mentioned in using the portal were to access policies and procedures (91%) and to review the voters list (85%). Keeping up with messages from the City was third (74%).

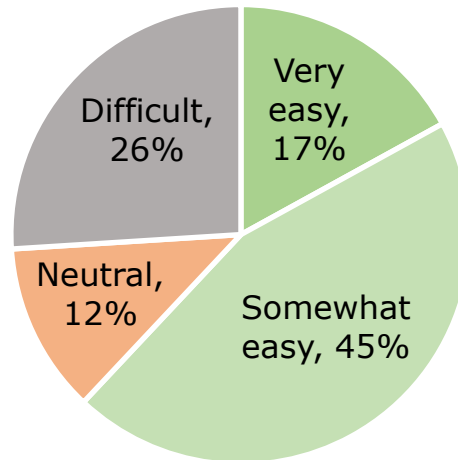
Accessing policies and procedures	91%
Reviewing the voters list	85%
Reading correspondence from the City, including maximum campaign expenses, FAQ documents, letters from the Clerk	74%
Reviewing legislation	65%
Accessing guides	59%
Tax base	3%

4.3 Candidates portal ease of use

How easy or difficult was it to find information on the candidates portal? (Base - Full Sample)

Just under two-thirds (62%) of the candidates who completed a survey say that finding information on the candidates' portal was "very" or "somewhat" easy.

12% were neutral, and 26% said it was "somewhat" or "very" difficult.



The 11 candidates who found the candidates portal difficult were asked what issues they had:

- 5 had trouble with site navigation and finding what they were looking for
- 4 had trouble getting the voters list - either during the campaign or on Election Day
- 3 had other technical issues, like logging in with what they considered a complex password

"Côté technologique, le portail était archaïque. La navigation n'était pas intuitive. Informations disponibles seulement en anglais. (On the technological side, the portal was archaic. Navigation was not intuitive. Information available only in English.)"

"Navigating the city's website was very difficult for me. It was too hard to find items and took too much time and sometimes material wasn't available. It was not clear when the portal was going to be deactivated."

"On election day the portal was useless. The idea that the candidate could get up to the minute updates on who voted just didn't happen."

4.5 Election administration issues

*What would you say were the most common election administration issues, **not campaign issues**, you heard about or faced while campaigning? (Base - Full Sample)*

	Voter information card not received	67%
The two primary election administration issues expressed by candidates who completed a survey were eligible voters who didn't receive a voter's card (67%), and eligible voters not aware of their polling location (55%).	Voter not aware of their vote/polling location	55%
	Voter not on the voters list	45%
	Voter needed information on "vote by mail" processes	43%
	Voter not aware of the election	31%
	Voter was unsure about municipal election issues	29%
The two secondary election administration issues were an eligible voter not being on the voters list (45%), and an eligible voter wanting information on how to vote by mail (43%). This last percentage is interesting, in that only 2% of eligible voters in the community survey claim to have voted by mail.	Voter not aware of the election dates	24%
	Not being allowed into apartment buildings or condominiums while campaigning	24%
	Campaign signs not placed appropriately	21%
	Complaints about accessible voting locations	19%
	Voter didn't know where to find information about the various candidates	12%
Two candidates made a comment about some confusion surrounding the vote for Catholic board trustees vs. public board trustees.	Voter didn't know how to get answers to their election questions	10%
	Other	6%

"Voters didn't know that you need to register for a specific English separate school board ballot to vote for a Catholic school board trustee, and were automatically given the public school board ballot instead of asking them which they'd like."

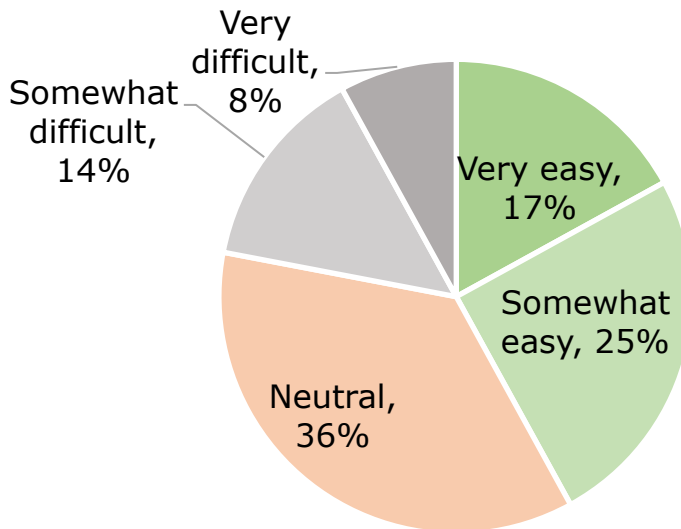
5.0 Voters List

5.1 Electronic voters list

How easy/difficult was it for you to access the electronic voters list prior to election/voting day? (Base - Those who received a voters list, n=36)

Most candidates who responded to this survey had received a copy of the voters list (86%).

Overall 42% found it 'very' or 'somewhat' easy, compared to 22% who found it 'somewhat' or 'very' difficult. The balance (36%) found it neither easy or difficult.



Among the eight candidates who found it difficult, the reasons varied from technology challenges, preferring printed vs. online, and that it wasn't really in a candidate friendly format. Some mention about the voters list not working properly on Election Day, so that candidates could see who had voted.

"The voting list was down the day of the election which made it difficult to keep track of who voted."

"The list was not in a candidate friendly format."

"I'm old school. Like the printed list."

"La liste des électeurs ayant voté n'était pas mise à jour rapidement. Le jour du vote, la liste a cessé d'être disponible en après-midi. La liste était erronée. Certains électeurs étaient indiqués comme étant francophone, mais ils ne comprenaient pas le Français. Certains électeurs étaient francophones et ne savaient pas qu'ils pouvaient voter pour les conseils scolaires francophones. Il faut mettre à jour la liste des électeurs en faisant une vérification générale. La sécurité de la liste des électeurs doit être améliorée pour protéger les gens à risque. (The list of electors who voted was not updated quickly. On the day of the vote, the list ceased to be available in the

afternoon. The list was wrong. Some voters were indicated as being French-speaking, but they did not understand French. Some voters were francophones and did not know they could vote for francophone school boards. The list of electors must be updated by doing a general verification. Voter list security needs to be improved to protect those at risk.”)

5.4 Electronic voters list issues

Did you experience any issues with the electronic voters list on election/voting day? (Base - Those who received a voters list, n=36)

Just over one-third of candidates in this survey (36%) had some issues with the electronic voters list on Election Day.

The issues were related to seeing who had or had not voted, to be able to focus efforts of the campaign team and volunteers.

“La liste a cessé de se mettre à jour. La dernière fois que j'y ai eu accès était vers midi. Lorsque j'ai demandé à obtenir une version à jour vers 16:30, je n'ai jamais eu de réponse. J'ai perdu mon temps à attendre le courriel qui n'a jamais été reçu, pour pouvoir imprimer la liste et concentrer les efforts de notre équipe sur les électeurs qui n'avaient pas encore voté. (The list stopped updating. The last time I had access to it was around noon. When I asked for an updated version around 4:30pm, I never got a response. I wasted my time waiting for the email that never arrived, so I could print the list and focus our team's efforts on those voters who hadn't yet voted.”)

“The election portal was not available on election day. The City had issues, this problem created an issue for candidates to get out the vote.”

“It wasn't accessible from 1pm onward and we never regained access to it again, at any point, in an electronic format. It made things very difficult for our campaign team.”

6.0 Polling Locations

6.1 Advance polls

*Based on your own experience or observations in the 2022 Hamilton Municipal Election, how would you rate the following at **advance** poll locations? (Base - Full Sample)*

Candidates mostly agreed with these statements. All received over 50% "agree" votes, except for the locations being accessible, where both the "neutral" and "don't know" percentages were higher than the other statements.

	Strongly disagree	Some-what disagree	Neither agree/disagree	Some-what agree	Strongly agree	Don't know/not applicable
Voting location hours were convenient	2%	7%	12%	43%	21%	14%
Voting locations were easy to find	5%	10%	14%	43%	21%	7%
Voting locations were convenient	10%	12%	12%	43%	14%	9%
Election workers provided good customer service	7%	12%	12%	21%	38%	10%
Election workers were knowledgeable	10%	12%	14%	24%	31%	9%
Advance voting locations seemed to be accessible	2%	5%	28%	19%	29%	17%

The voting process was easy	2%	12%	22%	21%	33%	10%
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6.2 Voting day

*Based on your own experience or observations in the 2022 Hamilton Municipal Election, how would you rate the following at poll locations on **October 24, 2022 voting day**? (Base - Full Sample)*

Candidates were even more in agreement related to each statement on voting day than they were on advance polling locations.

All statements except two exceeded 60% in agreement. There was some negative sentiment regarding the statement "Election workers were knowledgeable", where over a third of candidates (35%) disagreed with it.

	Strongly disagree	Some-what disagree	Neither agree/disagree	Some-what agree	Strongly agree	Don't know/not applicable
Voting location hours were convenient	5%	2%	10%	52%	31%	-
Voting locations were easy to find	5%	12%	7%	45%	31%	-
Voting locations were convenient	10%	12%	14%	38%	26%	-
Election workers provided good customer service	5%	9%	12%	24%	45%	5%
Election workers were	9%	26%	7%	24%	29%	5%

knowledgeable						
Voting locations seemed to be accessible	2%	10%	21%	21%	29%	17%
The voting process was easy	10%	7%	12%	26%	43%	2%

7.0 Election Office

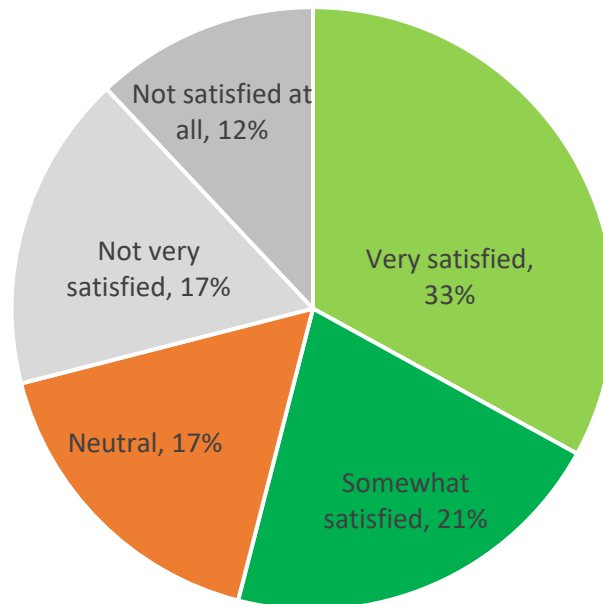
7.1 Contacting Election office

Did you contact (email, phone, or in person) the City of Hamilton Election office with a question/request about the election? (Base - Full Sample)

More than half (57%) of the candidates who responded to this survey needed to contact the City of Hamilton Election office, compared to 31% who did not, and 12% who weren't sure if they had or not.

7.2 Election office satisfaction

Overall, how satisfied were you with the answer you received, to your question, from the Election office? (Base - Contacted Election office, n=24)



Among the 24 candidates who contacted the Election office, 38% were satisfied with the answer they received, compared to 45% who were not satisfied. 17% were neutral.

Those not satisfied with the results were asked to expand on why, and the theme seems to be a perceived lack of knowledge and professionalism from the Election office staff.

"They did not have a good answer for why some of the voter cards were never received, also the confusion on Election Day results."

"The election office was not useful and very rude on election day. We called about the voters list not updating and they did not know what we were talking about. It took a while for them to realize it was an issue across the board."

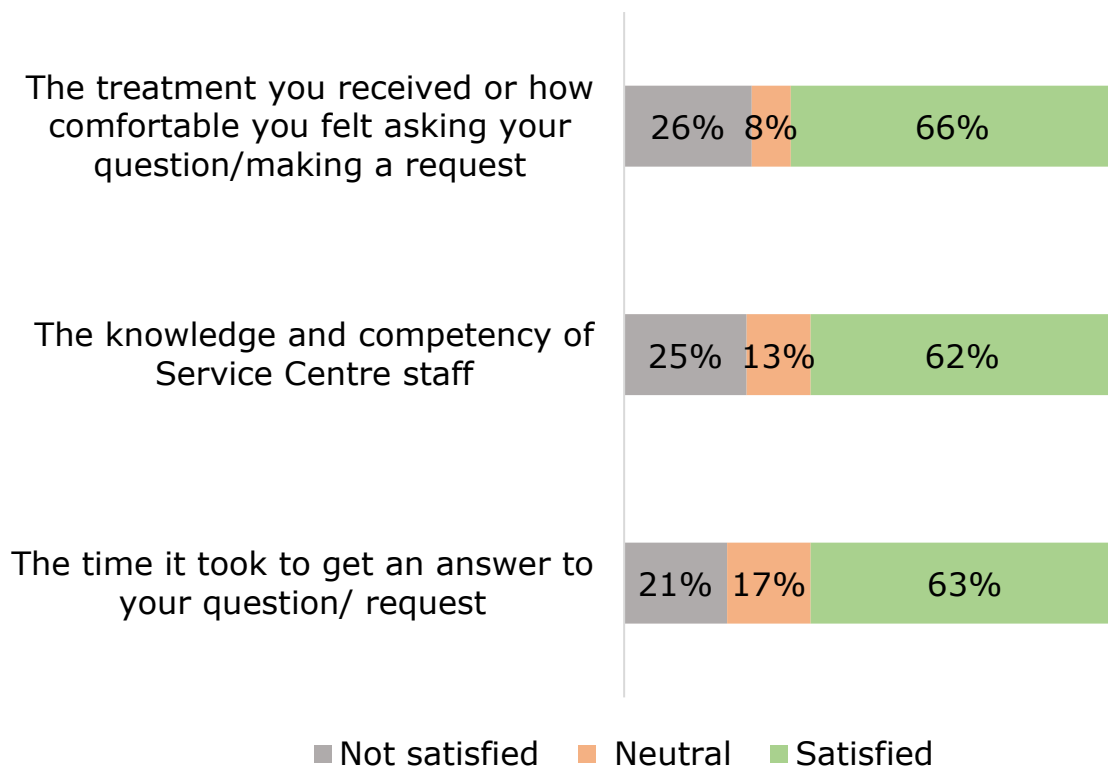
"There was inconsistency in answers, it was difficult to book an appointment at times because staff were too busy, simple or routine things were not fully thought through, and staff was generally off putting."

7.3 City Clerk's office satisfaction

More specifically, how satisfied were you with the following about your contact with the City Clerk's office? (Base - Contacted Election office, n=24)

Generally, about two-thirds (62%-66%) were satisfied with these three areas of their contact with the Election office, and 21%-26% were not satisfied.

A little over half (13 of 24 candidates in the survey) needed to escalate their question/request to another person.



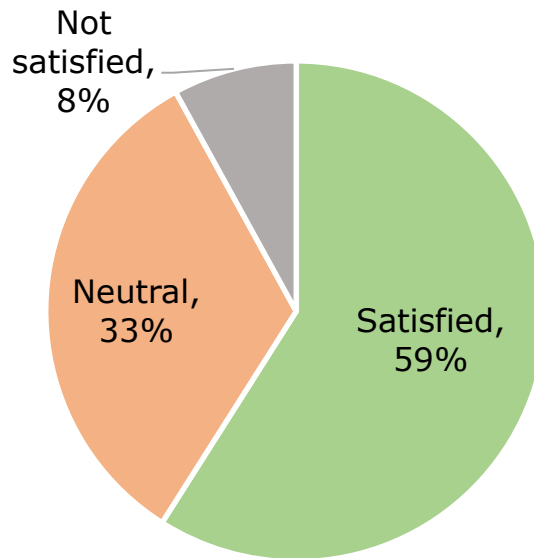
8.0 City of Hamilton Customer Service

8.1 Contact Centre/Municipal Services Centre

Did you contact the City of Hamilton's Customer Contact Centre (by email or phone), or the Municipal Services Centre (in person) with a question/request about the election? (Base - Full Sample)

7 in 10 (71%) of the candidates in this survey contacted the Customer Contact Centre or the Municipal Services Centre with a question/request about the election.

58% of those who made contact were satisfied (very or somewhat) with the response received, compared to 8% who were not very satisfied.²



² NOTE: Due to small sample, the 8% represents only one candidate

8.2 Satisfaction specifics

More specifically, how satisfied were you with the following about your contact with the Customer Contact Centre/Service Centre? (Base - Made contact, n=12)

Two-thirds of these candidates were satisfied with the knowledge and competency of the Service Centre staff (67%) and the treatment they received asking their question (66%).

50% were satisfied with the speed of getting an answer to their question.

Of the twelve candidates who made contact, seven had their question referred to the City Clerk’s office. Overall, three of the twelve needed to reach out more than once to get an answer to their question/request.



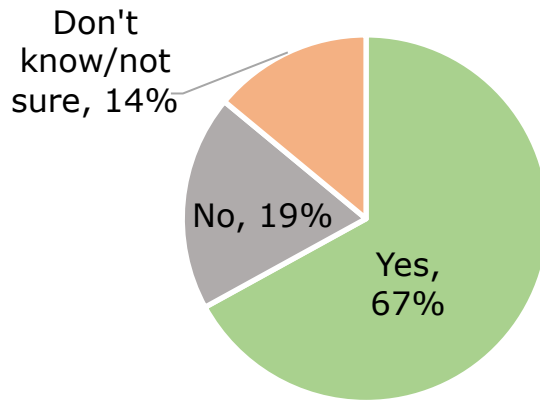
9.0 Voting options for the future

9.1 Voting by mail

Do you feel the City of Hamilton should continue to offer voting by mail? (Base - Full Sample)

Two-thirds feel that the City of Hamilton should continue to offer voting by mail (67%).

19% (about 1 in 5) feel that mail voting should be discontinued. A review of their responses as to why indicates a concern about fraud.



"Voting should be in person as anyone can fill out the form. Only if you are physically unable to come out should it be by mail."

"Can become a problem with honesty in who is actually making the vote."

"Not well organized. Too easy to "doctor" the vote."

14% were not sure.

9.2 Internet voting

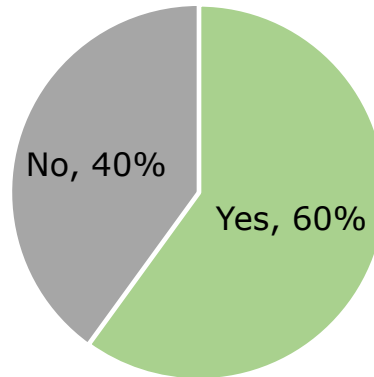
Awareness, trust (Base - Full Sample)

A little more than half (55%) of candidates who responded to the survey are aware of internet voting.

Whether aware of internet voting or not, 60% of the candidates feel that internet voting is safe and secure.

78% of those aware of internet voting is safe and secure, compared to 22% of those who were not previously aware, and 50% of those who weren't sure if they are aware or not.

Internet voting safe and secure?

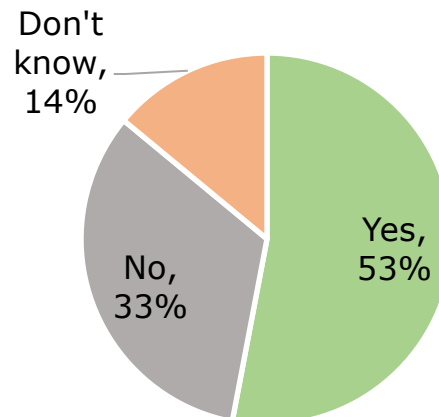


9.3 Internet voting in the future

Do you feel the City of Hamilton should add internet voting for future Municipal Elections? (Base - Full Sample)

53% of candidates in this survey feel that Hamilton should offer internet voting in the future. 84% of those who believe internet voting is safe and secure feel that it is a good idea, compared to 6% of those who do not feel it is safe and secure.

Those who feel that Hamilton should offer internet voting in the future allows better access, is more convenient, and could encourage younger eligible voters to vote.



"Anything to create more access to voters. There is absolutely no reason why we can't have people vote on their computers. People take exams online, do online banking, etc."

"Il est possible de voter en ligne en toute sécurité. Le problème sera de s'assurer que les systèmes de la Ville seront à la hauteur. --- It is possible to vote online in complete safety. The problem will be to ensure that the City's systems are up to the task."

"We need more civic involvement in the electoral process. Online voting has been used safely in jurisdictions across the globe, and we really need to give people more opportunities to have a voice."

Those who do not think Hamilton should offer internet voting are concerned about the potential for fraud, and a concern that it would make it harder for some members of the community to cast a vote.

"Voting is a privilege and should not be made to be too easy. Just high voting numbers is not the be all and end all."

"There are many residents in the City of Hamilton that do not have access to computers and the senior population for the most part are not comfortable and are unsure that their vote will be counted."

"I like the traditional way of voting, either in person or by mail. Using the internet could lead to hacks or manipulation of results."

10.1 Additional Feedback

Do you have any additional feedback or suggestions for improvements to the experience of voting in the next Municipal Election? A positive experience, any challenges or barriers we haven't already covered, and so on. (Base - Full Sample)

1	The office of the City Clerk was wrongly telling candidates that they had to produce more than the maximum number of signatures, was telling them to photocopy pages of the locked form, etc. The Ministry, however, was doing the opposite. This was "in case" one of the entries was incorrect, but that's not how the form works. The form is for nominations and they make the declaration, not the candidate. If they include incorrect information that's incorrect then they are held liable, not the candidate. This was very confusing and, frankly, incorrect. When it was brought to their attention, they eventually acknowledged it but did not change their practices or behaviour.
2	I took the time to book my appointment A man came in about 10 min into my paper work and demanded he be served The person rushed my paper work to appease this man my paper work was not filed properly I was called 2 days before cut off to come back down I have mobility issues I was given a 8:30 am appointment to go back down I had to wait for the doors to open after 8:30
3	Polling stations in the rural areas were poorly located and not very convenient geographically for convenience of seniors and the busy farmers at harvest time.
4	Few improvements needed. Communication was best I've experienced. As a Catholic board trustee, would be nice to have access to public board voters list as well. Lists are so outdated / inaccurate - this would help identify voters who appear on the wrong list and allow corrective action to be taken earlier in the process.
5	The city's website could be improved. Election and nomination process should be easier to locate and all in one place.
6	Emails were info-dense and a functional ability to add to calendar would be helpful. Also more times and dates if you miss and even recorded to review is helpful ahead during the election campaign from the first day May 2 up to nomination day for greater outreach and support for new candidates.

7	It was good but filing date was not well known
8	Running for trustee for the first time I wish there was more information on the little details like getting a bank account first before you make any purchases, information about sign and brochures, and other resources you can go to for information.

Appendix 1 – Detailed Research Methodology

This appendix provides details on the project methodology as summarized in Section 1 in the main report.

This study was conducted utilizing quantitative research methods.

Community Survey

600 telephone interviews were conducted between March 30th and April 21st, 2023. A random telephone survey of this size can be considered accurate to within +/- 4%, 19 times out of 20 (95% confidence interval). This was based on a household sample (i.e., only one response per household).

The survey lasted about 5-7 minutes. To qualify, eligible voters were:

- 18 years and older,
- a full-time resident of the City of Hamilton, and
- were eligible to vote in the 2022 Hamilton Municipal Election.

Surveys were conducted via landlines and mobile phones. Approximately 58% of surveys were conducted via mobile phone to help reach those who do not have a landline. A copy of the survey questionnaires (in English and French) can be found in Appendix 3 and 4.

Data was weighted to be reflective of the population of the City of Hamilton based on 2021 Census data from Statistics Canada.

Postal code data was used to map eligible voter home location to Ward. All wards were represented in some form.

NOTE: A mirror survey was made available to the Office of the Auditor General office to provide to any eligible voters who wanted to share feedback. The phone survey results cannot be directly compared to online survey results due to the differences in survey methodology, sample size, and respondent profile. A summary of the online results is included as Appendix 2.

Candidate Survey

Contact information for the 150 candidates for Mayor, City Council, and School Board Trustee were provided. All these candidates received an email invitation to complete an online survey about the process they went through/observed. Candidates were sent up to three other reminders (total four attempts) to complete a survey.

In total, nine of these 150 email addresses bounced back. Attempts were made to reach these candidates by phone. Two former candidates confirmed their email address and had a survey invite re-sent. The others were left a few voicemail messages without reply, or their phone number was not in service.

A total of 42 candidates returned completed surveys.

Appendix 2 - Summary of online version of Community Survey

In total, 62 eligible voters completed an online survey. These results cannot be combined with, or compared with, the telephone survey due to the self-selected, non-representative method used to collect the data. Highlights of the findings for this group include:

- 96% (60 of 62) voted in the last municipal election.
 - 55% on election day
 - 38% in advance polls
 - 7% (4 people) voted by mail
- 83% received their voter card, and within that group, 82% said the information on their voter card was correct.
- About a third (32%) used voterlookup.ca
- Voting experience (among those who voted)
 - 83% were 'very' or 'somewhat' satisfied with their voting experience, regardless of the method they used to vote, compared to 8% who were not satisfied
 - 77% of those who voted in-person said it took less than 10 minutes
 - 87% of those who voted in person were 'very' or 'somewhat' satisfied with the time it took to vote
- Internet voting
 - 54% were aware of internet voting, and 64% say they would have been at least somewhat likely to have voted online in the last election if that had been an option for them. As with the telephone survey, those 18-44 years and 45-64 years are most likely to say they would have used internet voting.
 - 48% believe that internet voting is safe and secure, compared to 11% who believe it is not.
 - About half (49%) feel internet voting should be added for the future. 33% may or may not use it, but think it should be considered for other eligible voters, and 18% feel Hamilton should not consider internet voting.

Appendix 3 – Community Survey (English & French)

Hello, my name is..., from Metroline Research Group, a national marketing research company. We are conducting a survey about the 2022 Municipal Election process for the Auditor General of the City of Hamilton. The survey will take about 10 minutes to complete.

Your feedback is invaluable to improving the voter experience in the City of Hamilton's future municipal elections.

Under the Municipal Elections Act, the City Clerk is responsible for ensuring that elections are fair and accessible to all voters.

Feedback provided for this 'Voter Experience Survey' is collected under Section 227 of the Municipal Act, 2001. Any personal information collected for the 'Voter Experience Survey' will be analyzed to by the Office of the Auditor General to review policy, public outreach, and communication for the 2022 City of Hamilton Municipal Election. Information collected for this initiative may be inputted electronically and stored on servers located in Canada and may be subject to Canadian laws. Questions about the collection of this personal information can be directed to the Deputy Auditor General at 905-546-2489 Ext. 3107.

S1. First of all, can I confirm you live in the City of Hamilton?

Yes
No – TERMINATE

S2. Were you eligible to vote in the 2022 Municipal Election in the City of Hamilton?

Yes – GO TO S4.
No - TERMINATE
Don't know – GO TO S3.

S3. You would have been eligible to vote if in October, 2022 you were a Canadian citizen, were 18 years and older, and either lived in Hamilton or lived elsewhere but owned property in Hamilton.

Having heard that definition or information, would you have been eligible to vote in the 2022 Municipal Election held on October 24th?

Yes
No – TERMINATE

S4. What is your postal code?

Show drop down list

S5. What is your age?

Response options (choose one):

- Under 18 - TERMINATE
- 18 to 24
- 25 to 29
- 30 to 34
- 35 to 44
- 45 to 54
- 55 to 64
- 65 or older

SECTION 1 – VOTER OR NOT

1.1 Did you vote in the October 2022 Municipal Election in Hamilton?

Yes

No

1.2 Why didn't you vote in the 2022 Municipal Election in Hamilton?

Did not know there was an election

Forgot on the day of the election

Was out of town during the election

Was away at school during the election

Did not believe my vote would make any difference

Did not follow municipal politics/did not know the issues

Not familiar with any candidates

School Board issues are of no interest to me

Didn't care/bother

Couldn't get out of work

Didn't know how or where to vote

Other _____

SECTION 2 – VOTERS LIST

2.1 Whether you voted or not, did you receive a voter's card in the mail to vote in the 2022 Municipal Election?

Yes
No/don't remember

2.2 Was the information on your voter's card correct?

Yes
No/don't remember

2.3 Did you contact the City to correct or update your information prior to the election?

Yes
No

2.4 Did you use voterlookup.ca (online) to verify your information?

Yes
No
Don't know what that is/don't remember

SECTION 3 – VOTING PROCESS SATISFACTION

Ask this section if 1.1=1, in other words everyone in this section will have voted in the election.

Next, we'll ask you some questions related to your voting experience. Please note we are referring to the process you went through to vote, **NOT** the candidates in the election.

3.1 Which of these voting methods did you use to cast your ballot for the 2022 Municipal Election?

- Voted in person on election day
- Voted in person at an advance poll location
- Voted by mail
- Other _____ (specify)

3.2 Regardless of how you voted, how satisfied were you with the voting experience?

- Very satisfied
- Somewhat satisfied
- Neither satisfied or unsatisfied
- Not very satisfied
- Not satisfied at all

3.3 Why were you not satisfied with your voting experience?

Did not receive a voters card
Wasn't sure where to go/had a hard time locating my poll location
Lack of signage
Lack of parking
The time it took/waited in line
Technical issues
The hours were not convenient
The staff were not helpful/knowledgeable
Other _____

3.4 From the time you arrived at the poll location, how long did it take you to vote?

5 minutes or less
5-10 minutes
10-15 minutes
15-20 minutes
20 minutes or more

3.5 And, how do you feel about the time it took you to vote?

- Very satisfied
- Somewhat satisfied
- Neither satisfied or unsatisfied
- Not very satisfied
- Not satisfied at all

3.6 Based on your voting experience in the 2022 Hamilton Municipal Election, how would you rate the following?

Response: Grid format, response codes 5-point agree/disagree scale, plus don't know/not applicable

Voting location hours were convenient

The voting location was easy to find

It was easy to find parking when I went to vote

Inside the building, the signage was helpful and easy to follow

Election workers provided good customer service

Election workers were knowledgeable

Going to vote in-person I felt anxious or intimidated

The voting location is or seemed to be accessible to those with mobility issues, hearing loss, vision loss, etc.

SECTION 4 – INTERNET VOTING

4.1 Have you heard of people in other communities being able to vote online using Internet voting?

Yes

No

Don't know

4.2 How likely would you have been to use Internet voting if it had been available in the last Hamilton municipal election?

Very likely

Somewhat likely

Might or might not have used

Not very likely

Not likely at all

4.3 Do you believe that Internet voting is safe and secure?

Yes

No

Don't know

4.4 Which of these best describes how you feel about whether Hamilton should add Internet voting for the next municipal election in 2026?

Should definitely consider Internet voting, and I would vote online

Not sure I would use Internet voting, but it should be considered so others can use it

Hamilton should not consider Internet voting

SECTION 5 - COMMUNICATIONS

5.1 How did you typically hear or see information about the 2022 Municipal Election?

- E-mail (e.g. digital newsletters)
- Postal Mail
- Social media: Twitter, Facebook, Instagram, YouTube
- City of Hamilton website (hamilton.ca)
- City of Hamilton social media accounts
- City of Hamilton Elections phone line
- City of Hamilton Elections Ambassadors
- In person at Municipal Service Centres or City Hall
- Local Radio Station
(e.g. FM 102.9 Bounce, FM CHML 900, Energy 95.3)
- Local Television Stations
(e.g. CHCH, Cable 14)
- Local Newspaper
(e.g. The Hamilton Spectator, Dundas Star News, Flamborough Review, Hamilton Mountain News, Stoney Creek News, Glanbrook Gazette, Bay Observer, Sachem.ca)
- Magazine (e.g. View, Snapd Hamilton, Hamilton Recreation Guide)
- Internet search engine
(e.g. Google, Bing)
- Other - please specify

5.2 At any point, did you actively seek out information about the 2022 Municipal Election, such as candidate profiles, where to vote, advance polls, voting hours, etc.?

- Yes
- No

5.3 How easy was it to find the following information about the 2022 Municipal Election?

Response - Grid format, response codes very easy, somewhat easy, neither easy or difficult, not very easy, not easy at all, then a don't know/not applicable.

- Voting date and time
- Voting locations
- What to bring to a voting location
- Who the candidates were

6.1 Do you have any additional feedback or suggestions for improvements to the experience of voting in the next Municipal Election? A positive experience, any challenges or barriers we haven't already covered, and so on.

Bonjour, mon nom est..., de Metroline Research Group, une société nationale de recherche en marketing. Nous menons un sondage sur le processus des élections municipales de 2022 pour le vérificateur général de la Ville de Hamilton. Le sondage prendra environ 10 minutes.

Vos commentaires sont importants pour améliorer l'expérience des électeurs lors des futures élections municipales de la ville de Hamilton.

En vertu de la Loi sur les élections municipales, le greffier municipal est chargé de veiller à ce que les élections soient équitables et accessibles à tous les électeurs.

Les commentaires fournis dans le cadre de ce « sondage sur l'expérience des électeurs » sont recueillis en vertu de l'article 227 de la Loi de 2001 sur les municipalités. Tous les renseignements personnels recueillis dans le cadre du « Sondage sur l'expérience des électeurs » seront analysés par le Bureau du vérificateur général afin d'examiner les politiques, la sensibilisation du public et la communication pour l'élection municipale de 2022 dans la ville de Hamilton. Les renseignements recueillis dans le cadre de cette initiative peuvent être entrés électroniquement et stockés sur des serveurs situés au Canada et peuvent être assujettis aux lois canadiennes. Les questions concernant la collecte de ces renseignements personnels peuvent être adressées au sous-vérificateur général au 905-546-2489, poste 3107.

S1. Tout d'abord, puis-je confirmer que vous vivez dans la ville de Hamilton?

Oui
Non – TERMINER

S2. Avez-vous le droit de voter aux élections municipales de 2022 dans la ville de Hamilton?

Oui – PASSEZ À S4.
Non - TERMINER
Je ne sais pas - ALLEZ À S3.

S3 Vous auriez eu le droit de voter si , en octobre 2022, vous aviez été citoyen canadien, si vous aviez 18 ans et plus, et vivait à Hamilton ou vivait ailleurs, mais possédait une propriété à Hamilton.

Selon cette définition, auriez-vous eu le droit de voter dans les élections municipales de 2022 tenues le 24 octobre?

Oui
Non – TERMINER

S4. Quel est votre code postal?

S5. Quel âge avez-vous?

Moins de 18 ans - TERMINER

18 à 24 ans

25 à 29 ans

30 à 34 ans

35 à 44 ans

45 à 54 ans

55 à 64 ans

65 ans ou plus

SECTION 1 – ÉLECTEUR OU NON

1.2 Avez-vous voté aux élections municipales d'octobre 2022 à Hamilton?

Oui

Non

1.2 Pourquoi n'avez-vous pas voté aux élections municipales de 2022 à Hamilton?

Je ne savais pas qu'il y avait des élections

Oublié le jour de l'élection

J'étais à l'extérieur de la ville pendant l'élection

J'étais absent de l'école pendant l'élection

Je ne croyais pas que mon vote ferait une différence

Je n'ai pas suivi la politique municipale/ne connaissais pas les enjeux

Je ne connais aucun candidat

Les questions soulevées par le conseil scolaire ne m'intéressent pas

Ça ne m'intéressait pas

Je ne pouvais pas sortir du travail

Je ne savais pas comment ni où voter

Autres _____

SECTION 2 – LISTE ÉLECTORALE

2.1 Que vous ayez voté ou non, avez-vous reçu une carte d'électeur par la poste pour voter dans l'élection municipale de 2022?

Oui
Non/ne me souviens pas

2.2 Les renseignements sur votre carte d'électeur étaient-ils exacts?

Oui
Non/ne me souviens pas

2.3 Avez-vous communiqué avec la Ville pour corriger ou mettre à jour vos renseignements avant l'élection?

Oui
Non

2.4 Avez-vous utilisé voterlookup.ca (en ligne) pour vérifier vos renseignements?

Oui
Non
Je ne sais pas ce que c'est / je ne me souviens pas

SECTION 3 – SATISFACTION À L'ÉGARD DU PROCESSUS DE VOTE

Les prochaines questions portent sur votre expérience de vote. Veuillez noter que nous faisons référence au processus que vous avez suivi pour voter, **PAS** aux candidats à l'élection.

3.1 Laquelle de ces méthodes de vote avez-vous utilisées pour voter pour l'élection municipale de 2022?

- J'ai voté en personne le jour de l'élection
- J'ai voté en personne à un bureau de vote par anticipation
- J'ai voté par la poste
- Autre (veuillez préciser) :

3.2 Peu importe la façon dont vous avez voté, dans quelle mesure étiez-vous satisfait de l'expérience de vote?

- Très satisfait
- Plutôt satisfait
- Ni satisfait ni insatisfait
- Pas très satisfait
- Pas du tout satisfait

3.3 Pourquoi n'étiez-vous pas satisfait de votre expérience de vote?

Je n'ai pas reçu de carte d'électeur

Je ne savais pas où aller / j'ai eu du mal à trouver mon bureau de vote

Absence de signalisation

Manque de stationnement

J'ai dû attendre longtemps

Problèmes techniques

Les heures n'étaient pas pratiques

Le personnel n'était pas serviable ou bien informé

Autres _____

3.4 À partir du moment où vous êtes arrivé au bureau de scrutin, combien de temps vous a-t-il fallu pour voter?

5 minutes ou moins

5-10 minutes

10-15 minutes

15-20 minutes

20 minutes ou plus

3.5 Que pensez-vous du temps qu'il vous a fallu pour voter?

- Très satisfait
- Plutôt satisfait
- Ni satisfait ni insatisfait
- Pas très satisfait
- Pas du tout satisfait

3.6 D'après votre expérience de vote aux élections municipales de Hamilton de 2022, comment évalueriez-vous les choses suivantes?

Tout à fait en désaccord

Assez en désaccord

Ni en accord ni en désaccord

Assez en accord

Tout à fait en accord

Les heures d'ouverture du lieu de vote étaient pratiques

Le lieu de vote était facile à trouver

Il était facile de trouver un parking quand je suis allé voter

À l'intérieur du bâtiment, la signalisation était utile et facile à suivre

Les travailleurs électoraux ont fourni un bon service à la clientèle

Les travailleurs électoraux étaient bien informés

En allant voter en personne, je me sentais anxieux ou intimidé

Le lieu de vote était ou semblait être accessible aux personnes ayant des problèmes de mobilité, une perte auditive, perte de vision, etc.

SECTION 4 – VOTE PAR INTERNET

4.1 Avez-vous entendu parler de gens dans d'autres collectivités qui peuvent voter en ligne en utilisant le vote par Internet?

Oui
Non
Je ne sais pas

4.2 Quelle aurait été la probabilité que vous utilisiez le vote par Internet s'il avait été disponible lors de la dernière élection municipale de Hamilton?

Très probable
Assez probable
Incertain(e)
Assez peu probable
Très peu probable

4.3 Croyez-vous que le vote par Internet soit sécurisé?

Oui
Non
Je ne sais pas

4.4 Quel énoncé décrit le mieux ce que vous pensez de la question à savoir si Hamilton devrait ajouter offrir le vote électronique à la prochaine élection municipale en 2026?

- Hamilton devrait certainement envisager le vote par Internet, et je voterais en ligne
- Je ne suis pas certain(e) que j'utiliserais le vote électronique, mais il devrait être considéré afin que d'autres puissent l'utiliser
- Hamilton ne devrait pas envisager le vote par Internet

SECTION 5 - COMMUNICATIONS

5.1 Comment avez-vous généralement entendu ou vu de l'information sur les élections municipales de 2022?

- Courriel (p. ex. bulletins d'information numériques)
- Poste
- Médias sociaux : Twitter, Facebook, Instagram, YouTube
- Site Web de la Ville de Hamilton (hamilton.ca)
- Comptes de médias sociaux de la Ville de Hamilton
- Ligne téléphonique sur les élections de la Ville de Hamilton
- Ambassadeurs des élections de la Ville de Hamilton
- En personne, aux centres de services municipaux ou à l'hôtel de ville
- Station de radio locale
(p. ex. FM 102,9 Bounce, FM CHML 900, Energy 95,3)
- Stations de télévision locales
(p. ex. CHCH, câble 14)
- Journal local
(p. ex. The Hamilton Spectator, Dundas Star News, Flamborough Review, Hamilton Mountain News, Stoney Creek News, Glanbrook Gazette, Bay Observer, Schem.ca)
- Magazine (p. ex. View, Snapd Hamilton, Hamilton Recreation Guide)
- Moteur de recherche Internet
(p. ex. Google, Bing)
- Autre - veuillez préciser

5.2 Est-ce qu'il y a eu un moment où vous avez activement cherché des informations sur les élections municipales de 2022 (p. ex. les profils des candidats, où voter, les bureaux de vote par anticipation, les heures de vote, etc.?)

Oui

Non

5.3 A-t-il été facile de trouver les renseignements suivants sur les élections municipales de 2022?

- Très facile
- Assez facile
- Ni facile ni difficile
- Assez difficile
- Très difficile
- Je ne sais pas / ne s'applique pas

- Date et heure du vote
- Lieux de vote
- Ce qu'il faut apporter à un lieu de vote
- Qui étaient les candidats

6.1 Avez-vous d'autres commentaires ou suggestions pour améliorer l'expérience de vote aux prochaines élections municipales? Y a-t-il des défis ou des obstacles qui n'ont pas été couverts dans ce questionnaire?

Appendix 4 – Candidate Survey Questionnaire (English & French)

Thank you for taking the time to complete this survey. Your feedback is invaluable to improving the services provided to candidates for any future municipal experience. The survey will take approximately 15-20 minutes to complete, and is sponsored by Office of the Auditor General at the City of Hamilton.

Under the Municipal Elections Act, the City Clerk is responsible for ensuring that elections are fair and accessible to all voters.

Collection of information statement/ purpose of the survey

Responses collected for the 2022 are collected under Section 227 of the Municipal Act, 2001. Any personal information collected for the 2022 Candidate Survey' will be analyzed to inform the Elections Administration Audit to make recommendations for the 2026 City of Hamilton Municipal Election. Information collected for this initiative may be inputted electronically and stored on servers located in Canada and may be subject to Canadian laws. Questions about the collection of this personal information can be directed to the Deputy Auditor General (Brigitte.Minard@hamilton.ca).

Section 1 – Basic information

1.1 Which office were you a candidate for?

Mayor
Council
School Board Trustee

1.2 Was this your first time running for office in a municipal and/or school board trustee election?

Yes
No

1.3 How many other times have you run for office in a municipal and/or school board trustee election?

Section 2 – Nomination Period: Information, Education, Training events or activities

2.1 Which of these candidate resources were you **AWARE** of prior to the closing of nominations on August 19, 2022? SELECT ALL THAT APPLY.

- Candidates Information Session offered by the City of Hamilton
- Potential candidates school offered by another organizations, for example Association of Municipalities of Ontario (AMO), Women’s Campaign School, Municipal World, another municipal jurisdiction
- Candidates Portal
- City of Hamilton website
- Election office by email
- Election office by phone
- Election office by in person or virtual meetings
- Election Office Policies, Procedures and FAQs
- City Sign By-Law
- Candidates Guide, offered by the province of Ontario
- Municipal World tools and resources

2.1 Which of these candidate resources did you use prior to the closing of nominations on August 19, 2022? SELECT ALL THAT APPLY.

- Candidates Information Session offered by the City of Hamilton
- Potential candidates school offered by another organizations, for example Association of Municipalities of Ontario (AMO), Women’s Campaign School, Municipal World, another municipal jurisdiction
- Candidates Portal
- City of Hamilton website
- Election office by email
- Election office by phone
- Election office by in person or virtual meetings
- Election Office Policies, Procedures and FAQs
- City Sign By-Law
- Candidates Guide, offered by the province of Ontario
- Municipal World tools and resources
- Other _____

2.3 How satisfied were you with the information available from, or provided by, these resources?
Response - Grid format – 5 point satisfaction scale

- Candidates information session, offered by the City of Hamilton
- Candidates Portal or City of Hamilton website
- City Clerk’s office by email
- City Clerk’s office by phone
- City Clerk’s office by in person or virtual meetings
- Election Office Policies, Procedures and FAQs
- Sign By-Law

Section 3 – Nomination Process

3.1 When did you register your nomination?

May, 2022

June, 2022

July, 2022

August 1-18, 2022 (prior to nomination day)

August 19, 2022 (nomination day)

3.2 How easy or difficult was it for you to book an appointment to file your nomination?

Very easy

Somewhat easy

Neither difficult or easy

Somewhat difficult

Very difficult

3.3 What did you find difficult about the process of booking your appointment?

3.4 How easy or difficult was it for you to file your nomination on August 19th?

Very easy

Somewhat easy

Neither difficult or easy

Somewhat difficult

Very difficult

3.5 What did you find difficult about the nomination process on Nomination Day?

3.6 The package of information/forms required to file your nomination included the following information among others:

- The nomination form
- Your qualifications
- Candidate identification
- 25 or more endorsements (if you ran for Mayor or Councillor)
- Payment

How did you know or find out what information you needed when you filed your nomination?

- City of Hamilton website
- City Clerk's office (phone, email, or in person)
- Information obtained at candidate school or other related event
- From someone helping with my campaign
- Another candidate or previous candidate advised me
- Experience from a previous election
- Candidates Guide offered by the Province of Ontario
- Other _____

3.7 Overall, how satisfied would you say you were with the nomination filing process?

- Very satisfied
- Somewhat satisfied
- Neither satisfied or unsatisfied
- Not very satisfied
- Not satisfied at all

3.8 What comments or concerns, or suggestions for improvement do you have about the nomination filing process?

3.9 More specifically, how satisfied were you with the following parts of your nomination process:
Response - Grid format – 5-point satisfaction scale

- The time it took to complete your nomination
- The knowledge and competency of City Clerk staff helping you to complete the nomination process
- The treatment/comfort you received during the nomination process

3.10 Did you need to come back for another meeting because your nomination could not be completed during the nomination appointment?

Yes
No

Section 4 – The Campaign

4.1 During your campaign, did you make use of the candidates portal offered by the City of Hamilton?

Yes
No
Don't remember

4.2 What did you use the candidate's portal for?

Accessing Policies and Procedures

- Reviewing Legislation
- Reviewing the voters list
- Reading correspondence from the City, including maximum campaign expenses, FAQ documents, letters from the Clerk
- Accessing Guides
- - other

4.3 How easy or difficult was it to find information on the candidates portal?

Very easy
Somewhat easy
Neither easy or difficult
Somewhat difficult
Very difficult

4.4 What did you find difficult about finding information?

4.5 What would you say were the most common election administration issues, **NOT campaign issues**, you heard about or faced while campaigning? SELECT UP TO FIVE

- voter not aware of the election
- voter not on the voters list
- Voter needed information on "vote by mail" processes.
- Voter information card not received
- Voter not aware of their vote/polling location
- Voter not aware of the election dates
- Campaign signs not placed appropriately.
- Complaints about accessible voting locations.
- Voter was unsure about municipal election issues
- Voter did know where to find information about the various candidates
- Voter did know how to get answers to their election questions
- Not being allowed into apartment buildings or condominiums while campaigning
- Other _____

Section 5 – Voters List

5.1 Did you receive an electronic voters list?

- Yes
- No

5.2 How easy/difficult was it for you to access the electronic voters list prior to election/voting day?

- Very easy
- Somewhat easy
- Neither easy or difficult
- Somewhat difficult
- Very difficult

5.3 Why do you think you had difficulty? What could be improved for next time?

5.4 Did you experience any issues with the electronic voters list on election/voting day?

- Yes
- No

5.5 What kind of issues did you experience?

Section 6 – Polling locations

6.1 Based on your own experience or observations in the 2022 Hamilton Municipal Election, how would you rate the following at advance poll locations?

Response - Grid format, response codes 5-point agree/disagree scale, plus don't know/not applicable

Advance voting location hours were convenient

Advance voting locations were easy to find

Advance voting locations were convenient

Election workers provided good customer service

Election workers were knowledgeable

Advance voting locations seemed to be accessible to those with mobility issues, hearing loss, vision loss, etc.

The advance voting process was easy

6.2 Based on your own experience or observations in the 2022 Hamilton Municipal Election, how would you rate the following at poll locations on October 24, 2023 voting day?

Response - Grid format, response codes 5-point agree/disagree scale, plus don't know/not applicable

Voting location hours were convenient

Voting locations were easy to find

Voting locations were convenient

Election workers provided good customer service

Election workers were knowledgeable

Advance voting locations seemed to be accessible to those with mobility issues, hearing loss, vision loss, etc.

The voting process was easy

Section 7 – Election Office

7.1 Did you contact (email, phone, in person) the City of Hamilton Election office with a question/request about the election?

- Yes
- No
- Don't know/not sure

7.2 Overall, how satisfied were you with the answer you received to your question from the Election office?

- Very satisfied
- Somewhat satisfied
- Neither satisfied or unsatisfied
- Not very satisfied
- Not satisfied at all

7.3 Why were you not satisfied with the answer you received?

7.4 More specifically, how satisfied were you with the following about your contact with the City Clerk's office?

Response - Grid format, 5-point satisfaction scale

- The time it took to get an answer to your question/request
- The knowledge and competency of Service Centre staff
- The treatment you received or how comfortable you felt asking your question/making a request

7.5 Did you need to escalate your question/request to another person or individual?

- Yes
- No

Section 8 - City of Hamilton Customer Service

8.1 Did you contact the City of Hamilton's Customer Contact Centre (by email or phone), or the Municipal Services Centre (in person) with a question/request about the election?

- Yes
- No

8.2 Overall, how satisfied were you with the following you received to your question from the Customer Contact Centre or Municipal Service Centre?

- Very satisfied
- Somewhat satisfied
- Neither satisfied or unsatisfied
- Not very satisfied
- Not satisfied at all

8.3 Why were you not satisfied with the answer you received?

8.4 More specifically, how satisfied were you with the following about your contact with the Customer Contact Centre/Service Centre?

Response - Grid format, 5-point satisfaction scale

- The time it took to get an answer to your question/request
- The knowledge and competency of Service Centre staff
- The treatment you received or how comfortable you felt asking your question/making a request

8.5 Did you need to contact the Service Centre more than once to get an answer to your question/request?

Yes
No

8.6 How many times did you need to contact them?

Twice
Three times
Four times
Five or more times
Never was resolved

8.7 Was your question or request referred to the City Clerk's Office for a response?

Yes
No
Don't know/not sure

Section 9 – Voting options for the future

9.1 Do you feel the City of Hamilton should continue to offer vote by mail?

- Yes
- No
- Don't know/not sure

9.2 Why not?

9.3 Have you heard of people in other communities being able to vote online using Internet voting?

- Yes
- No
- Don't know

9.4 Do you believe that Internet voting is safe and secure?

- Yes
- No
- Don't know

9.5 Do you feel the City of Hamilton should add Internet voting for future Municipal Elections?

- Yes
- No
- Don't know

9.6 Why do you say that?

10.1 Do you have any additional feedback or suggestions for improvements to the experience of voting in the next Municipal Election? A positive experience, any challenges or barriers we haven't already covered, and so on.

Merci de prendre le temps de remplir ce sondage. Vos commentaires sont précieux pour améliorer les services fournis aux candidats pour toute expérience municipale à venir. Ce sondage vous prendra environ 15 à 20 minutes à répondre. Il est commandité par le Bureau du vérificateur général de la Ville de Hamilton.

En vertu de la Loi sur les élections municipales, le secrétaire municipal ou la secrétaire municipale est chargé(e) de s'assurer que les élections soient équitables et accessibles à tous les électeurs.

Déclaration de collecte des informations / objectif du sondage

Les réponses recueillies pour 2022 le sont en vertu de l'article 227 de la Loi de 2001 sur les municipalités. Toute information personnelle recueillie dans le cadre de ce sondage sur les candidats de 2022 sera analysée afin d'informer l'audit de l'administration des élections et de formuler des recommandations pour les élections municipales de 2026 de la Ville de Hamilton. Les renseignements recueillis dans le cadre de cette initiative peuvent être saisis électroniquement et stockés sur des serveurs situés au Canada. Elles peuvent être soumises aux lois canadiennes. Les questions relatives à la collecte de ces informations personnelles peuvent être adressées à la sous-vérificatrice générale (Brigitte.Minard@hamilton.ca).

Section 1 – Renseignements de base

1.2 Pour quel poste étiez-vous candidat ou candidate?

Maire
Conseiller municipal ou conseillère municipale
Conseiller ou conseillère scolaire

1.3 Était-ce la première fois que vous vous présentiez à une élection municipale ou de conseil scolaire?

Oui
Non

1.3 Combien d'autres fois vous êtes-vous présenté(e) à une élection municipale ou de conseil scolaire?

Section 2 – Période de nomination: événements ou activités d'information, d'éducation ou de formation

2.1 De quelles ressources pour les candidats parmi les suivantes **étiez-vous au courant** avant la clôture des candidatures le 19 août 2022? SÉLECTIONNEZ TOUTES LES OPTIONS QUI S'APPLIQUENT.

- Session d'information pour les candidats offerte par la Ville de Hamilton
- École pour candidats potentiels offerte par d'autres organisations, par exemple, l'association des municipalités de l'Ontario (AMO), École de campagne pour femmes, Municipal World, une autre juridiction municipale
- Portail des candidats
- Site internet de la Ville de Hamilton
- Bureau de vote par courriel
- Bureau de vote par téléphone
- Bureau de vote en personne ou en rencontres virtuelles
- Politiques, procédures et FAQ du bureau de vote
- Règlement municipal sur les enseignes
- Guide à l'intention des candidats et candidates offert par la province de l'Ontario
- Outils et ressources de Municipal World

2.1 Parmi les ressources pour les candidats suivantes, lesquelles aviez-vous utilisées avant la clôture des candidatures le 19 août 2022? SÉLECTIONNEZ TOUTES LES OPTIONS QUI S'APPLIQUENT.

- Session d'information pour les candidats offerte par la Ville de Hamilton
- École pour candidats potentiels offerte par d'autres organisations, par exemple, l'association des municipalités de l'Ontario (AMO), École de campagne pour femmes, Municipal World, une autre juridiction municipale
- Portail des candidats
- Site internet de la Ville de Hamilton
- Bureau de vote par courriel
- Bureau de vote par téléphone
- Bureau de vote en personne ou en rencontres virtuelles
- Politiques, procédures et FAQ du bureau de vote
- Règlement municipal sur les enseignes
- Guide à l'intention des candidats et candidates, offert par la province de l'Ontario
- Outils et ressources de Municipal World
- Autre(s) : _____

2.3 Avez-vous été satisfait(e) des informations disponibles ou fournies par ces ressources?
Response - Grid format – 5 point satisfaction scale

- Session d'information pour les candidats offerte par la Ville de Hamilton
- Portail des candidats ou site internet de la Ville de Hamilton
- Bureau de vote par courriel
- Bureau de vote par téléphone
- Bureau de vote en personne ou en rencontres virtuelles
- Politiques, procédures et FAQ du bureau de vote
- Règlement sur les enseignes

Section 3 – Processus de nomination

3.1 Quand avez-vous enregistré votre candidature?

En mai 2022

En juin 2022

En juillet 2022

Du 1er au 18 août 2022 (avant le jour de la nomination)

Le 19 août 2022 (le jour de la nomination)

3.2 À quel point cela vous a-t-il été facile ou difficile de prendre rendez-vous pour déposer votre candidature?

Très facile

Plutôt facile

Ni difficile ni facile

Plutôt difficile

Très difficile

3.3 Qu'avez-vous trouvé difficile à propos du processus de prise de rendez-vous?

3.4 À quel point vous a-t-il été facile ou difficile de déposer votre candidature le 19 août?

Très facile

Plutôt facile

Ni difficile ni facile

Plutôt difficile

Très difficile

3.5 Qu'avez-vous trouvé difficile dans le processus de nomination le jour de la nomination?

- 3.6 La trousse des renseignements ou des formulaires requis pour déposer votre candidature comprenait notamment les éléments suivants:
- Le formulaire de candidature
 - Vos qualifications
 - L'identification du candidat ou de la candidate
 - 25 parrainages ou plus (si vous étiez candidat ou candidate au poste de maire ou de conseiller)
 - Paiement
- 3.7 Lorsque vous avez déposé votre candidature, comment avez-vous su ou appris quelles informations vous aviez besoin?
- Site internet de la Ville de Hamilton
 - Bureau du greffier municipal (téléphone, courriel ou en personne)
 - Informations obtenues à l'école pour candidats potentiels ou d'un autre événement connexe
 - De la part d'une personne qui m'aide dans ma campagne
 - Un autre candidat ou un ancien candidat m'a conseillé(e)
 - Expérience acquise lors d'une élection précédente
 - Guide à l'intention des candidats et candidates offert par la province de l'Ontario
 - Autre(s) _____
- 3.8 Dans l'ensemble, quel était votre degré de satisfaction concernant la procédure de dépôt des candidatures?
PN: Ask if 7.1=Oui
- Très satisfait(e)
Plutôt satisfait(e)
Ni satisfait(e) ni insatisfait(e)
Pas très satisfait(e)
Pas du tout satisfait(e)
- 3.9 Quels commentaires ou quelles préoccupations ou suggestions d'amélioration avez-vous au sujet de la procédure de dépôt des candidatures?
-

3.10 Plus précisément, quel était votre degré de satisfaction avec les éléments suivants lors de votre processus de nomination:

Response - Grid format – 5-point satisfaction scale

- Le temps qu'il a fallu pour compléter votre candidature
- Les connaissances et les compétences du personnel du greffier municipal qui vous aidait à compléter le processus de nomination
- Le traitement/confort que vous avez reçu au cours de la procédure de nomination

3.11 Avez-vous dû revenir pour une autre rencontre parce que votre nomination n'avait pas pu être complétée lors du rendez-vous de nomination?

Oui

Non

Section 4 – La campagne

4.1 Au cours de votre campagne, avez-vous utilisé le portail des candidats offert par la Ville de Hamilton

Oui

Non

Ne vous souvenez plus

4.2 Pour quelle raison avez-vous utilisé le portail des candidats?

Accéder aux politiques et procédures

- Réviser la législation
- Réviser la liste des électeurs
- Lire la correspondance de la Ville, y compris les dépenses maximales de la campagne, les documents de la FAQ, les lettres du greffier
- Accéder aux guides
- - autre

4.3 À quel point a-t-il été facile ou difficile de trouver des renseignements sur le portail des candidats?

- Très facile
- Plutôt facile
- Ni facile ni difficile
- Plutôt difficile
- Très difficile

4.4 Qu'avez-vous trouvé difficile dans la recherche d'informations?

4.5 Quels sont, selon vous, les problèmes les plus courants liés à l'administration des élections, et **NON à la campagne**, dont vous avez entendu parler ou auxquels vous avez dû faire face pendant votre campagne? SÉLECTIONNEZ JUSQU'À CINQ RÉPONSES

- Électeur ou électrice pas au courant de l'élection
- Électeur non inscrit ou électrice non inscrite sur la liste électorale
- Électeur ou électrice a besoin d'informations sur les procédures de « vote par correspondance »
- Carte d'information de l'électeur non reçue
- Électeur ou électrice ne connaît pas son lieu de vote/de scrutin
- Électeur ou électrice ne connaît pas les dates des élections
- Panneaux de campagne mal placés
- Plaintes concernant l'accessibilité des lieux de vote
- Électeur ou électrice n'était pas sûr(e) des enjeux des élections municipales
- Électeur ou électrice savait où trouver des informations sur les différents candidats
- Électeurs savaient comment obtenir des réponses à leurs questions sur les élections
- Ne pas être autorisé(e) à entrer dans les immeubles d'appartements ou les condominiums pendant la campagne
- Autre(s) _____

Section 5 – Liste électorale

5.1 Avez-vous reçu une liste électorale électronique?

Oui

Non

5.2 À quel point vous a-t-il été facile ou difficile d'accéder à la liste électorale électronique avant les élections/le jour du vote?

- Très facile
- Plutôt facile
- Ni facile ni difficile
- Plutôt difficile
- Très difficile

5.3 Pourquoi pensez-vous avoir eu des difficultés? Qu'est-ce qui pourrait être amélioré pour la prochaine fois?

5.4 Avez-vous rencontré des problèmes avec la liste électorale électronique le jour de l'élection/du vote?

Oui

Non

5.5 Quels types de problèmes avez-vous rencontrés?

Section 6 – Bureaux de vote

6.1 D'après votre expérience personnelle ou vos observations lors des élections municipales de 2022 de la Ville de Hamilton, comment évalueriez-vous les éléments suivants portant dans les bureaux de vote par anticipation?

Response -Grid format, response codes 5-point agree/disagree scale, plus don't know/not applicable

Les heures d'ouverture des bureaux de vote par anticipation étaient pratiques

Les lieux de vote par anticipation étaient faciles à trouver

Les lieux de vote par anticipation étaient pratiques

Le personnel électoral a fourni un bon service à la clientèle

Le personnel électoral était bien informé

Les lieux de vote par anticipation semblaient accessibles aux personnes à mobilité réduite, malentendantes, malvoyantes, etc.

La procédure de vote par anticipation a été facile

6.2 D'après votre propre expérience ou vos observations lors des élections municipales de 2022 de Hamilton, comment évalueriez-vous les éléments suivants dans les lieux de vote le 24 octobre 2023, jour de vote?

Response - Grid format, response codes 5-point agree/disagree scale, plus don't know/not applicable

Les heures d'ouverture des lieux de vote étaient pratiques

Les lieux de vote étaient faciles à trouver

Les lieux de vote étaient pratiques

Le personnel électoral a fourni un bon service à la clientèle

Le personnel électoral était bien informé

Les lieux de vote par anticipation semblaient accessibles aux personnes à mobilité réduite, malentendantes, malvoyantes, etc.

Le processus de vote était facile

Section 7 – Bureau de vote

7.1 Avez-vous communiqué (par courriel, par téléphone ou en personne) avec le bureau de vote de la Ville de Hamilton pour poser une question ou faire une requête au sujet de l'élection?

- Oui
- Non
- Ne savez pas/n'êtes pas certain(e)

7.2 Dans l'ensemble, quel était votre degré de satisfaction concernant la réponse que vous avez reçue de la part du bureau de vote?

- Très satisfait(e)
- Plutôt satisfait(e)
- Ni satisfait(e) ni insatisfait(e)
- Pas très satisfait(e)
- Pas du tout satisfait(e)

7.3 Pourquoi n'avez-vous pas été satisfait(e) de la réponse que vous avez reçue?

7.4 Plus précisément, quel est votre degré de satisfaction à l'égard des éléments suivants concernant votre contact avec le bureau du greffier municipal ?
Response - Grid format, 5-point satisfaction scale

- Le temps qu'il a fallu pour obtenir une réponse à votre question/requête
- Les connaissances et les compétences du personnel du centre de services
- Le traitement que vous avez reçu ou l'aisance avec laquelle vous avez posé votre question ou fait une requête

7.5 Avez-vous eu besoin de faire escalader votre question/requête à une autre personne ou à un autre individu?

- Oui
- Non

Section 8 – Service à la clientèle de la Ville de Hamilton

8.1 Avez-vous communiqué avec le centre de contact pour la clientèle de la Ville de Hamilton (par courriel ou par téléphone) ou le centre des services municipaux (en personne) pour poser une question ou faire une requête au sujet des élections?

Oui
Non

8.2 Dans l'ensemble, quel était votre degré de satisfaction concernant la réponse que vous avez reçue de la part du centre de contact pour la clientèle ou du centre des services municipaux?

- Très satisfait(e)
- Plutôt satisfait(e)
- Ni satisfait(e) ni insatisfait(e)
- Pas très satisfait(e)
- Pas du tout satisfait(e)

8.3 Pourquoi n'avez-vous pas été satisfait(e) de la réponse que vous avez reçue?

8.4 Plus précisément, à quel point avez-vous été satisfait(e) des éléments suivants au sujet de votre contact avec le centre de contact pour la clientèle ou du centre des services?
Response - Grid format, 5-point satisfaction scale

- Le temps qu'il a fallu pour obtenir une réponse à votre question/requête
- Les connaissances et les compétences du personnel du centre de services
- Le traitement que vous avez reçu ou l'aisance avec laquelle vous avez posé votre question ou fait une requête

8.5 Avez-vous eu à communiquer avec le centre de service plus d'une fois pour obtenir une réponse à votre question/requête?

Oui
Non

8.6 Combien de fois avez-vous eu besoin de communiquer avec eux?

- Deux fois
- Trois fois
- Quatre fois
- Cinq fois et plus
- N'a jamais été résolu

8.7 Votre question ou votre demande a-t-elle été transmise au bureau du greffier municipal pour obtenir une réponse?

- Oui
- Non
- Ne savez pas/n'êtes pas certain(e)

Section 9 – Options de vote pour l'avenir

9.1 Pensez-vous que la Ville de Hamilton devrait continuer à offrir le vote par la poste?

- Oui
- Non
- Ne savez pas/n'êtes pas certain(e)

9.2 Pourquoi pas?

9.3 Avez-vous entendu parler de personnes d'autres communautés qui ont la possibilité de voter en ligne en utilisant le vote par internet ?

- Oui
- Non
- Ne savez pas

9.4 Croyez-vous que le vote par internet soit sûr et sécurisé?

- Oui
- Non
- Ne savez pas

9.5 Croyez-vous que la Ville de Hamilton devrait ajouter le vote par internet pour les futures élections municipales?

- Oui
- Non
- Ne savez pas

9.6 Pour quelles raisons dites-vous cela?

10.1 Avez-vous des commentaires supplémentaires ou des suggestions pour des améliorations à l'expérience de vote dans la prochaine élection municipale (une expérience positive, des défis ou des obstacles que nous n'avons pas encore abordés, etc.)?



Hamilton

OFFICE OF THE
AUDITOR GENERAL

Elections Administration Audit

Recommendations and Management Response

May 31, 2023

**Office of the Auditor General
Charles Brown, Auditor General
Brigitte Minard, Deputy Auditor General
Kris Fletcher, Consultant
Valencia Risk**

Introduction

As a result of the audit completed by the Office of the Auditor General (OAG) with support from Valencia Risk (Valencia) and our Elections Expert (Kris Fletcher, Consultant), many significant opportunities for improvement were identified and a total of 50 recommendations were made.

The Office of the Auditor General requested one high-level management response from management in the Office of the City Clerk. They will be providing the OAG with a detailed response to each individual recommendation within the next few months after they consult with Legal and Risk Management Services, Information Technology, Procurement, Human Resource, and Communications.

Election Preparation and Readiness

Recommendation 1

That consistent with the authority granted to the City Clerk in the *Municipal Election Act*, the City Clerk be granted enhanced corporate signing authority for election related expenditures for a specified time period leading up to and after municipal elections and by-elections.

Recommendation 2

Consider regularly reviewing staffing standards with respect to the number of staff needed at poll locations as informed by consultations with the Province.

Recommendation 3

Consider rationalizing the staffing levels and evaluating the opportunities for savings and reduction of resources through consolidation of poll locations for the next election in response to the persistent challenges of obtaining a sufficient number of staff that arise during each election and with a voter turnout that is consistently 40% or lower.

Recommendation 4

In assessing the future use of online voting, ensure that the costs, benefits and risks are thoroughly evaluated.

Recommendation 5

Improve the training provided to election staff and involve the HR Division in the development and delivery of this training, so that staff adhere to SOP's (standard operating procedures) and are able to effectively activate contingency procedures.

Recommendation 6

Ensure the Communications Division (web strategy and user experience team) are engaged to provide timely advice regarding the layout and organization of the candidate's portal and by completing user experience testing prior to launch.

Recommendation 7

Initiate the procurement process earlier in the election cycle (e.g. early June 2026 at the latest for the October 2026 election).

Recommendation 8

Consider cooperative contracting of elections technology vendors with other municipalities.

Recommendation 9

Consider whether it is feasible in a municipal context to follow the process of Elections Ontario in authenticating Vote by Mail applicants.

Recommendation 10

Consider enhancing selection and suitability criteria for polling locations so that they are clear and transparent to the public and informed by Provincial standards and any available guidance and/or standards from the AMCTO (Association of Municipal Manager, Clerks and Treasurers of Ontario) Elections Working Group.

Recommendation 11

Consider adding dedicated, professional communications resources for a longer period of time before Voting Day.

Recommendation 12

Evaluate and identify election office staffing resources that need to be ramped up sooner, with a particular emphasis on logistics expertise.

Recommendation 13

Working with City management, ensure that the use of internal City resources continues in future elections, and involves appropriate professional support, particularly HR (recruiting and training), and communications (web strategy and user experience).

Technology

Recommendation 14

Ensure IT staff conduct site visits for all polling locations as part of the planning and logistics process for the 2026 municipal election.

Recommendation 15

Until such time as Canadian guidance is available, elections management should adopt the principles outlined in Draft NIST IR 8310 and engage the IT department to ensure the expertise needed to address IT Security and Cybersecurity relevant to the Elections process.

Recommendation 16

In preparation for the next election, it is recommended that the IT Division review the findings from the Elections Technology Report (Appendix "B" to Report AUD23008), and subsequently collaborate with the Office of the City Clerk to begin planning for the next municipal election.

Recommendation 17

When procuring technology services for the delivery of elections, Elections management should ensure that IT security prepares and reviews the technical specifications and IT security/cybersecurity requirements. A lawyer that is experienced in IT contracts should also review the contracts.

Recommendation 18

Elections management should make all team meetings and training sessions mandatory for all staff involved in the Elections process. The IT department should be invited to all training sessions. Training for moving to backup

processes should be improved as well as adherence to standard operating procedures (SOP's).

Recommendation 19

Elections management should complete a plan for IT Security Vulnerability Assessment and Management. An IT Vulnerability Assessment that is scoped to deal with controls that could be compromised by the most significant Election day threats should then be completed.

Recommendation 20

Elections management should seek professional advice to determine what additional testing of tabulators and other technologies would be prudent to adopt in consideration of that which is already being done by the Elections Team and by Elections Ontario.

Recommendation 21

Elections management should consider improving password security for their electronic technologies by requiring at least one capital, number and character, making passwords more difficult to guess. Municipal credentials would be stronger when paired with a password manager.

Recommendation 22

IT security should assess and enable detection technologies specific to the Elections process and increase monitoring on election day.

Recommendation 23

To protect confidentiality and privacy, Elections management should consider use of a technology appropriate for controlling distribution lists in the Election team's communications instead of relying on the "bcc" function. This type of technology includes email marketing software tools. Existing solutions may already be in use in other areas of the City of Hamilton and these should be considered first prior to procuring another solution.

Recommendation 24

IT incident response scenarios should be developed and tested in a tabletop exercise. This should be researched and implemented for the 2026 municipal election.

Recommendation 25

Develop more robust contingency plans and processes for the loss or interruption of ePoll book functionality, particularly with respect to when and how to switch to manual backup procedures. Training exercises need to be conducted to ensure the effectiveness of these contingency plans, including a tabletop exercise and easy to understand tools to support staff in the field.

Recommendation 26

Stipulate in contracts with election technology vendors, more stringently, the technical and capacity requirements with a mind to ensuring availability of service and minimization of disruption on Voting Day.

Candidate experience

Recommendation 27

In order to facilitate their post-election needs, consider consultations with Legal Services regarding recent amendments to the Municipal Elections Act with a view to determining if the Voters List can be made available electronically to candidates after Voting Day, and if not whether the City should advocate to the Province to put such access into effect.

Recommendation 28

Consider a service model that offers more dedicated resources to candidates in order to achieve a higher degree of responsiveness to candidate questions and concerns. Features to consider include a dedicated email address, setting and tracking of service standards, and self-help functionality.

Recommendation 29

Consider a dedicated team, well versed and trained in requirements, to service the needs of candidates.

Recommendation 30

Develop guidelines and information tools to assist candidates in understanding the application of the requirement that they may not use City facilities or property for campaign events unless rented or booked.

Recommendation 31

Consider the development of a process for the e-filing of nominations, third party registration, and financial filings of candidates and third-party advertisers.

Recommendation 32

Consider implementing an electronic appointment management system for booking appointments with the Elections Office for candidate nominations, candidate consultations, vote by mail, proxies, changes to the voters list, etc.

Recommendation 33

With respect to the Sign By-law, provide more communication content to candidates regarding how enforcement is administered, retrieval of removed signs is carried out, and the most common enforcement issues during an election.

Recommendation 34

With respect to the Sign By-law, develop a policy and standard operating procedure(s) for communicating sign removal to candidates and for handling any requests for sign placement guidance at specific locations or addresses.

Recommendation 35

Following on the recommendations of this report, consider a fulsome review of how to improve the entire candidate experience.

Voter/Resident Experience

Recommendation 36

Consider the development of standards for voting hours at retirement and long-term care facilities based on research of other jurisdictions and implement them for the next municipal election in Hamilton. Research should give consideration to Provincial standards and be informed by the AMCTO (Association of Municipal Manager, Clerks and Treasurers of Ontario) Elections Working Group from Elections Ontario in the development of standards for Hamilton.

Recommendation 37

Establish and abide by a service standard for the response time in turning around Vote by Mail applications to vote by mail packages being mailed out.

Recommendation 38

Develop a clear communication procedure to ensure that on election day, poll locations are positively confirmed to be open.

Recommendation 39

Consider a home visit vote program for accessibility purposes.

Recommendation 40

Consider implementing a voters-in-training program (for youth).

Recommendation 41

To improve transparency and accountability to the public, financial information regarding the cost of administering municipal elections and how these costs are broken down and compared to budget should be posted on the City's website (in an easy to understand format, not only a PDF report) and be more broadly shared with the public. Information from prior elections should also be retained and shared on the website.

Advocacy to the Province of Ontario

Recommendation 42

Advocate to the Province to amend the legislation requiring that polls that open late must automatically remain open past 8:00 pm to make up for the equivalent time lost.

Recommendation 43

Advocate to the Province for clarity regarding the objectives, roles and enforcement of third-party advertisers.

Recommendation 44

Advocate to the Province that Voting Day be held on a day when schools are not in session in order to address concerns about public entry into schools when students are in attendance.

Recommendation 45

Advocate to the Province to increase the amount of time between Nomination Day and Voting Day. One way to accomplish this is to return Nomination Day to the end of July as had been done previously.

Recommendation 46

Advocate to the Province that they be more assistive with legal interpretations of the *Municipal Elections Act*, and procedural requirements, including issuance of guidelines and interpretation notes.

Recommendation 47

Advocate to the Province of Ontario about the need for clarity regarding the responsibility for regulatory oversight of third-party advertisers. Following the determination of a process, ensure that it is communicated so that third-party advertisers and the public understand the roles and procedures for cases of potential non-compliance.

Recommendation 48

Advocate to the Province and/or work with municipal partners toward the development of criteria for assessment of poll location accessibility and general suitability.

Recommendation 49

Advocate to the Province that the endorsement form, Form 2, for candidates obtaining nomination signatures be amended to accommodate collection of more than 25 nominations.

Recommendation 50

Advocate to the Province to provide clarity and guidance regarding when declarations of emergency should be made by a Clerk during municipal elections.

Management Response (Office of the City Clerk, Information Technology, Corporate Services)

Management is largely agreeable with the Office of the Auditor General's audit findings and recommendations. Management requires additional time to review the recommendations, including further discussion with the Office of the Auditor General, in order to coordinate complete management action plans. During this period, Management will assess and identify the potential need for additional resources and efforts, including, staffing, IT security, funding requirements, vendor procurement and contracts, and staff training. Management will provide Management Action Plans to the OAG for review and reporting to Committee and Council on the status of the audit results. In that way, any additional financial commitments, staffing resources, by-law amendments or corporate policy changes in relation to the Municipal Election will come before Committee and Council for consideration as per its authority under the Municipal Elections Act.



Hamilton
OFFICE OF THE
AUDITOR GENERAL

Elections Administration Audit

May 31, 2023

Charles Brown, Auditor General

Brigitte Minard, Deputy Auditor General

Kris Fletcher, Consultant

Valencia Risk

Metroline Research Group



- On January 25, 2023, Council passed a motion that the Auditor General undertake an audit of the election process in order to:
 - Ensure that sufficient systems, resources, vendors and vendor agreements, and policies and procedures are in place **to comply with the provisions** of the Municipal Elections Act
 - Produce an **actionable set of recommendations** focused on improving the administration of the City of Hamilton's elections for the 2026 municipal election
 - Make recommendations to Council with regard to **suggested legislative reforms** to the Municipal Elections Act
- The audit process was to include the retention of an election expert, and the solicitation of feedback from electors and candidates.

Legislative and Regulatory Requirements

The Clerk is responsible for administering municipal elections in accordance with the Act. The Clerk's responsibility includes:

- (a) preparing for the election;
- (b) preparing for and conducting a recount in the election
- (c) maintaining peace and order in connection with the election; and
- (d) in a regular election, preparing and submitting the report described in Subsection 12.1(2) [accessibility report]

The Clerk has the **independent authority** under the Act to prescribe procedures and forms that are not otherwise provided for in the Act or regulations, including the power to require a person to furnish proof of identity and residence, citizenship or any other matter.

The Clerk shall create and implement any policies and procedures that are necessary to conduct an election in a manner that reflects the principles of the Act, and its regulations.

These **principles** are generally recognized as being:

- (a) The secrecy and **confidentiality** of the voting process is paramount;
- (b) The election shall be **fair and non-biased**;
- (c) The election shall be **accessible** to the voters;
- (d) The **integrity** of the voting process shall be maintained throughout the election;
- (e) There is to be certainty that the **results** of the election reflect the **votes cast**;
- (f) Voters and candidates shall be treated **fairly and consistently**; and
- (g) The **proper majority vote governs** by ensuring that valid votes are counted and invalid votes are rejected so far as reasonably possible.




Voting Methods Approved for the 2022 Election

In-person voting on election day, and at advance polls conducted on specific days and locations in each ward. Votes were cast by marking physical ballots which are read and counted by tabulator machines.

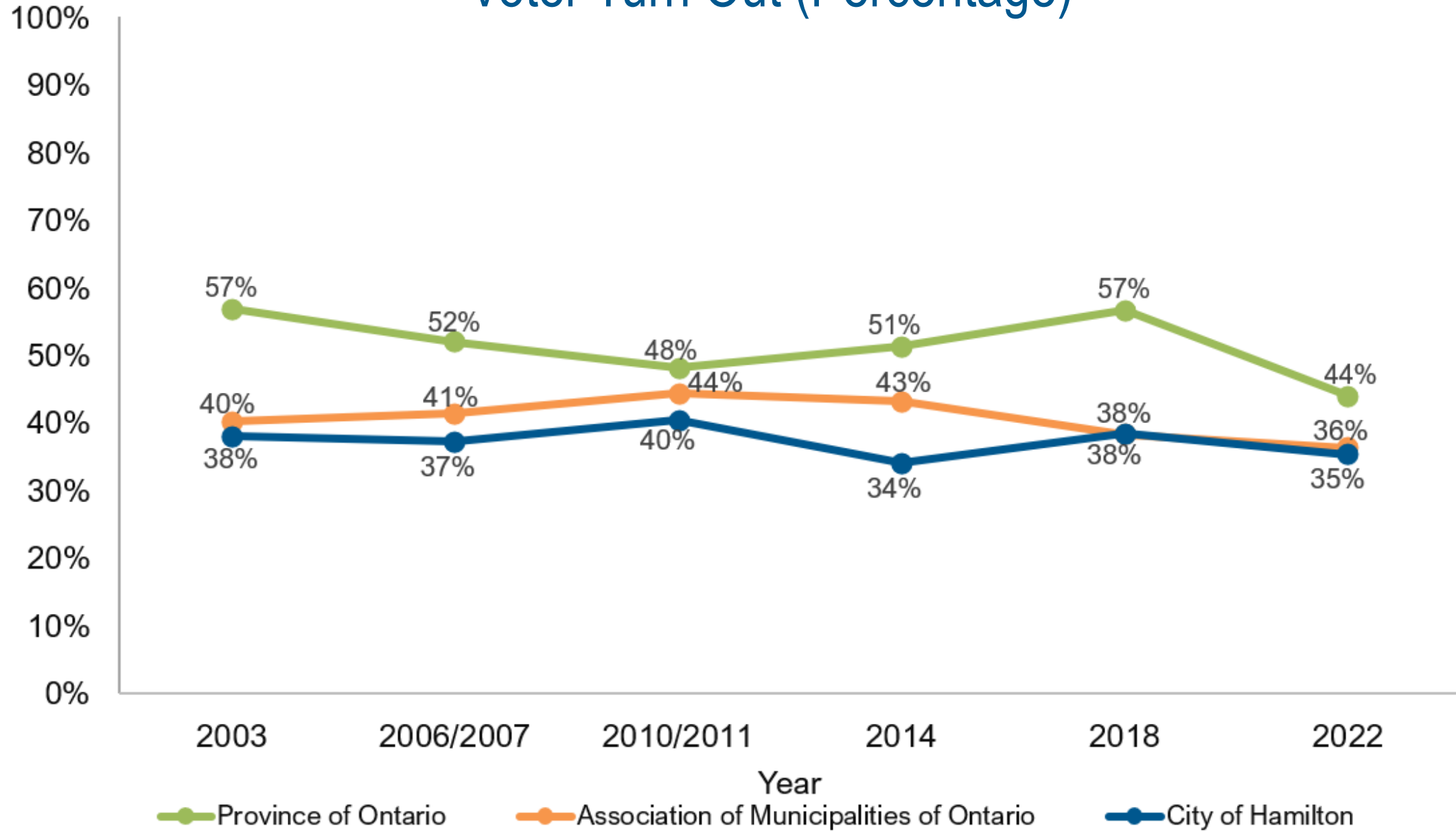
In-person voting at special advance polls being conducted at institutions using “**ballot on demand**” technology. This technology enabled a ballot to be printed and cast at the institution’s location for any ward to offer convenience to voters who might otherwise face barriers or have to travel to their ward to vote.

Vote by Mail which allowed eligible electors to make application to be able to receive a vote by mail kit containing a ballot, instructions, voter declaration form and secrecy and prepaid return envelopes.

- One Mayor, 15 Councillors, and 22 School Board Trustees were elected to office.
- There were a total of 143,375 votes cast out of 405,288 electors eligible to vote, resulting in a voter turnout of 35.38%. By comparison, the City of Kitchener had a turnout of 20.26%, Cambridge 28.87%, Waterloo 27.18% and Ottawa 43.79%. The average turnout across Ontario was 36.3%.
- The total spending for the election was \$2.7M which compares slightly favourably to the budget of \$2.8M.




Voter Turn Out		
	Number of Eligible Voters	405,288
	Ballots Cast	143,375
	Voter Turn Out	35.38%

Voter Turn Out (Percentage)



Source: Elections Ontario, Association of Municipalities of Ontario, and, City of Hamilton, Office of the City Clerk.

City of Hamilton Voting Methods Used by Electors (2022)

Voting Methods	Number of Ballots	Percent Turn Out
 Ballots cast (vote Tabulator) Election Day	109,179	76.15%
 Ballots Cast (vote Tabulator) Advance Poll	31,748	22.14%
 Vote by Mail	2,448	1.71%
Total	143,375	100%

Three parallel streams of work:

- Evaluation of compliance with the Municipal Elections Act by municipal elections expert regarding the key processes used to administer the election. Additional assessment of lessons learned and value for money improvement opportunities completed by OAG.
- Valencia Risk reviewed controls and risks related to technologies used to conduct the election including tabulators and e-poll books, and related software.
- Two surveys conducted and analyzed by Metroline Research Group including electors and candidates.

Results of Compliance Review

Overall, the OAG found that the Clerk's processes **substantially complied** with requirements under the *MEA*. While there were some deviations, they did not compromise in any material way the seven principles of the *Act*.

There were four areas that raised concerns to the OAG:

- 1) Voting hours compliance (some non-compliance)
- 2) Vote by mail privacy breach (some concern/area for improvement)
- 3) Voter notification cards (some concern/area for improvement)
- 4) Voters' list (some concern/area for improvement)

Voting Hours Compliance

- Election day 12 of 157 polls opened late (including 3 past 10:30AM – last poll 11:20)
- Caused by technical problems with the e-poll book software - slowed down or prevented access to voter information and monitoring of activity at the polls
- Clerk sought a legal opinion and decided to declare an emergency to extend hours at polls
- Technology issue was unprecedented however we expected there would be more rigorous protocols in place for the situation
- Need to have stronger process regarding monitoring of poll opening and dealing with different types of technical issues
- Declaration of emergency not consistent across the Province - need for Provincial guidance

- There was a privacy breach in the administration of vote by mail that was the result of human error/poor understanding of the mail tool
- Breach ultimately affected 167 individuals that had applied to use the vote by mail process
- A mass email was sent to registrants in which the recipients email addresses were visible to all receiving the email
- There was a failed attempt to recall the email
- Recipients were informed of the breach and the Information and Privacy Commissioner was notified
- The risk of such a breach could have been avoided by using dedicated software for email marketing or by having “compensating controls”

Voter Notification Card Challenges

- The City faced challenges with the printing and mailing of voter notification cards
- The original print vendor was unable to fulfill the contract services which left the Clerk scrambling to arrange a combination of in-house and 3rd party providers
- The late tendering of the contract was a significant contributing factor
- At the same time there was a shortage of the specified paper stock
- Delays left the Elections Office reliant on Canada Post to get cards out before advance polls by meeting their service standards, but in any case past the originally planned timelines

- Voters list requires a significant amount of work/staff time in a compressed period
- MPAC's preliminary list July 31, and final list September 1 after which there were still 136,927 changes.
- Completeness and accuracy impacted other processes e.g. Vote By Mail & VNC's
- As of January 2024: list will be supplied by the Province
- Expected to be an improvement however that is still an unknown
- Another major challenge on election day: candidates not able to obtain an up-to-date strike-off list
- Due to technology issues experienced on election day

- Widespread disruption due to failure/slowdown of technology
- E-poll books are the laptops that provide election workers the ability to check-in voters and strike them off as having voted
- The technology vendor experienced problems with one or more servers which affected capacity of the system to process voter information
- Lack of vendor communication including the nature, scope and time to resolution created uncertainty about the need to switch to manual processes
- Inhibited the “dashboard” function which told the election office about whether polls were open/active
- Need more rigorous contingency procedures and training in place re: technology failures and switch over to manual (simulation/table tops exercises)

- Management of logistics
- Management of technology risk
- Improving the candidate experience
 - More dedicated staff with specific training
 - Customer service orientation
 - Improvements to the portal
- Improvements to resource management, organization and training
 - Key positions filled sooner with dedicated staff (e.g. Communications, Recruitment, Logistics, Organizational Development/Learning, Technology)
 - Review of standards for resourcing poll locations
 - Without City staff resource needs would not be met

Consideration of Alternative Methods and Innovations

- Vote by mail – consider authentication software
- Expand ballot on demand
- Vote by home visit
- Possible expansion of number of advance days
- Voters in training program for youth
- Use of internet voting – need for robust evaluation of risk

- Amend legislation requiring polls opening late automatically remain open after 8 p.m.
- Advocate for clarity regarding the objectives, roles, enforcement of third party advertisers and the responsibility for regulatory oversight
- Amend legislation so that municipal elections be held on a *day* when schools are not in session
- Increase the amount of time between nomination day and voting day
- Advocate that the Province be more assistive in providing legal interpretations of the Municipal Elections Act and procedural requirements including guidelines/interpretations
- Advocate to the Province and/or work with municipal partners in development of criteria for poll location accessibility/suitability
- Amend Form 2 for candidates obtaining nominations to accommodate more than 25 signatures
- Advocate to provide more clarity and guidance on declarations of emergency



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Ready for anything.

**City of Hamilton
Elections Administration Audit
Technology Report**

May 19, 2023



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1. Introduction

The City of Hamilton engaged Valencia Risk to support the internal audit of IT controls surrounding the 2022 municipal election processes. Our objective was to examine and evaluate the use of technology and related administrative procedures and controls; specifically, the technologies used to maintain and administer the Voter's List; and the technologies used for Tabulation of the votes.

To do so, Valencia:

- Examined and evaluated IT systems, resources, vendors and vendor agreements as well as policies and procedures supporting electoral practices at the City and compliance with the Municipal Elections Act.
- Suggested actionable items based on recommendations to mitigate gaps in existing processes that can be implemented for the 2026 municipal election.
- Provided the Office of the Auditor General with suggestions for support or legislative reforms to be provided to the Province of Ontario through Elections Ontario.

2. Audit Methodology

In the absence of existing Canadian guidance or standards to assess electoral technical controls, Valencia has referenced the draft [NIST Election Infrastructure Profile](#) (NIST IR 8310) provides a voluntary, risk-based approach for managing cybersecurity activities and reducing cyber risk to election infrastructure.

Our team used this cybersecurity framework:

- 📌 To highlight and communicate high priority security expectations
- 📌 As a guideline for assessing the information gathered in interviews and in documentation to assess the state of City of Hamilton's elections technologies.

Emphasis was placed on six control categories from the NIST framework: Asset Management, Governance, Access Control, Awareness and Training, Anomalies and Events, and Recovery Planning.

These six controls categories were aligned, and high-level findings are summarized below.

3. Summary

Standards, Guidance, and Legislation

- Canadian standards have not been established for municipalities pertaining to technology and cybersecurity controls.
- Policies and procedures are based on prior years' elections processes and lessons learned.

Procurement

- Sole source for selection of DataFix (Voter's List) and Dominion (Vote Tabulator) was approved by Council, and relied on Elections Ontario own rigorous procurement practices and the US Election Assistance Commission Certification Process)
- Limited involvement of IT Department to establish technical security controls.
- No clear security requirements established in RFP or Contracts provided by Vendors.

Training and Support

- Training from DataFix and Dominion was limited to FAQ's and Online self serve with some "train the trainer" support.
- Staff training was not always mandatory and focused on execution and response to technical failures (manual processes established)
- Unclear engagement, roles and responsibilities regarding IT and IT Security.

3. Summary (continued)

Project Management

- Well organized and executed by Clerks office and IT project manager
- Limited number of continuing/experienced staff
- Reliance on past processes and lessons learned
- Well supported by Dominion
- Lack of support from DataFix (Specifically when troubleshooting electoral technologies)

Controls

- Standards and vendors used by the Province were adopted and adhered to by the Clerk's office
- Accountability for IT security and cybersecurity controls and standards was not well established or understood resulting in a complete reliance on contracted third parties.
- Weak controls regarding WiFi passwords for polling stations.
- Absence of Detective Intrusion Monitoring
- Assumptions made around detective controls to identify repeat/fictitious voters

Suggested support from Province and/or Legislative Reform

- Elections Ontario has established an [Advisory Committee on Standards for Voting Technologies](#) and will be taking over the voter's list from MPAC
- Request best practices for all municipalities that includes IT security standards

4. Findings

(a) Standards, Guidance, and Legislation

- 📌 We found no policies or procedure that specifically address cybersecurity for the election process.
- 📌 No Canadian Elections IT and cybersecurity standards currently exist. Valencia used the US NIST Framework on Cybersecurity (NIR 8310). It considers regulatory, risk, legal, environmental, operational controls.
- 📌 Cybersecurity expertise was not engaged internally or through a third party for the 2022 municipal election, leading to IT security roles and responsibilities not being fully defined.
- 📌 A risk assessment was completed; however, comprehensive IT threats, risks, and vulnerabilities were not documented, no cybersecurity personnel were involved in the election process.
- 📌 The Clerk's office addressed regulatory items, including civil liberties and privacy requirements.
- 📌 The IT department was not included in efforts to review IT configurations, assist with policy development, review of implementations, or to provide guidance on IT security.

Conclusion: Management is **compliant with established legislation** and **partially compliant** with the standards outlined in the Draft NIST IR 8310.

Recommendation: Until Canadian guidance is available, management should adopt the framework used in NIST IR 8310 and engage the IT department to ensure the skills required to address IT Security and Cybersecurity relevant to the Elections process.

4. Findings

(b) Procurement

- ❏ The Clerks office used sole sourcing to obtain elections technology and chose to use the same voting list (DataFix) and tabulation (Dominion) vendors. This was approved in advance by council.
- ❏ Hardware, rental inventory, and external information systems were thoroughly documented and catalogued; however, they were not prioritized based on classification, criteria, or business value.
- ❏ Cybersecurity expertise was not engaged internally or through a third party.
- ❏ The IT department was not fully engaged in the procurement process or finalization of contracts with DataFix or Dominion.
- ❏ Contracts were drafted by vendors and not by the City of Hamilton

Conclusion: Management is **compliant** for adherence to established internal policies and procedures. Management is **partially compliant** with standards outlined in the Draft NIST IR 8310.

Recommendation: Management should establish clear accountability for the IT department to prepare and review technology and IT security and cybersecurity requirements for both the RFP and the final contract.

4. Findings

(c) Training and Support

- ❏ Roles and responsibilities for technical team members in the context of the 2022 election were well understood and integrated in organizational charts.
- ❏ Delays at the polling stations were due to 2 main factors:
 - 1) Lack of Datafix server capacity for updates to the Voters' list
 - 2) Uncertainty at polling stations on when to transition to backup procedures to keep the voter line moving.
- ❏ Dominion Voting provided online and in-person training primarily director to senior individuals at the City of Hamilton.
- ❏ DataFix training was primarily provided online and through FAQ's and assistance was not timely when syncing issues delayed updates to the voter lists resulting in delays at some voting locations.

Conclusion: Management is **partially compliant** with the standards outlined in the Draft NIST IR 8310.

Recommendation: Management should make all training sessions mandatory for all staff involved in the elections process. The IT department should be invited to all training sessions. Training should be improved on when moving to backup processes.

4. Findings

(d) Project Management

- ❑ The Clerk's Office used project management effectively and engaged an IT project manager appropriately and showed maturity in its management of communications.
- ❑ Milestones, critical functions and dependencies for the 2022 elections were understood and established. Contingency planning included offline and/or manual backup to maintain the voter list and tabulation of votes. Load balancing was done on the website hosting the election results and select location testing to validate SIM cards connection prior to election day.
- ❑ A full understanding of the resilience requirements was achieved by the team; this did not translate into correct execution when server lag was experienced through DataFix.

Conclusion: Management is **compliant** with the standards outlined in the Draft NIST IR 8310 and established internal policies and procedures.

4. Findings

(e) Controls for Systems and Preparation

- IT systems for approximately 700 elections laptops, (ePollBooks) were configured, updated, and tested to the established specifications before the election.
- Despite the absence of cybersecurity guidelines, management developed appropriate and effective physical and IT security for election rooms, ballots, voter information, mail voting, information access, tabulators, regulators, and poll location Wi-Fi.
- The IT security team was short staffed. A cybersecurity team was not consistently engaged to identify, assess, or implement IT security technology; IT incident response and recovery plans were not developed or tested.
- An IT security vulnerability assessment, or management plan, specific to the elections process was not provided.

Conclusion: Management is **partially compliant** with the standards outlined in NIST IR 8310.

Recommendation: Management should complete an IT security vulnerability assessment and management plan specific to the Elections process.

4. Findings

(e) Controls for Risk Assessment

- 📌 A risk assessment was introduced and implemented for the first time in 2022.
- 📌 The City of Hamilton's 2022 municipal election risk assessment concentrated on establishing a basic outline of potential threats with mitigation options, focusing on operational impact.
- 📌 Likelihood, impact, and mitigation strategies were identified, but did not factor in identified vulnerabilities or threats.
- 📌 Risk mitigation strategies and options were provided prior to the election. On election day, the City displayed good inventory capabilities for its physical devices and systems.

Conclusion: Management is **partially compliant** with the standards outlined in the Draft NIST IR 8310.

Recommendation: As a member of the Municipal Information Systems Association (MISA), Hamilton also has access to security threat feeds and resources. Management should consider an IT vulnerability assessment specific to external threats relevant to election day.

4. Findings

(e) Controls for Physical and Network Security

- Management used appropriate physical security and secure networks to protect data-at-rest.
- Data transitioned from polling locations to transmission sites was physically moved to a secure room for upload to a collator and sending to City Hall via a secure municipal network.
- Hardware inventory was maintained in Microsoft Excel sheets.
- Vote technologies used (DataFix and Dominion) were the same as used by Elections Ontario who required these vendors to provide proof of certification by the US Elections Assistance Commission. These technologies were also thoroughly tested by Elections Ontario.
- Reliance on e-mail "bcc" functionality for constituent communication contributed to a privacy breach.
- The City recorded a chain of custody for removable media such as memory cards and USD sticks used in the election. Items were protected by encoded zip-ties to ensure that potential tampering could be detected.
- Access to systems is controlled, with the technical team only having administrator privileges and only two people having access to election results folders.

Conclusion: Management is **compliant** with the applicable controls outlined in the NIST IR 8310.

4. Findings

(e) Controls for Access and Passwords

- Management documented and managed credentials and identities using a Contacts and Password List Excel spreadsheet.
- Some passwords were simple and easy to guess or crack.
- Knowledge of administrator credentials were held by technical team and election data folders had controlled read and write accesses (limited to 2 users).
- Physical access to assets was managed and protected by sealing memory cards with unique keys.
- Collation of election data took place on Hamilton laptops behind the DMZ to minimize risks and final reporting took place on a Dominion laptop never connected to the internet.

Conclusion: Management is **compliant** with the standards outlined in the Draft NIST IR 8310.

Recommendations: Management should consider improving password security by using passphrases or complex passwords. Municipal credentials would be stronger when paired with a password manager protected by multifactor authentication.

4. Findings

(e) Controls for Detection and Response

- Management did not deploy or test detection technologies specific to the 2022 municipal election (Cybersecurity detection requirements are not contemplated in current legislation).
- Management did not implement network monitoring, physical monitoring, or personnel monitoring for potential cybersecurity events.
- Detection methods were absent for mobile code, malicious code, and cybersecurity attacks.
- Monitoring processes for unauthorized personnel was limited and was absent for software or connection.
- Devices used for the 2022 elections were not assessed by an internal cybersecurity expert.
- Incident thresholds were not fully defined.
- No tabletop exercises were conducted to test IT incident response plans and contingencies.

Conclusion: Management has gaps in its detection methods regarding cybersecurity attacks and is **non-compliant** with the standards outlined in NIST IR 8310.

Recommendation: IT security should assess all devices and enable detection technologies specific to the Elections process and increase monitoring on election day.

4. Findings

(e) Controls for Incident Management

- ❏ A risk assessment was conducted prior to the election and included risk mitigation guidance.
- ❏ No IT incident response and recovery plans were identified specific to the election, however a lessons learned approach was taken by the City following the election highlighting issues and actionable items identified on election day.
- ❏ Technical teams were available, called upon to resolve ongoing issues.
- ❏ Immediate involvement of legal counsel and the privacy officer due to a privacy breach resulted from an error using the “bcc” function resulted in a successfully communicated and contained incident.
- ❏ In the case of delays in mail-in ballots, affected residents were contacted in a timely manner, open channels were there to communicate with City Hall about election issues.
- ❏ IT incident response plans specific to the Election were not developed or tested in advance.

Conclusion: Management is **partially compliant** with the standards outlined in the Draft NIST IR 8310.

Recommendation: Management should consider use of technology appropriate for controlling distribution lists instead of relying on the “bcc” function. IT incident response scenarios should be developed and tested in a tabletop exercise.

Appendix

Documents Reviewed & Interviews

Documents: 245 documents were provided as support for Policies and Procedures referenced and developed for the 2022 election. 82 of these documents were considered in-scope for this internal audit.

Interviews:

Maria McChesney	IT Director
Aine Leadbetter	Manager, Elections Print/Mail
Andrea Holland	City Clerk
Kris Fletcher	Consultant
Brenda Stephan	IT Project Manager
Diane Robinson	Consultant
Lalitha Flach	COO, Elections Ontario
Stephen O'Brien	City Clerk - Guelph

E-mail Response:

Steve Papoulias	Dominion Voting Representative
Carl Stevenson	Manager (acting): Infrastructure & Security
Hortense Harvey	Datafix Representative



valencia

Ready for anything.

Prepared by Valencia IIP Advisors Ltd.

Our thanks to management who were responsive and transparent and have shown a clear desire for improvement by participating in this audit.



Hamilton

Elections Audit – Market Research

April, 2023



Background

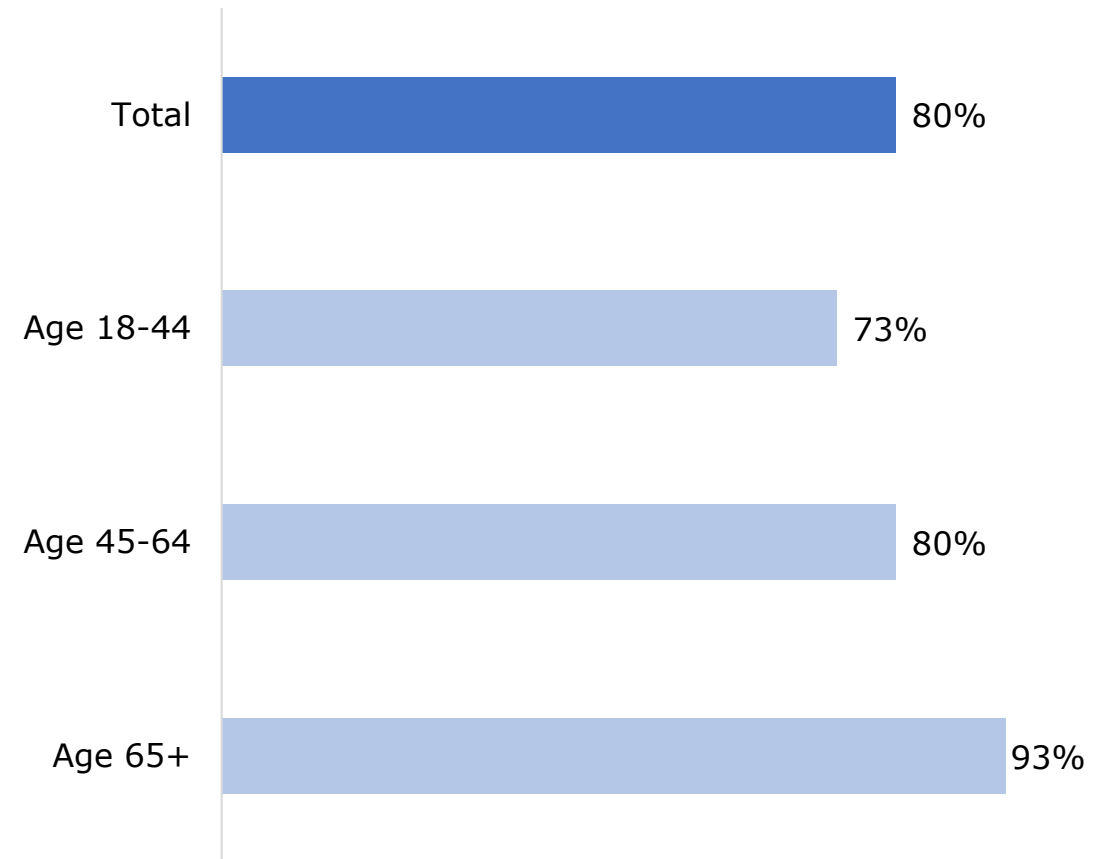
- The purpose of this report is to summarize findings from market research completed with City of Hamilton eligible voters during April, 2023.
- The percentage of eligible voters in this survey is vastly inflated compared to the reality of voter turnout in the 2022 Municipal Election. We have seen this before. It is a combination of people who did not vote, not wanting to be part of a survey that reviews the last election, some eligible voters being confused about which election they voted in, and likely a small percentage who said they voted when they didn't.
- The results in this case provide insights into eligible voters' voting in the last municipal election - the information provided, their experience casting a vote, the polling stations, and their feelings on internet voting.
- Considering the under-representation of those who did not vote, it's likely that the percentage of people who were not interested in municipal politics or elections is under-represented as well.
- This research was conducted for the Office of the Auditor General for the City of Hamilton, as part of their audit of the 2022 Hamilton Municipal Elections Administration.
- This research utilized quantitative research methods including the following:
 - a random telephone survey with 600 interviews, considered accurate to within +/- 4%, 19 times out of 20 (95% Confidence Interval); and,
 - a survey sent to all registered candidates for Mayor, Council and School Board Trustee



Community Survey

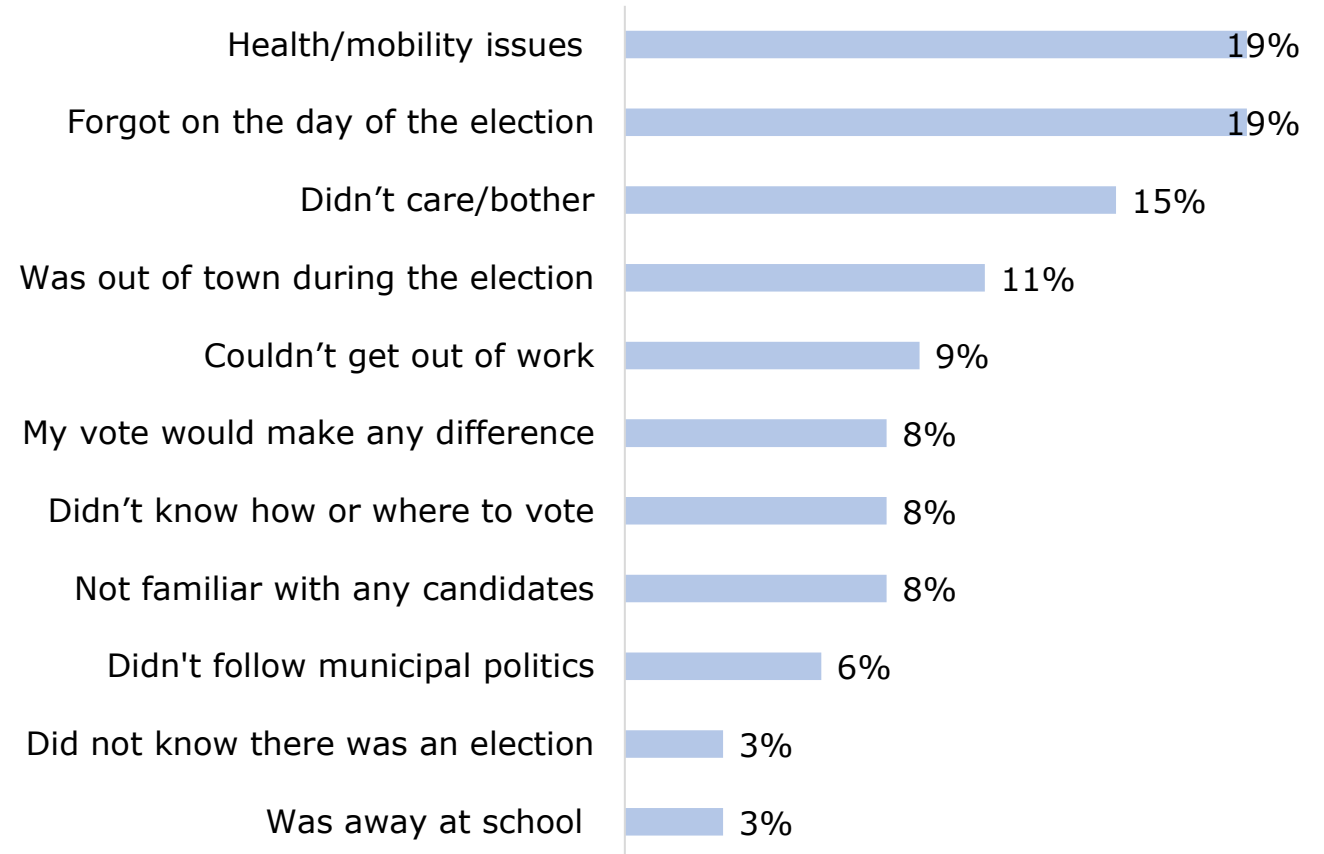
Voter turn out

- The Community Survey, conducted with eligible voters of the City of Hamilton, attempted to engage both voters and non-voters. The proportion of those who say they voted in the past election vastly exceeds actual voter turnout.
- This was expected. In our experience, those who did not vote have no interest in participating in a survey about the election, and a small percentage will claim they did vote.



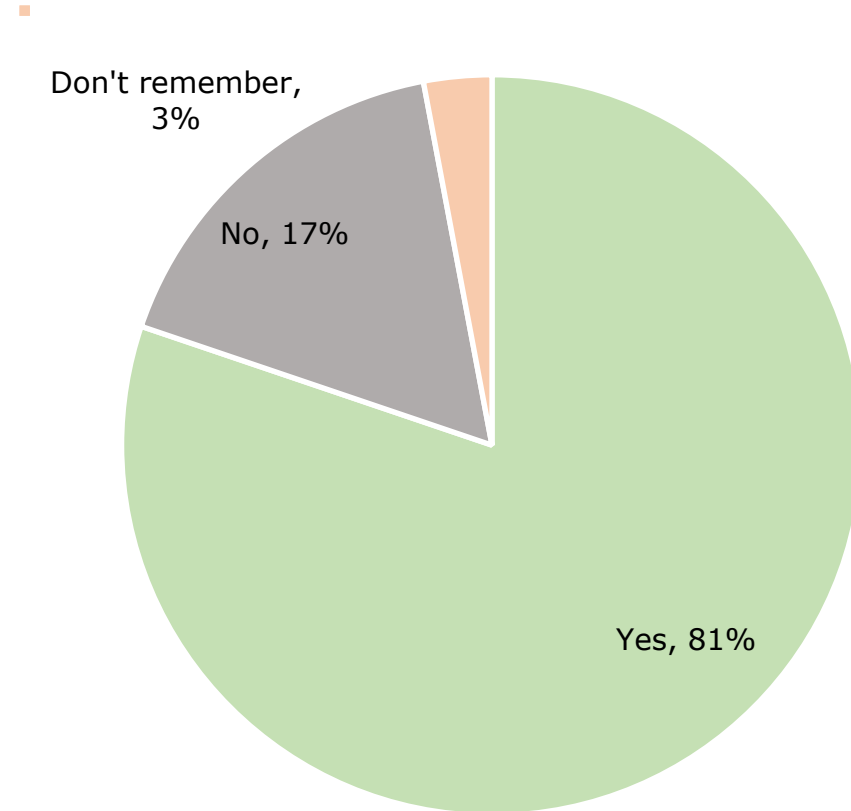
Reasons for not voting

- Overall, about three-quarters (77%) of those who said they didn't vote did not prioritize it or didn't make enough of an effort to vote. That includes those who "didn't bother" (26%), "forgot" (19%), weren't familiar enough with the candidates to consider voting (13%), or even did not know how or where to vote (11%).
- For the rest, 12% were not in town on Election Day (primarily 18-44 years who could have been away for school), or had health/mobility issues that prevented them from going out to vote (11%).



Voter card

- 4 out of 5 residents say they received their voter card
- 97% of those who received a voter card said it was correct.
- 12% visited voterlookup.ca. The other 88% didn't visit or weren't aware what it is.



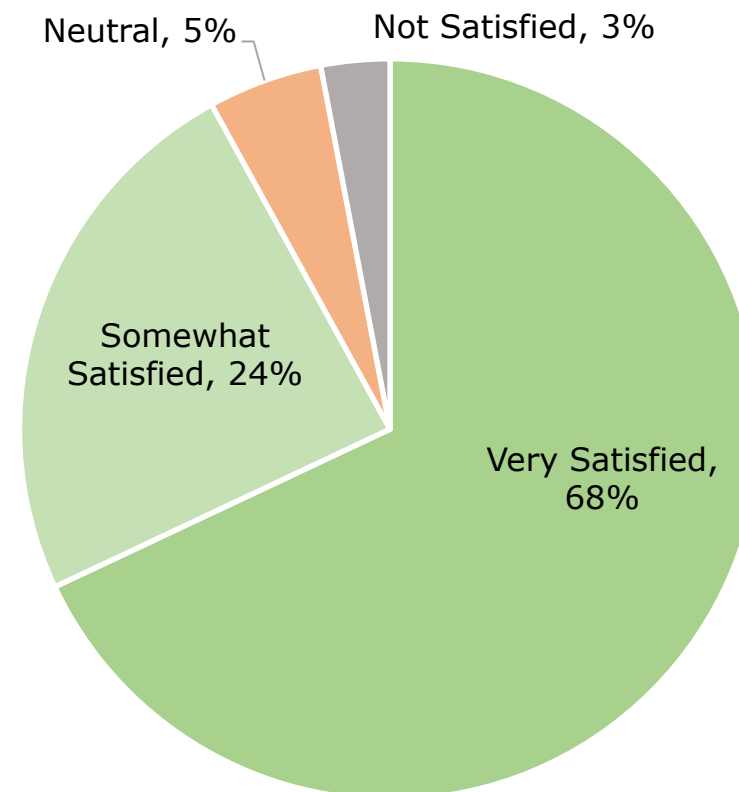
Voting method

- 7 of 10 voted in person
- Almost 3 in 10 voted at an advance poll
- 2% voted by mail

Voting Method	Total	Age 18-44	Age 45-64	Age 65+
Voted in person on election day	70%	79%	67%	63%
Voted in person at an advance poll location	28%	17%	32%	36%
Voted by mail	2%	4%	1%	1%

Voting experience satisfaction

- Overall, 92% of eligible voters who voted were satisfied with the experience, with 68% saying 'very' satisfied, and 24% saying 'somewhat' satisfied.
- 8% of electors (n=13 people) were not satisfied with their experience.
- 86% of those who voted said it took them 10 minutes or less to cast their ballot.
 - 51% of those who voted said it took less than five minutes
 - 95% were satisfied with the time it took them to vote.



Internet voting

- Just under one-third were aware internet voting is happening in other communities.
- About half (52%) of eligible voter would be likely to have used internet voting if it had been available
- 44% feel that internet voting is safe and secure, 29% do not, and 27% did not know.
- There is support for using internet voting in future municipal elections, in total 83% feel it should be considered

	Total	18-44	45-64	65+
Hamilton should not consider internet voting	17%	15%	14%	25%
Not sure I would use internet voting, but it should be considered so others can use it	42%	34%	47%	49%
Should definitely consider internet voting, and I would vote online	41%	51%	39%	26%

Communications

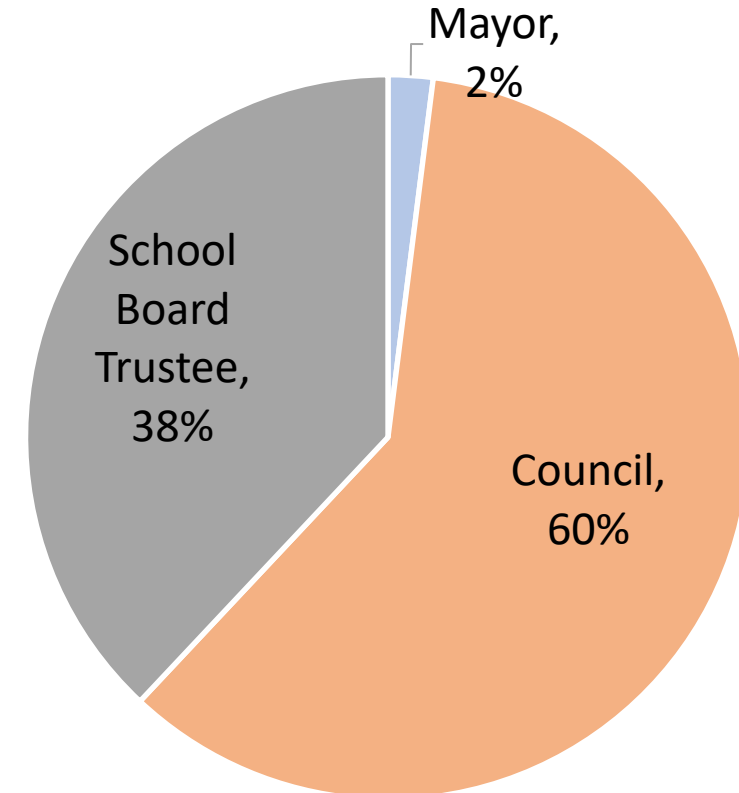
- 51% actively sought out information about the 2022 Election
- Those who voted (57%) were far more likely than those who did not (24%)
- Overall, those who sought out information were able to find what they were looking for.

	Not easy	Neither easy/difficult	Some-what easy	Very easy	Don't know/doesn't apply
Voting dates and times	–	3%	16%	74%	6%
Voting locations	6%	12%	18%	64%	–
What to bring to a voting location	–	12%	20%	68%	–
Who the candidates were	–	6%	6%	88%	–

Candidate Survey

Basic Information

- 150 candidates from the 2022 Election were sent an online survey to complete. A total of 42 candidates returned a survey, a response of 28%
- 60% of those who replied to the survey were a candidate for City Council, 38% for school board trustee, and 2% was a candidate for mayor
- 62% were running for office for the first time, 38% have run previously
- Within the group that had run for office in the past, 56% had run once or twice in the past, and 44% have run three or more times



Nomination Period

- Hamilton-offered resources had higher awareness and usage than provincial and other resources.
- Highest resource usage included the City website and the Candidates' portal

	Awareness	Usage
City of Hamilton website	88%	79%
Candidates' portal	81%	67%
Candidates' Information Session offered by the City of Hamilton	79%	43%
Election Office by email	74%	48%
Election Office by phone	71%	43%
City Sign By-law	71%	38%
Election Office Policies, Procedures and FAQs	67%	33%
Election office by in person or virtual meetings	60%	38%
Candidates' Guide, offered by the province of Ontario	57%	41%
Potential candidates school offered by another organization	19%	–
Municipal World tools and resources	14%	2%

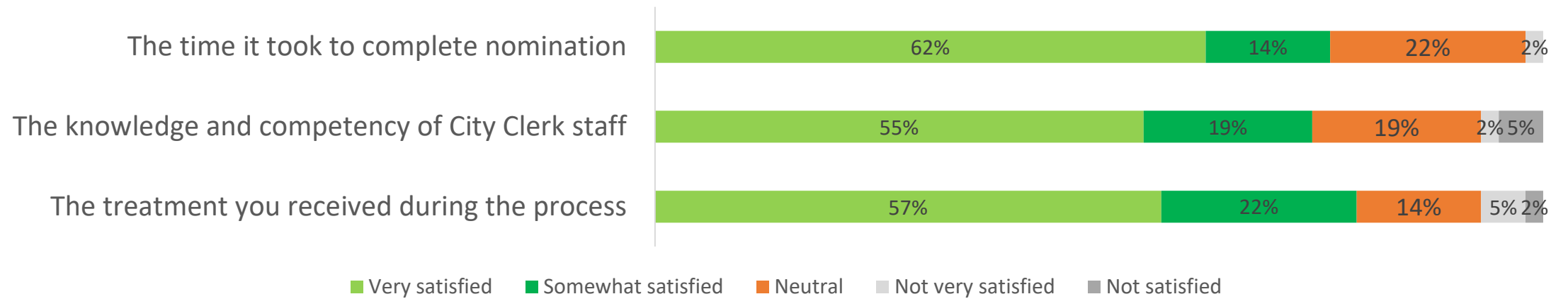
Nomination Period

- Overall, at least half of candidates were satisfied (very or somewhat) with every resource.

	Used	Not satisfied at all	Not very satisfied	Neutral	Somewhat satisfied	Very satisfied
Candidates Portal or City of Hamilton website	67%	4%	25%	10%	36%	25%
Candidates Information session, offered by the City of Hamilton	43%	–	–	39%	39%	22%
City Clerk's office by email	48%	–	15%	15%	25%	45%
City Clerk's office by phone	43%	11%	5%	28%	17%	39%
Sign By-Law	38%	13%	12%	–	44%	31%
City Clerk's office by in person or virtual meetings	38%	–	13%	6%	31%	50%
Election Office Policies, Procedures and FAQs	33%	21%	–	29%	29%	21%

Nomination Period

- Overall, candidates were satisfied with the nomination filing process. 76% were ‘very’ or ‘somewhat’ satisfied.
- Candidates were mostly satisfied (very or somewhat) with these three parts of the nomination process:
 - 76% were satisfied with the time it took to complete the nomination
 - 74% were satisfied with the knowledge and competency of City staff
 - 79% were satisfied with the treatment/comfort they received



The Campaign

- About 4 in 5 candidates who completed a survey made use of the candidates portal (81%)
- There could be some room for improvement, as 26% said it was “somewhat” or “very” difficult to find information on the portal
- The issues ranged from site navigation, accessing the voters list (before or on election day) and other technical issues

Accessing policies and procedures	91%
Reviewing the voters list	85%
Reading correspondence from the City, including maximum campaign expenses, FAQ documents, letters from the Clerk	74%
Reviewing legislation	65%
Accessing guides	59%
Tax base	3%

The Campaign

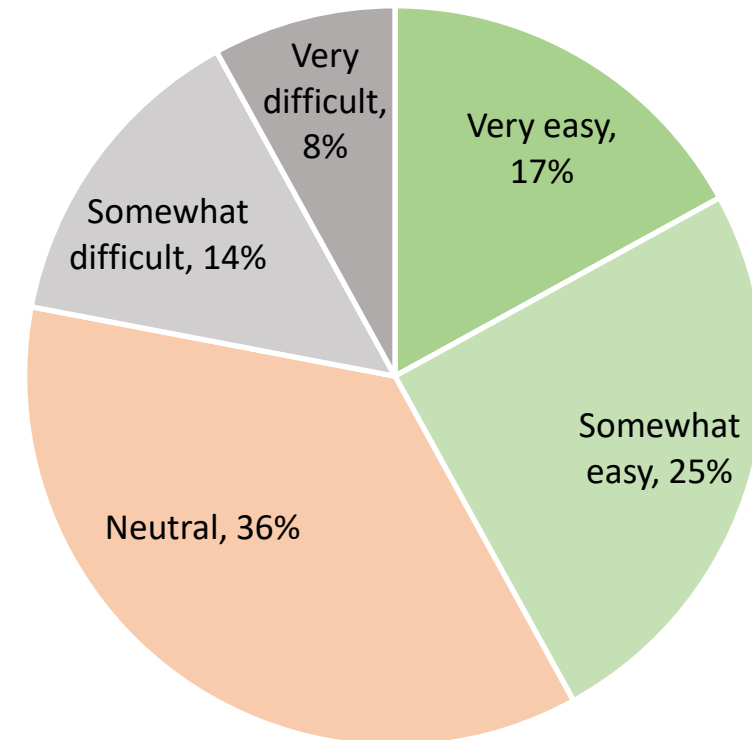
Voter information card not received	67%
Voter not aware of their vote/polling location	55%
Voter not on the voters list	45%
Voter needed information on “vote by mail” processes	43%
Voter not aware of the election	31%
Voter was unsure about municipal election issues	29%
Voter not aware of the election dates	24%
Not being allowed into apartment buildings or condominiums while campaigning	24%
Campaign signs not placed appropriately	21%
Complaints about accessible voting locations	19%
Voter didn’t know where to find information about the various candidates	12%
Voter didn’t know how to get answers to their election questions	10%
Other	6%

Voters List

Most candidates who responded to this survey had received a copy of the voters list (86%).

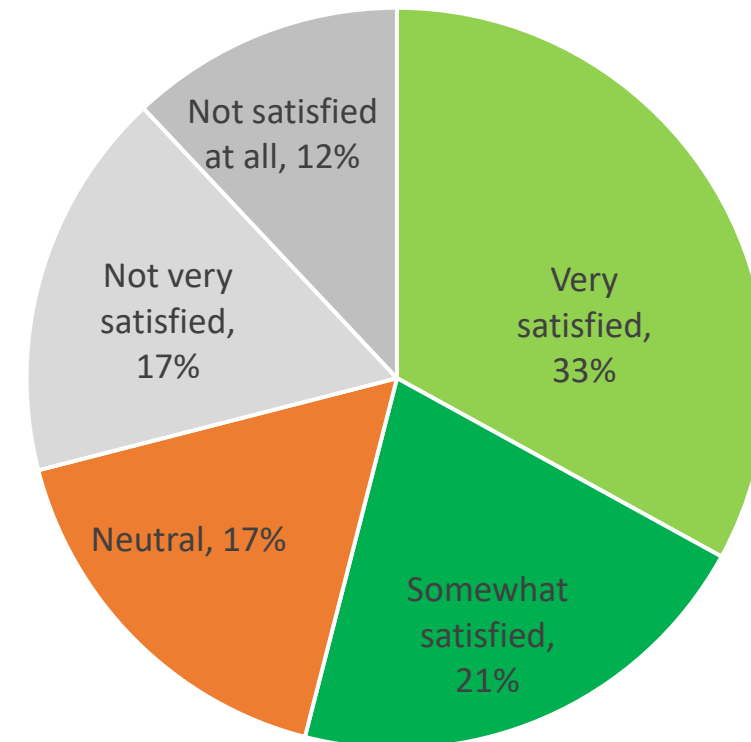
Overall 42% found it 'very' or 'somewhat' easy, compared to 22% who found it 'somewhat' or 'very' difficult. The balance (36%) found it neither easy or difficult.

Among the eight candidates who found it difficult, the reasons varied from technology challenges, preferring printed vs. online, and that it wasn't really in a candidate friendly format. Some mention about the voters list not working properly on Election Day, so that candidates could see who had voted.



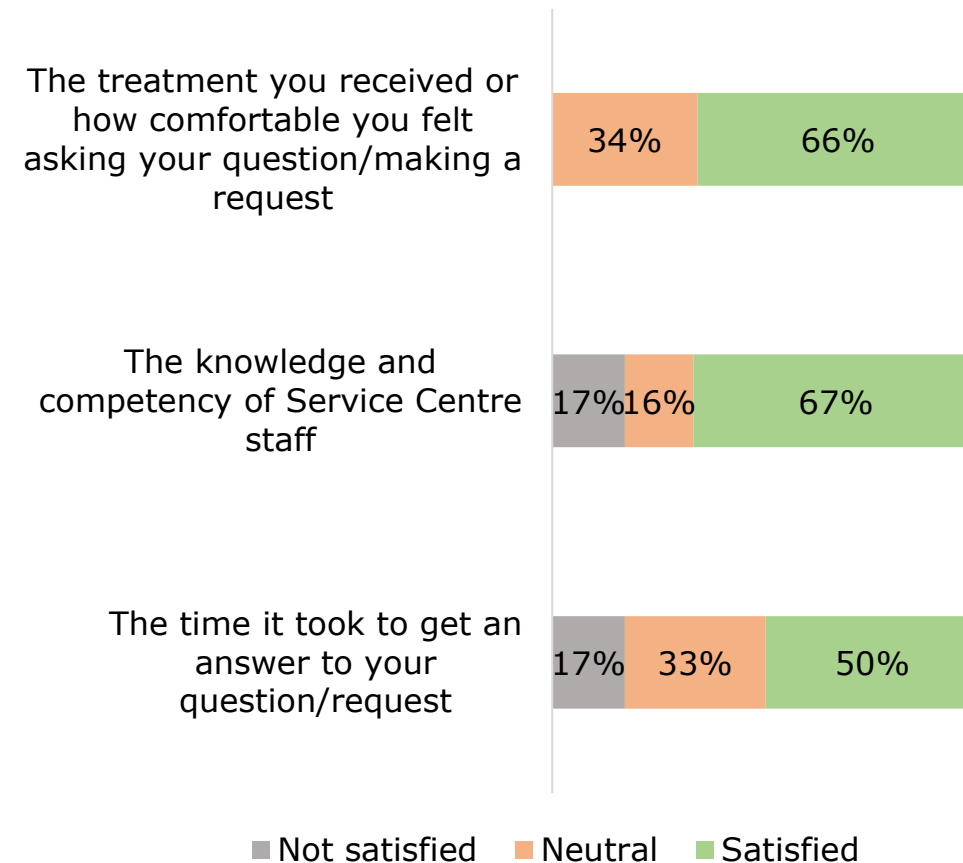
Election Office

- 57% of candidates needed to contact the Election office.
- Among that group (24 candidates), 38% were satisfied, 45% were not.
- Those not satisfied with the results were asked to expand on why, and the theme seems to be a perceived lack of knowledge and professionalism from the Election office staff.



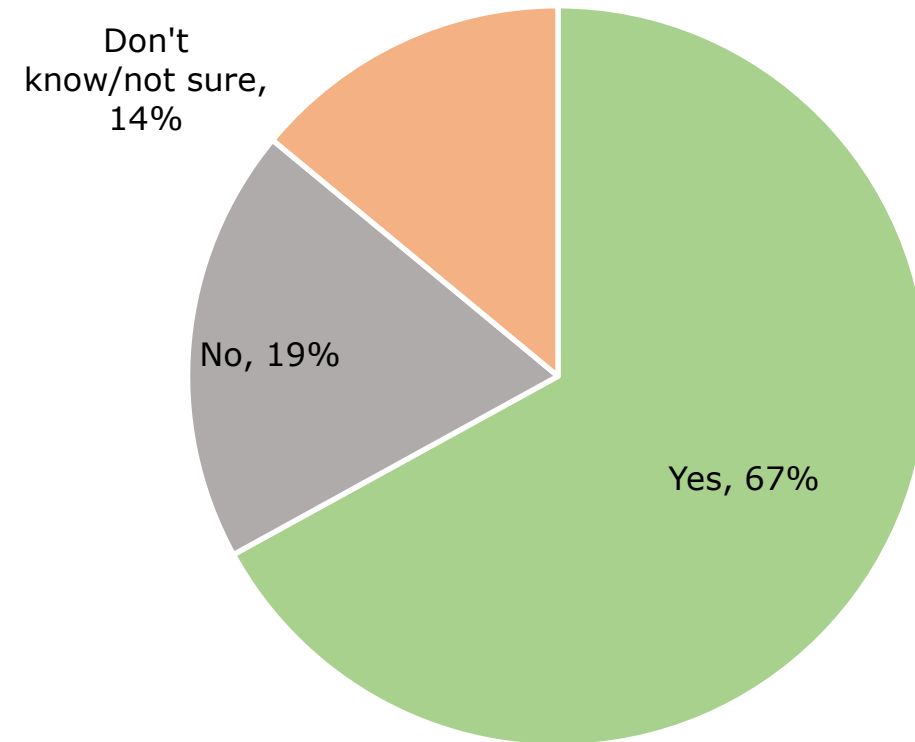
Contact Centre/Municipal Services Centre

- 7 in 10 (71%) of the candidates in this survey contacted the Customer Contact Centre or the Municipal Services Centre with a question/request about the election
- Two-thirds of these candidates were satisfied with the knowledge and competency of the Service Centre staff (67%) and the treatment they received asking their question (66%)
- 50% were satisfied with the speed of getting an answer to their question.



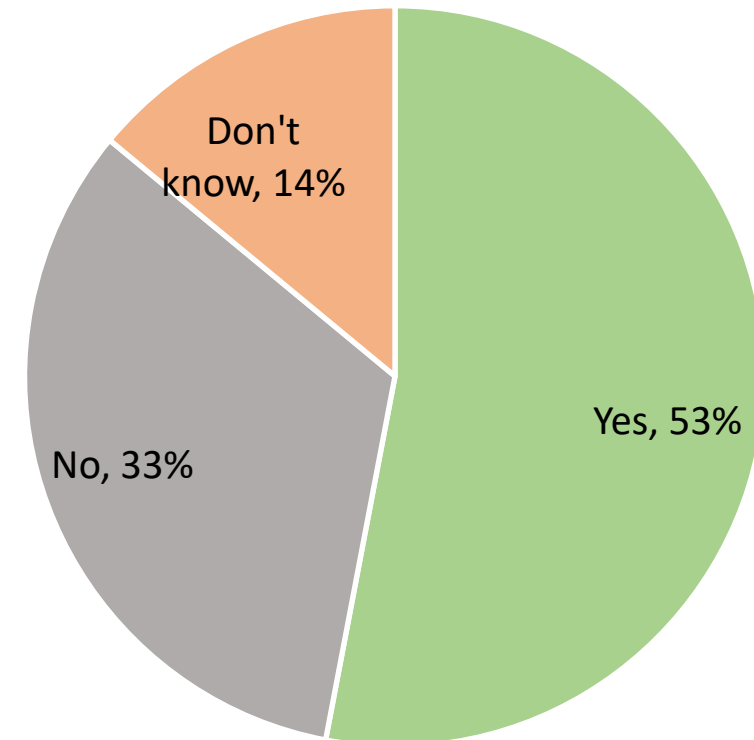
Voting options for the future

- Two-thirds feel that the City of Hamilton should continue to offer voting by mail (67%).
- 19% (about 1 in 5) feel that mail voting should be discontinued. A review of their responses as to why indicates a concern about fraud.



Voting options for the future

- 55% of candidates who responded to the survey are aware of internet voting.
- Whether aware of internet voting or not, 60% of the candidates feel that internet voting is safe and secure.
- 53% of candidates in this survey feel that Hamilton should offer internet voting in the future. 84% of those who believe internet voting is safe and secure feel that it is a good idea, compared to 6% of those who do not feel it is safe and secure.
- Those who feel that Hamilton should offer internet voting in the future say it will allow better access, is more convenient, and could encourage younger eligible voters to vote.



- Voters' List
 - Completeness, accuracy, duplicates, timeline pressures
- Exposure to technology failures, particularly on Voting Day
- Improving the Candidate Experience
- Logistics Management
 - particularly Vote by Mail and Voter Notification Card
- Resources and organizational structure
- Training
 - Particularly preparation for contingencies such as technology failure

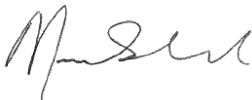
- We identified many significant opportunities for improvement, and a total of 50 recommendations were made.
- Management is largely agreeable with the audit findings and recommendations.
- We recommend that the City Clerk be requested to report back to the OAG by September 2023 with their detailed management action plans.
- Once these are found to be acceptable by the OAG, they will be reported to GIC.



QUESTIONS?



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	May 31, 2023
SUBJECT/REPORT NO:	Revised Board of Management for the International Village Business Improvement Area (BIA) (PED23100) (Wards 2 and 3)
WARD(S) AFFECTED:	Wards 2 and 3
PREPARED BY:	Cristina Geissler (905) 546-2424 Ext. 2632
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the following individual be appointed to the International Village Business Improvement Area (BIA) Board of Management:

Suzanne Lanthier – Theatre Aquarius

EXECUTIVE SUMMARY

Board Members of the International Village Business Improvement Area (BIA) Board of Management to include the appointed individual.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable

Staffing: Not Applicable

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

**SUBJECT: International Village Business Improvement Area (BIA) (PED23100)
(Wards 2 and 3) - Page 2 of 3**

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

HISTORICAL BACKGROUND

A meeting of the Board of Management of the International Village Business Improvement Area (BIA) took place on April 13, 2023. At this meeting, the membership nominated Suzanne Lanthier to the position of Director on the Board of Management.

Should Council adopt the recommendation in PED23100, the aforementioned nominated BIA member would increase the number of Directors from seven to eight on the Board of Management.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not Applicable

RELEVANT CONSULTATION

Not Applicable

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not Applicable

ALTERNATIVES FOR CONSIDERATION

Not Applicable

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

**SUBJECT: International Village Business Improvement Area (BIA) (PED23100)
(Wards 2 and 3) - Page 3 of 3**

Economic Prosperity and Growth

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


APPENDICES AND SCHEDULES ATTACHED

N/A

CG/rb



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	May 31, 2023
SUBJECT/REPORT NO:	City of Hamilton Poet Laureate and Youth Poet Laureate (PED23090) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Brianne Gascho (905) 546-2424 Ext. 6932
SUBMITTED BY:	Carrie Brooks-Joiner Director, Tourism and Culture Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

On September 21, 2022 Council directed Tourism and Culture staff to develop and present a framework to the General Issues Committee for the implementation of a Poet Laureate Program and Youth Poet Laureate Program.

INFORMATION

Overview:

The Tourism and Culture Division will implement a two-year pilot program titled, *Poet in Place*, from January 2024 to December 2025. This program will recognize a local poet or spoken word artist who – through poetry-based projects and programs – will help enhance public spaces, connect Hamiltonians to their communities, and increase the visibility of the poetic and literary arts in the city. The selected poet will be paid an honorarium for their work and will not be a City of Hamilton employee.

Titled *Poet in Place* instead of *Poet Laureate*, this poetry program will contribute to the Division's creative placemaking efforts. A poet or spoken word artist will be selected through a community-adjudication process, by which a citizen jury will evaluate and

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**SUBJECT: City of Hamilton Poet Laureate and Youth Poet Laureate (PED23090)
(City Wide) - Page 2 of 6**

score applications based on selection criteria. Through placemaking activities, the selected poet will use poetry to connect the stories of Hamilton to its public spaces, adding authenticity to place and animating our community.

Youth Poet Position

The pilot phase of the *Poet in Place* program will not include a youth poet position. A youth position will be considered if the *Poet in Place* program is renewed after its two-year pilot term. This will provide time to evaluate the existing program and make adjustments to best support a youth position as part of the program scope.

***Poet in Place* Approach**

The *Poet in Place* program is designed to enhance Tourism & Culture's placemaking efforts. Placemaking is defined in the 2020 *Art in Public Places Policy* as "...a collaborative process by which citizens, businesses and government shape our public realm to maximize shared value, strengthen the connection between people and place, and reflect the physical, cultural, and social identities that define a place and support its ongoing evolution".

Naming the program *Poet in Place* instead of *Poet Laureate* not only helps to demonstrate the direct link between the program and placemaking, but also positions the program as different from a traditional *Poet Laureate* Program.

The City of Hamilton will be a leader in government poetry programming by departing from the traditional approach to Laureate programs. The *Poet Laureate* role is largely centred around performances in highly visible public spaces and is a civic platform for political and social commentary. Both the colonial tradition and historical connotations of *Poet Laureate* programs often make them exclusionary, and in some cases, inaccessible to equity-deserving groups. For example:

- The word "Laureate" is tied to the ancient classical tradition of honouring high achievers with crowns of laurel leaves.
- The first *Poet Laureate* position was created in 17th C England, eventually becoming an appointment of the royal household.
- The position is one of prestige, meant to honour the most established or esteemed poet in a community.
- *Poet Laureate* positions are associated with honour and applicants are often evaluated based on merit, academic achievements, and awards.

Hamilton's *Poet in Place* program, which strongly links a formal civic poet role with placemaking to further Hamilton's identity as a community, is the first of its kind in Canada. This program will not only bring visibility to the local literary community, but it

**SUBJECT: City of Hamilton Poet Laureate and Youth Poet Laureate (PED23090)
(City Wide) - Page 3 of 6**

will empower literary artists to participate in placemaking activities, providing the selected poet with resources and support to implement meaningful projects in the community. Through workshops, temporary public art projects, and placemaking programs, the *Poet in Place* program will enhance public spaces and provide opportunities for Hamiltonians to experience poetry and spoken word in new, impactful, and more accessible ways.

Research and Community Consultation

An external benchmark research study was conducted, which examined poetry programs at 15 municipalities across Canada. This study surveyed the programs' selection processes, budgets, deliverables, and terms of reference. Key findings from the research demonstrate the following:

- All municipalities surveyed use the title *Poet Laureate*.
- The main responsibility of the poet is to write and perform poetry at high-profile city events.
- Poets are either appointed to their position or are selected through adjudication conducted by a selection committee or jury.
- Literary honour and/or artistic merit are typically the focus of the selection criteria.
- A poet's term length is typically between 2 and 4 years.
- Honorariums for a poet position range between \$5,000 and \$10,000 per year.

The local literary community of Hamilton was consulted about the development of the *Poet in Place* program. Consultation was conducted through conversations with literary organizations, poets, and spoken word artists. Key findings from community consultation demonstrate the following:

- Poetry and spoken word lack visibility in the community.
- It can be challenging to engage those outside the poetry community in the poetic arts. Many people feel that poetry is not for them, that they do not understand it, or they are not welcome in the poetry community if they are not poets themselves. Some poets identify the academicized nature of poetry as a contributing factor.
- There are various inclusion and accessibility barriers facing poets and those who want to access poetry and the literary arts, for example:
 - Finding spaces to share poetry is one of the biggest challenges currently facing the literary community.
 - Educational and spatial inequality create both real and perceived barriers to access.

**SUBJECT: City of Hamilton Poet Laureate and Youth Poet Laureate (PED23090)
(City Wide) - Page 4 of 6**

- There is a consensus between members of the poetry community around creating a program focused on placemaking and moving away from traditional Laureate program models.
- There is some concern about not using the title *Poet Laureate* since it is a recognized title in the literary field.

Program Details

1. Term length

- two years
- anticipated start date of Q1, 2024

2. Honorarium

- \$20,000 over the two-year term (\$10,000 per year)

3. Application Scope and Process

- To ensure a fair and robust application scope and process, applications will be received through a formal, public call and will invite both page-poets and spoken-word artist to apply.
- Application materials will include a resume, artist statement, samples of work, and a placemaking project proposal.
- Applicants will be required to submit either published work or work that has been performed publicly. This will increase application equity between page-poets, who typically publish their work, and spoken-word artist, who typically perform their work publicly.

4. Selection Process and Criteria

- Applications will be reviewed, scored, and discussed by a citizen jury as part of a rigorous selection process.
- The jury will be comprised of poets and spoken word artists, members of the local literary community, and individuals with project and placemaking experience and expertise.
- Selection criteria will not focus on a poet's 'merit', which is a criterium used often in selection processes for municipal poetry programs. Merit-based selection can create barriers to access and decrease the program's ability to be inclusive.

**SUBJECT: City of Hamilton Poet Laureate and Youth Poet Laureate (PED23090)
(City Wide) - Page 5 of 6**

- Selection criteria for the *Poet in Place* program will focus on the following:
 - Artist's voice
 - Community engagement and impact
 - Demonstrated experience in the poetic arts
 - Project planning abilities and interest in placemaking activities

5. Program Deliverables

During their two-year term, the *Poet in Place* will write and read poetry, deliver workshops, and implement placemaking projects as outlined below:

- Year 1 of Term
 - 3-4 Performances of original works of poetry or spoken word at city events or program
 - Develop and deliver 1-2 poetry workshops in collaboration with Hamilton Public Libraries offered as part of their annual 'National Poetry Month' programming
 - Develop and implement 1 placemaking poetry project
- Year 2 of Term
 - 3-4 Performances of original works of poetry or spoken word at city events or programs
 - Develop and deliver 1-2 poetry workshops in collaboration with Hamilton Public Libraries offered as part of their annual 'National Poetry Month' programming
 - Develop and implement 1 temporary public art poetry project

6. Budget

- This project is funded by the Culture Strategic Priorities Capital budget (Project ID 720155502).
- There will be no FTE implications for this program; all work will be absorbed into existing work plans.
- Total, two-year pilot program budget: \$50,000
 - \$20,000 honorarium for two-year term
 - \$30,000 for administrative and project-related expenses over two-year term, including juror fees, artwork fabrication and installation, space rentals, and programming materials among other costs

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**SUBJECT: City of Hamilton Poet Laureate and Youth Poet Laureate (PED23090)
(City Wide) - Page 6 of 6**

7. Implementation Timeline

- *Poet in Place* applications will open Q4 2023
- Position to be filled and program to begin Q1 2024

APPENDICES AND SCHEDULES ATTACHED

N/A



Hamilton

BUSINESS IMPROVEMENT AREA SUB-COMMITTEE

MINUTES 23-004

10:30 a.m.

Tuesday, April 11, 2023

Hamilton City Hall

71 Main Street West

Room 264

Present: Susie Braithwaite (Chair) – International Village BIA - Personal
Susan Pennie (Vice-Chair) – Waterdown BIA
Councillor Tammy Hwang
Chelsea Braley – Ottawa Street BIA - Personal
Tracy MacKinnon – Westdale Village BIA and Stoney Creek BIA
Heather Peter – Ancaster BIA
Nadine Ubl – Barton Village BIA
Emily Walsh – Downtown Hamilton BIA

**Absent with
Regrets:** Councillor Esther Pauls - City Business
Councillor Maureen Wilson – City Business
Alexa Chavez – Concession Street BIA – BIA Business
Bender Chug – Main West Esplanade BIA - Personal
Michal Cybin – King West BIA – Personal
Kelsey Nydam – Dundas BIA - Personal
Bettina Schormann – Locke Street BIA – BIA Business

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

(Pennie/Peter)

That the agenda for the April 11, 2023 Business Improvement Area Sub-Committee meeting be approved, as presented.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) March 21, 2023 (Item 4.1)

(Walsh/Peter)

That the March 21, 2023 Minutes of the Business Improvement Area Sub-Committee be approved, as presented.

CARRIED

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

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

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

(Braley/Ubl)

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

CARRIED

(ii) Statements by Members (Item 13.2)

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

(Walsh/Ubl)

That the updates from Committee Members, be received.

CARRIED

(f) ADJOURNMENT (Item 15)

(Walsh/Ubl)

That there being no further business, the Business Improvement Area Sub-Committee be adjourned at 11:05 a.m.

CARRIED

Respectfully submitted,

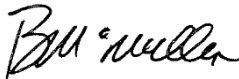
Susie Braithwaite
Chair Business Improvement Area
Sub-Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk



Hamilton

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

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	May 31, 2023
SUBJECT/REPORT NO:	Hamilton Water and Wastewater Customer Assistance Programs (FCS23045) (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 staff report back in Q3 2023 to the Audit, Finance and Administration Committee regarding a Water and Wastewater Rebate Program for Low Income Persons;
- (b) That the subject matter respecting an assessment of existing customer programs currently available to Hamilton water, wastewater and storm ratepayers, be identified as complete and removed from the General Issues Committee Outstanding Business List.

EXECUTIVE SUMMARY

At its meeting of January 25, 2023, Council approved the following motion:

“That staff be directed to assess the existing subsidy provision available to Hamilton residents in relation to the City’s water, wastewater and stormwater rate-based services in order to enable the City of Hamilton to meet its existing and future asset management provisions to uphold the integrity of the infrastructure.”

The purpose of Report FCS23045 is to outline existing customer assistance programs currently available to Hamilton water, wastewater and storm ratepayers and to explain how the current Rate supported utilities arrears funding is being utilized.

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On an ongoing basis, staff assesses ratepayers' ability to pay current water and wastewater / storm billings. Ability-to-pay is primarily a function of income related to the cost of living. Fixed costs, such as housing, property taxes, utilities and other necessities take a smaller share of household income for households with higher income levels.

Another measure of affordability may be to review water bill delinquency rates. Per the City's Arrears Policy, unpaid water and wastewater / storm arrears that remain unpaid 60 days past the invoice due date are transferred to the property's tax roll. Alectra reports this metric within their annual service activity report (for details refer to Report FCS22077).

From 2017 to 2022, the number of unpaid arrears tax roll transfers has essentially doubled with approximately 20,000 transfers in 2022. With respect to transferred arrears amounts, about \$2.3 M was transferred in 2017 and \$4.4 M in 2022 (over 90% increase in arrears transfer value versus 25% increase in rates). The increase in arrears transfers since 2017 is most concerning as approximately 90% of arrears transfers are related to residential accounts. Prior to 2017, a significant portion of arrears transfers were associated with large commercial / industrial accounts.

The Consumer Price Index (CPI) rose 6.8% on an annual average basis in 2022 and the increased cost of living has further exacerbated the affordability challenges experienced by residents. There has been a sharp increase in arrears transfers in Q1 2023 versus Q1 2022. The number of arrears transfers has increased by nearly 23% and the associated arrears transfer amount has increased by 28% while the approved combined rate increase for 2023 is 6.49%.

Combined water and wastewater / storm rates are forecast to increase by an average of 10% annually between 2024 to 2032, compared to an annual average increase of 4.7% over the past decade. Consequently, the 2023 average residential annual bill of \$877.30 will more than double to \$2,070.85 by 2032 raising concerns that affordability will become an even greater challenge for Hamilton residents.

As income level increases are not keeping pace with market increases, the increased water and wastewater / storm rates will greatly impact a low-income households' ability to cover this forecasted increased expense. This could put additional burden on families forced to make a choice between paying rent, utilities, purchasing food or other daily expenses on a limited income.

Hamilton currently offers a number of programs and policies that assist Hamilton residents' affordability with respect to water and wastewater related expenditures (for details refer to the Analysis and Rationale for Recommendations section of Report FCS23045) including:

- Water and Wastewater "Lifeline" Residential Rate Structure
- Water Payment Arrangement Policy
- Water Leak Adjustment Policy
- Protective Plumbing Program

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- Sewer Lateral Management Program
- Lead Water Service Replacement Loan Program
- Residential Water and Sewer Line Warranty Protection
- SLWC Cares Program

In addition, the water, wastewater and stormwater Rate Supported Budget includes a transfer of \$500 K to the Housing Services Division Tax Operating Budget for customer financial assistance. Within the Housing Stability Benefit (HSB) Program, administered through Housing Services Division, households in receipt of Social Assistance, both Ontario Works (OW) and Ontario Disability Support Program (ODSP), as well as, those who are living with low income can apply for assistance with the cost of utility arrears. For a number of reasons, detailed in the Analysis and Rationale for Recommendations section of Report FCS23045, the Rate supported allocation has been utilized to provide electric and natural gas utility arrears assistance rather than water / wastewater utility arrears assistance.

User fee principles support the notion that water, and wastewater / storm fees should fund only related program expenditures. Therefore, the historical budget allocation to the HSB Program could be considered to be repurposed for an assistance program that would benefit ratepayers.

Several Ontario municipalities offer water and wastewater credit program for low and / or fixed income residential customers to assist with affordability challenges. As Hamilton currently does not offer a similar assistance program, it is recommended that staff undertake a review of municipal water credit programs and report back to the Audit, Finance and Administration Committee on the feasibility of a potential credit program for low / fixed income residents.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The Rate supported budget has historically allocated \$500 K intended for water and wastewater arrears assistance that would be provided under the Housing Stability Benefit in the Housing Services Operating budget.

Recommendation (a) to Report FCS23045 directs staff to report back to the Audit, Finance and Administration Committee regarding the development of a water / wastewater rebate program for low income persons that, if approved, would be included in the 2024 Rate Supported Budget.

Staffing: N/A

Legal: N/A

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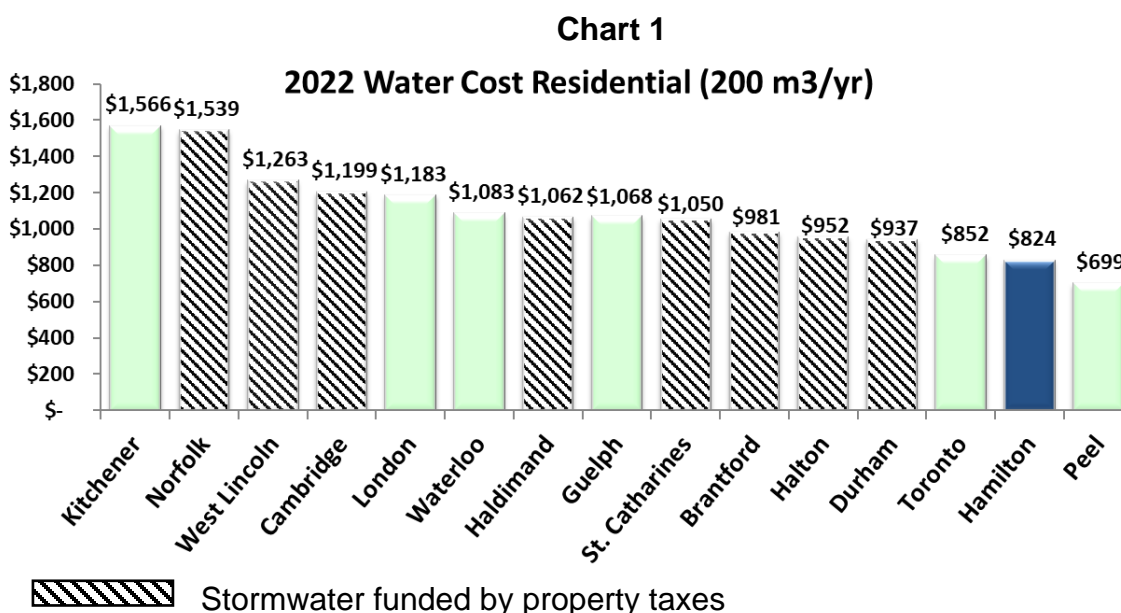
HISTORICAL BACKGROUND

Since 2014, Hamilton has adopted a unique residential rate structure (applicable to individually metered residential accounts with meter size < 25mm) that incorporates a two-step inclining block structure where the first block would be considered a “lifeline rate” as the block 1 consumption is billed at 50% discounted rates (for further details on Hamilton’s lifeline rate structure refer to the Analysis and Rationale for Recommendations section of Report FCS23045).

The 2023 approved variable water and wastewater / storm rates illustrate the discounted lifeline pricing:

Consumption Charge Block 1 (0-10 cubic metres/month)	\$0.98
Consumption Charge Block 2 (>10 cubic metres/month)	\$1.96
Treatment Charge Block 1 (0-10 cubic metres/month)	\$0.98
Treatment Charge Block 2 (>10 cubic metres/month)	\$1.96

As a direct result of the lifeline residential rate structure, the Hamilton average residential customer’s annual water and wastewater / storm costs compares favourably to neighbouring municipalities as reflected in Chart 1 to Report FCS23045.



Given the relatively lower costs for Hamilton residential water customers, there may be a perception that affordability may not be a significant concern. However, on an ongoing basis, staff assesses ratepayers’ ability to pay current water and wastewater / storm billings. Ability-to-pay is primarily a function of income related to the cost of living. Fixed costs, such as housing, property taxes, utilities and other necessities take a smaller share of household income for households with higher income levels.

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A review of BMA Management Consulting's 2021 Municipal Survey (participation by 114 Ontario municipalities) indicates that while Hamilton's median household income of \$100,036 is below the survey median \$103,024, Hamilton's average residential water and wastewater annual bill of \$785 represents 0.8% of household income that compares favourably to the survey average of 1.1%. With the forecasted average annual increases of 10% from 2024 to 2032, it is expected that the residential water bill will increase to approximately 1.6% of household income by 2032, assuming incomes will increase at the Bank of Canada projected rate of inflation over that time period.

Another measure of affordability may be to review water bill delinquency rates. Per the City's Arrears Policy unpaid water and wastewater / storm arrears that remain unpaid 60 days past the invoice due date are transferred to the property's tax roll. Alectra reports this metric within their annual service activity report (for details refer to Report FCS22077).

From 2017 to 2022, the number of unpaid arrears tax roll transfers has essentially doubled with approximately 20,000 transfers in 2022. With respect to transferred arrears amounts, about \$2.3 M was transferred in 2017 and \$4.4 M in 2022 (over 90% increase in arrears transfer value versus 25% increase in rates). The increase in arrears transfers since 2017 is most concerning as approximately 90% of arrears transfers are related to residential accounts. Prior to 2017, a significant portion of arrears transfers were associated with large commercial / industrial accounts.

Table 1 to Report FCS23045 provides a summary of the 2022 unpaid arrears tax roll transfers by municipal ward. Nearly a third of the total transfers and associated transfer amount of \$4.4 M that occurred throughout 2022 are associated with Wards 3 and 4 accounts. These two wards have average household income well below the overall City average income of \$87,775 (2015). It may be surmised that Wards 3 and 4 may have a disproportionate number of rental homes (historically, one in three residential tenant account billings were not paid with arrears transferred to the property tax roll). It should be noted that residential accounts established on or after June 1, 2018 are opened and billed in the name of the registered owner(s) of the property and not to a tenant(s) and, as such, identification of accounts associated with residential rental properties is not known.

Other wards experienced tax roll transfers representing less than 8% of the total transfers. Presumably, it would be expected that there would be a strong correlation between income and arrears transfer frequency. However, Ward 12 with the highest average income experienced transfers representing nearly 8% of the City total, the highest arrears transfer rate of wards with incomes exceeding the City average.

Of note, one factor that may be contributing to increasing tax roll transfers is, unlike with some other utilities (natural gas and electricity), service disconnection is not utilized to address unpaid water bills in Hamilton. A number of neighbouring water utilities employ service disconnection within their collection policies.

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Table 1

2022 Unpaid Arrears Tax Roll Transfers

Ward	Number of Transfers	% of Total Transfers	Value of Transfers	% of Total Value	*Avg. Household Income (2015)
1	1,406	6.8%	\$ 275,448	6.3%	\$ 75,762
2	1,372	6.6%	\$ 377,427	8.6%	\$ 51,190
3	3,547	17.1%	\$ 833,527	18.9%	\$ 54,269
4	2,355	11.4%	\$ 471,182	10.7%	\$ 66,128
5	917	4.4%	\$ 237,523	5.4%	\$ 66,755
6	1,281	6.2%	\$ 262,641	6.0%	\$ 85,514
7	1,637	7.9%	\$ 309,381	7.0%	\$ 76,818
8	1,183	5.7%	\$ 223,798	5.1%	\$ 85,828
9	1,233	6.0%	\$ 252,965	5.7%	\$ 108,602
10	1,446	7.0%	\$ 322,572	7.3%	\$ 106,049
11	904	4.4%	\$ 153,396	3.5%	\$ 105,468
12	1,566	7.6%	\$ 332,278	7.5%	\$ 150,262
13	368	1.8%	\$ 70,913	1.6%	\$ 113,930
14	846	4.1%	\$ 158,611	3.6%	\$ 95,966
15	656	3.2%	\$ 125,132	2.8%	\$ 136,351

*Source: Open Hamilton, Household Income by Ward

The Consumer Price Index (CPI) rose 6.8% on an annual average basis in 2022 and the increased cost of living has further exacerbated the hardships experienced by residents. There has been a sharp increase in arrears transfers in Q1 2023 versus Q1 2022. The number of arrears transfers has increased by nearly 23% and the associated arrears transfer amount has increased by 28% (the approved combined rate increase for 2023 is 6.49%).

Additionally, payment arrangements can be viewed as a leading indicator of arrears transfers as a percentage of payment arrangements will default resulting in further arrears transfers to the tax roll. There has been a sharp increase in the number of payment arrangements since April 2022 coinciding with increasing interest rates. Year-to-date, there has been a 75% increase in the total number of deferred payments over the same time period in 2022.

Combined water and wastewater / storm rates are forecast to increase by average of 10% annually between 2024 to 2032, compared to an annual average increase of 4.7% over the past decade. Consequently, the 2023 average residential annual bill of \$877.30 will more than double to \$2,070.85 by 2032 raising concerns that affordability will become an even greater challenge for Hamilton residents.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

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RELEVANT CONSULTATION

Public Works – Hamilton Water Division and Healthy and Safe Communities – Housing Services Division have been consulted and support the recommendations in Report FCS23045.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The City currently offers a number of programs and policies that assist Hamilton residents' affordability with respect to water / wastewater related expenditures.

Water and Wastewater “Lifeline” Residential Rate Structure

In January 2014, the City implemented a number of changes to its water and wastewater rate structure including the adoption of a two-step tiered pricing structure applicable for single residential customers. The first tier, or consumption block, incorporated a “Lifeline Rate.” Lifeline rates are targeted subsidies based on the consumption level of households, i.e. subsidized rates for a first block of consumption to cover basic needs.

Strengths of implementing lifeline rates intended to assist with providing affordable access to basic water and wastewater services include:

- Lifeline rates are considered fair and necessary to provide basic levels of service to those on low / fixed incomes.
- They are considered as an instrument of social policy and as a way to increase the purchasing power of those on low / fixed incomes.
- Lifeline rates are seen as one of many instruments that governments can use to mitigate the burden of increased fees those on low / fixed incomes.
- Restricting the price subsidy to the initial block of consumption offers a less costly alternative to across-the-board price subsidies while preserving the universal protection feature.
- Lifeline rates provide an incentive for large consumers to economize on use.
- Lifeline rates are easy to implement at minimal administrative costs.

Hamilton's Lifeline rate applicable for single residential customers (with meters up to 21mm in size) includes the following features:

- Block 1 (Lifeline Block) – comprised of the first 10m³ of consumption per month
- Block 1 (Lifeline Rate) – the reduced rate has been set at 50% of the standard volumetric rate for example, in 2023 the water volumetric rate is \$1.96/m³ with the Block 1 rate at \$0.98/m³

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Consequently, for 2023, the average residential customer annual water and wastewater / storm cost amounts to \$877.30 (based on annual water consumption of 200 m³). In the absence of the Block 1 lifeline rate the average residential customer would experience annual water and wastewater / storm costs of \$1,112.50 (over 25% higher).

Based on an online literature review, Hamilton may be unique in Ontario with respect to having incorporated a lifeline rate within its water / wastewater rate structure.

Water Payment Arrangement Policy

In March 2017, Council approved a Water and Wastewater / Storm Billing Payment Arrangement Policy (Policy) (refer to Report FCS17029). The Policy provides Payment Extensions and Payment Arrangements which are a reasonable measure to ensure the City recovers water and wastewater revenue without creating undue hardship for customers. The Policy includes a provision for Special Payment Arrangements for specific customer circumstances such as low / fixed incomes, financial hardship and other extraordinary circumstances (for details refer to Appendix “A” to Report FCS23045). By entering into payment arrangements, customers have more time to pay outstanding balances.

Additionally, payment arrangements can be viewed as a leading indicator of arrears transfers as a percentage of payment arrangements will default resulting in further arrears transfers to the tax roll. There has been an increase in the number of payment arrangements since April 2022 coinciding with increasing interest rates.

Water Leak Adjustment Policy

The City’s Water Leak Adjustment Policy (WLAP) was amended by Council in October 2021 (refer to Report FCS21087 / LS21037). The purpose of this Policy is to provide limited financial relief to owners of metered rental and owner-occupied residential properties to address abnormally high-water bills associated with water leaks due to plumbing failures. Appendix “B” to Report FCS23045 provides details of the WLAP.

The amended WLAP provides access to financial assistance up to \$2.5 K once every 24 months to pay unexpected high water bills due to plumbing leaks and to ensure those leaks are fixed in a timely manner. Providing assistance also supports housing affordability challenges that arise due to unexpected repair and sudden water bill increases.

Hamilton has been a leader in providing a leak protection program with some form of a program in place since 1997. Based on available records since 2002, \$1.99 M in leak credit adjustments related to nearly 3,850 claims. In 2022, nearly \$124 K in water leak credit adjustments related to 171 claims were processed. Reflecting community outreach efforts to raise awareness of the revised WLAP, as of May 1, 2023, already \$105 K of water leak credit adjustments has been provided for 133 claims.

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Protective Plumbing Program

The Residential Protective Plumbing Subsidy Program (Program) was initially adopted by Council in September 2009, (Report PW09082). The Program provides guidance and financial assistance to existing residential property owners in the urban area seeking to undertake improvements to their eligible properties that will reduce the potential for basement flooding due to sewer surcharge. Residential properties that are owner-occupied or rented and attached to the municipal sewer system are eligible for the program provided the proposed works conform to the Ontario Building Code. The Program provides grants of up to \$2 K and an additional loan of up to \$2 K for works that exceed the grant amount.

The Program covers the following works:

- Assessment of the building's drainage system, including a closed-circuit television (CCTV) inspection;
- Installation of a new approved backwater valve (replacements are not eligible);
- Installation of a new sump pit and pump when installed in conjunction with an approved backwater valve (replacement of existing sump pumps is not eligible);
- Disconnection of downspouts.

Since the Program inception, over \$19 M in grant funding has been provided for the installation of approximately 11,700 backwater valves and over 300 downspout disconnections. The Program 2023 Budget is \$750 K.

Sewer Lateral Management Program

Since 2006, the City offers a Sewer Lateral Management Program (SLMP) to assist property owners with eligible structural repairs, replacement or rehabilitation of the public portion of the sewer lateral that runs within the public right-of-way from the property line to the main sewer.

When the private portion is affected by roots from a City-owned tree and the property owner chooses to replace and / or rehabilitate the entire private portion, the owner may be eligible for a one-time reimbursement from the City for a portion of the costs, up to a maximum allowance as stated in the City's Sewer and Drain By-law.

Between 2014-2022, approximately \$2.9 M in grant funding has been provided to assist nearly 2,500 residential properties. The SLMP 2023 Budget is \$300 K.

Lead Water Service Replacement Loan Program

The City's Lead Water Service Replacement Loan Program (Program) has been offered since October 2007 with the purpose to provide eligible homeowners with the opportunity to access funding, through an interest-bearing loan from the City, to assist homeowners to reduce their potential risk of exposure to lead in tap water that could be coming from their private lead water service line.

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In May 2020, the Program has been amended to provide access to zero interest loans for eligible low-income residential property owners (for details refer to Report FCS19025(a)). Zero-interest loans will be granted to property owners of owner-occupied dwellings who have qualified for low-income energy customer programs such as the Low-Income Energy Assistance Program or the Ontario Electricity Support Program.

The Program provides loans up to \$3 K to assist residential property owners to replace their lead water line. The loan, including applicable interest, is transferred to the owner's monthly water bill for a maximum 10-year repayment period. Once the private water service has been upgraded, if necessary, the City replaces the public section of the water service pipe from the property line to the water main. Since Program inception over 2,600 loans have been issued providing approximately \$5.6 M in financing.

Residential Water and Sewer Line Warranty Protection

In April 2014, Council endorsed the awarding of a contract with Service Line Warranties of Canada, Inc. (SLWC) to offer Hamilton residents an optional water and sewer line warranty program that provides repair coverage for residential water service lines, sewer laterals and interior plumbing and drainage (for details refer to Report FCS12044(a)).

The SLWC warranty program offered in Hamilton includes three distinct coverages:

- Sewer Line Warranty – Covers the cost of repairing broken, leaking or clogged outside sewer lines.
- Water Line Warranty – Covers the cost of repairing broken or leaking outside water lines. It should be noted that the Water Line Coverage also includes thawing frozen water lines.
- In Home Plumbing and Drainage Warranty – Covers the cost of repairing broken, leaking or frozen water or sewer lines inside the house, including drain lines connected to the main sewer stack. This does not cover faucets or fixtures, venting issues or gas lines.

A key objective for the City has been to inform Hamilton homeowners about public versus private ownership of water and sewer lines. The City continues to be proactive in helping homeowners prepare and / or protect themselves against potential large expenses. The partnership formed with SLWC has met the intention of public education and to also let residents know what options they have to protect themselves from potential liabilities resulting from service line failures.

The warranty program has currently 13,735 warranty plan enrollments. There have been approximately 10,400 claims from Hamilton residents amounting to nearly \$4.3 M in cost avoidance for residents. The City was SLWC's first Canadian partner and since 2014 has grown as 69 Ontario and five Alberta municipalities have now joined Hamilton in becoming SLWC partners.

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SLWC Cares Program

Recognizing that everyone needs some help occasionally, SLWC takes pride in giving back to the people and communities it serves. As such, a new assistance program has been developed known as the SLWC Cares program with the objective to assist qualified homeowners with free repairs when they are faced with a plumbing service emergency. SLWC arranges for emergency repairs, at no cost to the homeowner, through SLWC's network of local, licensed and qualified contractors.

As a SLWC partner community, Hamilton residents who may be eligible for pro bono plumbing work, can apply to SLWC Cares at: <https://info.servicelinewarranties.ca/slwc-cares>. In order to assist SLWC in raising awareness of the Cares program, information regarding the program has been added to the City's website. Staff in Hamilton Water and Healthy and Safe Communities have also been advised of the Cares program and have advised community partners as well.

Over the past two years, while the Cares program was under development, SLWC has completed three pro-bono plumbing repairs for Hamilton homeowners experiencing significant hardship and unable to address plumbing issues affecting their health and safety.

Housing Services Division Support Programs

The City's Utilities Arrears Program (UAP) was created in 2003 to assist all low-income residents of Hamilton with utility arrears payments related to service disconnection and / or for security deposits.

Historically, the Water, Wastewater, Stormwater Rate supported budget has allocated \$500 K intended for water and wastewater arrears assistance to the Housing Services Division Budget. The UAP has undergone many changes since inception to improve efficiencies and to maximize funding. In 2013, with the elimination of the previous Community Start-Up and Maintenance Benefit (CSUMB) benefit under Ontario Works and the implementation of the Community Homelessness Prevention Initiative (CHPI) under the Provincial Ministry of Municipal Affairs and Housing (MMAH), the HSB program was created as a housing stability and homelessness prevention program to replace the CSUMB, using a combination of CHPI and Levy funds. At that time, the distinct UAP and the Rate supported allocation of \$500 K were rolled into the HSB, as an eligible item. In April 2022, with the elimination of the MMAH CHPI program and inception of the MMAH Homelessness Prevention Program (HPP), the HSB is now funded through a combination of HPP and Levy contributions.

In addition to HSB, in 2021, Council approved the creation of the Rent Ready (RR) program in response to anticipated pressures on rental households resulting from the COVID-19 pandemic. Given the financial burden the pandemic created on the ability to maintain rent and utility payments, it was anticipated that households would require supports in excess of maximum amounts available under the HSB in order to maintain their precarious housing.

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RR operates in a similar process to HSB, while filling the gap between HSB maximums and actual arrears/need presented by households.

HSB and RR are available to:

- Households in receipt of Social Assistance (both OW and ODSP); and
- Those living with a low income (based on current Low Income Measure (LIM)).

Households requiring support to maintain their vulnerable housing or secure new housing after experiencing a housing crisis/homelessness are able to apply for HSB / RR.

Eligible items under HSB include: rent arrears; last month's rent deposit; utility arrears and disconnection / reconnection fees; utility deposits; moving costs; appliance replacement; beds; and bed bug management items. Utilities include hydro, fuel (natural gas, oil, etc) and water.

Eligible costs under RR include: first month's rent deposit; last month's rent deposit; utility arrears and disconnection / reconnection fees; and utility deposits. Utilities include hydro, fuel (natural gas, oil, etc), water and wastewater.

Under HSB, families can apply for the maximum amounts as follows:

- Single individuals or couples with no children: maximum of \$800 within a 24-month period;
- Families with children: maximum of \$1,500 within a 24-month period.

Under RR, no maximum amounts exist and support is assessed based on the reasonableness that the family will be able to maintain or secure their housing if funds were to be issued.

Households in receipt of OW can apply by submitting a request to the Housing Services Division, where staff assesses eligibility based on set procedures. If utility assistance is approved, funds are paid directly to the utility company. Households in receipt of ODSP or living with low income can apply by submitting a request to the Housing Help Centre Hamilton, where staff assesses eligibility based on set procedures. Similarly, approved utility funds are paid direct to the utility company.

For 2023, HSB has a total budget of \$4,433,910 with three funding sources:

1. Rate Supported budget – \$500 K
2. MMAH HPP funding – \$979,910
3. Tax Supported Levy – \$2.954 M

For 2023, the Rent Ready program has a Tax Supported Levy contribution of \$1,045,037.

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The 2023 Budget combined available funds is \$5,478,947.

Chart 2 to Report FCS23045 shows actual funds issued to eligible households under the HSB and RR programs for the past five years prior to recoveries.

Chart 2

Year	HSB	RR	Total
2022	\$2,283,491	\$2,740,693	\$5,024,184
2021	\$2,281,936	\$1,164,223	\$3,446,159
2020	\$2,126,777	N/A	\$2,126,777
2019	\$4,240,505	N/A	\$4,240,505
2018	\$4,009,549	N/A	\$4,009,549

As previously noted, the Rate supported budget has historically allocated \$500 K intended for water and wastewater arrears assistance that would be provided under the HSB. However, the Rate supported allocation has been utilized to provide primarily electric and natural gas utility arrears assistance and not towards water and wastewater arrears.

Arrears payment assistance provided under the HSB is related to unpaid arrears resulting in service disconnection that may be undertaken by electric and natural gas utilities. Typically, such collection action would not be undertaken until several months of arrears have accumulated. It should be noted, that per Ontario Energy Board directives, electric and natural gas utilities are not allowed to disconnect service during the heating season of November to May.

Per the City's Water and Wastewater / Storm Arrears Policy, unpaid water and wastewater / storm arrears that remain unpaid 60 days past the invoice due date are transferred to the property's tax roll. Hence, the arrears payment assistance provided under the HSB would not be associated with water and wastewater / storm arrears as service disconnection is not a collection activity allowed under the City's Arrears Policy.

Often the arrears payment assistance provided under the HSB is related to residential tenants and not necessarily for property owners. Electric and natural gas Utility companies permit bills to be in the name of tenants who are responsible for payment. The *Municipal Act* permits the City to add the unpaid water bills to the property owner's tax roll, even if it is a rental and the owner does not live there so that property owners must pay any outstanding water fees. Furthermore, all residential water and wastewater / storm accounts established after June 2018, must be billed in the name of the property owner(s).

User fee principles support the notion that water and wastewater / storm fees should fund only related program expenditures. Therefore, the historical budget allocation of \$500 K to the HSB Program could be considered to be repurposed for an assistance program that would benefit water and wastewater ratepayers.

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**SUBJECT: Hamilton Water and Wastewater Customer Assistance Programs
(FCS23045) (City Wide) – Page 14 of 15**

Municipal Water Credit Programs

Several Ontario municipalities offer water and wastewater credit program for low and/or fixed income residential customers to assist with affordability challenges. The credit programs are often based on property tax rebate programs to reduce administration costs.

Table 2 to Report FCS23045 provides a sample of water and wastewater credit program for low income persons currently being offered by Ontario municipalities.

Table 2

Municipality	Name of Program	W/WW/ Storm	Max Amount (Annual)	Qualifier	* Average Annual Bill
Barrie	Low-Income Household Water/Wastewater Relief	W / WW	\$ 360	Total annual household income below set threshold depending on number of people living at the residence	\$ 1,150
Newmarket	Water Rebate Program	W / WW	\$ 454	Low income persons receiving one of GIS, ODSP, OW	\$ 1,314
Niagara Falls	Water Account Rebate	Water	\$ 102	Low income persons receiving one of GIS or ODSP	\$ 1,039
Port Colborne	Low-Income Seniors Grant	WW	\$ 244	Low-income senior receiving GIS	\$ 1,644
Thunder Bay	Water Credit Program for Low-Income Seniors & Persons	Water	\$ 200	low-income person receiving GIS or ODSP and less than \$45.7K annual household income	\$ 1,315

*Water and Sewer Costs, 2022 BMA Municipal Study

Staff is recommending that a review be undertaken to determine the feasibility of implementing a Water and Wastewater Credit Program for Low Income Persons and to report back to the Audit, Finance and Administration Committee once the review has been completed.

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.

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**SUBJECT: Hamilton Water and Wastewater Customer Assistance Programs
(FCS23045) (City Wide) – Page 15 of 15**

People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report FCS23045 – Water and Wastewater / Storm Billing Payment Arrangement Policy

Appendix “B” to Report FCS23045 – Water Leak Adjustment Policy

KB/JS/dt



POLICY TITLE: City of Hamilton Water and Wastewater/Storm Billing Payment Arrangement Policy

POSITION RESPONSIBLE FOR TASK: Senior Policy Advisor, Financial Planning, Administration and Policy Division

POLICY NO: PP-0012

LAST REVISION DATE: March 29, 2017

EFFECTIVE DATE: March 29, 2017

MANAGER REVIEWED: Tom Hewitson

TO BE REVIEWED: April 2027

MAINTENANCE RESPONSIBILITY: Financial Planning, Administration and Policy Division

I GENERAL

The Water and Wastewater/Storm Billing Payment Arrangement Policy (Policy) allows City of Hamilton (City) water utility Customers the opportunity to pay off past-due bill balances to keep their accounts in good standing. Payment Extension or deferred Payment Arrangements are a reasonable measure to ensure the City recovers water and wastewater revenue without creating undue hardship for Hamilton water and wastewater/storm customers (Customers).

A Payment Extension allows for payment of an account to occur within 5 business days of the invoice due date without the Customer incurring additional fees or penalties. A Payment Arrangement allows for the past-due amounts to be spread out over a specified period of time payable in equal installments at fixed intervals (usually every month). These payments are called Payment Instalments. Customers are required to pay the agreed-upon Payment Instalment in addition to paying their regular utility charges in full by the bill due date each month. Payment Arrangements must be requested prior to a transfer of unpaid water and wastewater/storm fees and charges to the tax roll for the property to which services were supplied.

II BACKGROUND

The City seeks to structure and administer this Policy to maximize the successful collection of water and wastewater/storm utility service amounts owing to the Utility while allowing the Customer to retain active utility service. The Policy allows for a consistent approach to Customer service and reinforces regular payment of outstanding fees and charges.

III POLICY

The Policy affords an opportunity to Customers, under specified circumstances, to request payment accommodations for payment of their outstanding water wastewater/storm bills in the form of Payment Extensions and Payment Arrangements. Payment Extensions and Payment Arrangements are discretionary and the City is not obligated to grant them. Requests for payment accommodations will be assessed on a case-by-case basis. Payment Extension and Payment Arrangements are meant to be used from time to time and not habitually.

DEFINITIONS

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

Backbilling: often referred to as a "catch-up" bill, is that portion of a bill which represents charges not previously billed for service that was actually delivered to the Customer during a period before the current billing cycle where the original billings are discovered to be too low (under billed). The discovery may be made by either the Customer or the Utility (i.e., the City). The cause of the under billing may include any of the following reasons or combination thereof:

- stopped meter;
- metering equipment failure;
- missing meter now found;
- switched meters;
- double metering;
- incorrect meter connections;
- incorrect use of any prescribed apparatus respecting the registration of a meter;
- incorrect meter multiplier;
- the omission/application of an incorrect rate;
- incorrect reading of meters or data processing; and
- tampering, fraud, theft or any other criminal act.

Financial hardship: is defined as a state of financial disadvantage which results in a residential Customer being unable to pay an outstanding amount as required without affecting the ability to meet the basic living needs of the residential Customer or a dependant of the residential Customer.

Income Producing Residential Rental Property: is a property where the owner registered on title is different than the occupant and/or where a property pays business taxes.

Not-for-profit: Not-for-profit corporations are incorporated under the Ontario *Corporations Act* as organizations that carry on activities without the purpose of gain for its members and any profits to the corporation.

Payment Arrangement: is an agreement a Customer enters into with the Utility company to make payments for the outstanding water and wastewater/storm arrears over a period of time specified by the Utility company.

Payment Extension: an allowance of additional time to pay in full the current billing. An approved extension allows for payment to occur within five business days of the invoice due date without incurring additional fees or penalties.

Payment Instalment: is a partial payment of the total amount of outstanding water and wastewater/storm arrears repaid in equal instalments at fixed intervals (usually every month).

IV PAYMENT EXTENSIONS

The City recognizes that from time to time Customers need an extension to pay their current water and wastewater/storm utility bill due to unforeseen circumstances. An approved extension allows for payment to occur within five business days of the invoice due date without incurring additional fees or penalties. The granting of the payment extension will be at the sole discretion of City's billing agent, Alectra Utilities (Alectra).

V PAYMENT ARRANGEMENTS

Payment Arrangements allow City water Customers the opportunity to pay past-due water and wastewater/storm bill balances and keep their account in good standing. With a Payment Arrangement, the outstanding amount is paid over a specified period of time payable in equal installments at fixed intervals (usually every month).

Eligibility

A Customer is eligible for a Payment Arrangement if:

- Customer has an active account;
- Customer does not currently have a Payment Arrangement with a Utility company to pay off a previous water or wastewater/storm arrears;
- Customer has not contravened a previous Payment Arrangement within the past twelve months;
- Customer has not filed or is in not the process of filing for bankruptcy or proposal to creditors;

- There is no evidence of unauthorized alteration to the water meter and/or piping to by-pass the water meter on the property for which the Payment Arrangement request is being filed; and
- Where a tenant is the account holder, the property owner must provide consent in writing for the Payment Arrangement.

Conditions

- Customers are required to make a partial payment equal to, at minimum, the Customer's average bill prior to establishing a Payment Arrangement.
- In addition to keeping Payment Instalments current, all new and future charges must also be paid on time.
- Upon Default in complying with the terms of a Payment Arrangement, the outstanding balance will become immediately due and subject to usual late payment interest and charges. All unpaid arrears up to the date of the default will be transferred to the property tax roll.

Any of the following constitutes "Default":

- Failure to pay a Payment Instalment when due
- Payment of an amount that is less than the agreed-upon Payment Instalment
- Failure to pay the full amount of new/future charges (not associated with the Payment Arrangement) before account enters collections

The following factors will be considered when determining the eligibility, length and other particulars of a Payment Arrangement:

- Customer's ability to pay
- The amount of the bill resulting in the payment accommodation request
- Customer's previous payment history
- The reason for the payment accommodation request
- The length of time the bill has remained unpaid
- Any special circumstances creating an extreme hardship for the Customer

STANDARD PAYMENT ARRANGEMENTS

With Standard Payment Arrangements, Customers having difficulty paying their past-due water and wastewater/storm bill amounts can apply to have the arrears payable over a specified period of time in equal instalments set at fixed intervals (usually every month). Customers may contact the City's billing agent, Alectra, directly to discuss their payment options and situation.

Residential and Not-for-profit Corporate Customers

- Customers are required to make a partial payment equal to, at minimum, the Customer's average bill prior to establishing a Payment Arrangement.
- The remaining balance must be paid over no more than a 24-month payment period, to be set by the Utility company or Alectra, with interest applied at a rate of 1.25 percent per month (15 percent per year).

Commercial and Industrial Customers

- Customers are required to make a partial payment equal to, at minimum, the Customer's average bill prior to establishing a Payment Arrangement.
- The remaining balance must be paid over no more than a 12-month payment period, to be set by the Utility company or Alectra, with interest applied at a rate of 1.25 percent per month (15 percent per year).

Tenants

- Tenant(s) must obtain a written consent from the owner(s) registered on title to the property for which a Payment Arrangement is sought for the Payment Arrangement. The consent must be in the form provided by the City. The written consent may be obtained from the owner directly by the Tenant(s), or, at the request of the Tenant(s), may be obtained by Alectra on the Tenant's behalf. No Payment Arrangement will be established without the written consent of the owner.
- Tenant Customers are required to make a partial payment equal to, at minimum, the Customer's average bill prior to establishing a Payment Arrangement.
- The remaining balance to be paid over no more than a 24-month payment period, to be set by the Utility company or Alectra, with interest applied at a rate of 1.25 percent per month (15 percent per year).

Landlords

- The City, through Alectra, provides the opportunity for water and wastewater/storm bills to be sent to a person other than the property owner such as a tenant or property manager and to be paid for by that person. However, this does not affect the property owner's liability for the charges. Where the water bill is sent to anyone other than the property owner and remains unpaid, subsection 398(2) of the *Municipal Act, 2001* permits the City to add unpaid water and wastewater/storm fees and charges to the tax roll of the property to which the public utility was supplied. In such circumstances, the fees and charges added to the tax roll will have priority lien status as described under section 1 of the *Municipal Act, 2001*. Where a tenant who is in receipt of water bills, contacts Alectra to request a Payment Arrangement for post-due bills related to water and wastewater/storm fees and charges, Alectra or the tenant will inform the property owner of the proposed plan for their consent.
- Landlords that retain the water bill for their Income Producing Residential Rental Properties may contact Alectra should they experience payment difficulties to discuss Payment Arrangement options.
- Landlord Customers are required to make a partial payment equal to, at minimum, the Customer's average bill to establish a Payment Arrangement.
- The remaining balance to be paid over no more than a 24-month payment period, to be set by the Utility Company or Alectra, with interest applied at a rate of 1.25 percent per month (15 percent per year).

SPECIAL PAYMENT ARRANGEMENTS

There may be situations where the Payment Arrangement terms and conditions are extended beyond the Standard Payment Arrangements limitations dependent on various situations as outlined below:

Water Leak and Extraordinary Circumstance Policy Considerations

Customers seeking consideration under the City's Water Leak Adjustment Policy or the Extraordinary Circumstance Bill Adjustment Policy may enter into a short-term Payment Arrangement, typically under four months, as the Customer's account must remain in good standing pending the outcome of requests made under those policies. Interest on the outstanding balances is waived until such time as the decision is made under those policies and/or a Standard Payment Arrangement approved.

Backbillings

Accounts may be Backbilled on occasion. Understanding that a Backbill may cause hardship, the City may offer Customers a Payment Arrangement with a repayment term that aligns with the time period of the Backbill (even where the repayment term exceeds the maximum term available under Standard Payment Arrangements). The Payment Arrangement may be approved with no applicable interest or penalties assessed as long as the account remains current and the scheduled Payment Instalments are made.

Low Income Payment Arrangements (LIPA)

Special Payment Arrangement terms are available for residential Customers who meet income eligibility requirements set by the City. These Low Income Payment Arrangements increase the amount of time for qualified Customers to pay off their past-due water wastewater/storm bill balances over and beyond the term limits under Standard Payment Arrangements. The Payment Arrangement may be approved with no applicable interest or penalties assessed as long as the account remains in good standing. Additionally, qualified low income Customers may be assessed a down payment less than their account average bill amount, as well as, possible reduction of incurred late payment fees.

Qualified Customers of Alectra’s Low-income Energy Assistance Program (LEAP) are eligible for a LIPA.

Other Customers seeking to qualify for a LIPA must complete an application form providing documentation and proof of total gross household income for all family members. Eligibility will be determined where family income falls below the LEAP Income Cut-Off for the family size published by the Ontario Energy Board for the billing year the application for the LIPA is made by the Customer. The following chart will be used for the 2017 billing year:

January 2017 LEAP Income Cut-Off

Family Size	Income (before taxes)
1	\$27,194
2	\$33,856
3	\$41,622
4	\$50,533
5	\$57,315
6	\$64,640
7+	\$71,968

Note: Amounts shown are set by the Ontario Energy Board, based on statistics from Statistics Canada.

Financial Hardship

The City recognizes that residential Customers can experience periods of financial hardship affecting their capacity to pay past-due water and wastewater/storm bills due to life events that are typically of an unplanned or uncontrollable nature such as:

- unemployment;
- medical illness;
- physical or intellectual disability of the Customer or dependant affecting their capacity to pay;
- death in the family;
- change in the family unit;
- domestic violence;
- sudden loss of income or substantial reduction in income;
- legal proceedings;
- natural calamity such as fire, flood or storm damage;
- other unforeseen factors affecting Customer capacity to pay, such as an increase in non-discretionary spending.

Offering flexible Payment Arrangements, based on the Customer's capacity to pay, assists Customers with solutions to manage their ongoing utility costs and payments. Approval of a Financial Hardship Special Payment Agreement increases the amount of time for qualified Customers to pay off their past-due water and wastewater/storm bill balances over and above the term limits under a Standard Payment Arrangement. The Payment Arrangement may be approved with no applicable interest or penalties assessed as long as the account remains in good standing. Additionally, qualified financial hardship Customers may be assessed a down payment less than their account average bill amount, and with possible reduction of incurred late payment fees.

When considering a Customer's ability to pay, the Customer's financial situation and their ability to meet the overall costs of their basic living needs will be considered.

Basic living needs include:

- Rent or mortgage;
- Other utilities (e.g. electricity, phone and gas);
- Food and groceries;
- Transportation (including transit, fuel and car expenses);
- Childcare and school fees;
- Clothing; and
- Medical and dental expenses.

To assess whether a Customer is experiencing financial hardship, the following information and/or documents relating to their personal circumstances may be requested:

- Employment status;
- Income and Basic Living Needs;
- Dynamic of household / number of dependants;
- Capacity to pay;
- How much the customer can afford to pay; and
- Other financial commitments.

The Customer will be assessed as experiencing financial hardship and will be assisted through a Financial Hardship Special Payment Arrangement if information provided by the Customer indicates that:

- The Customer is unable to pay their past-due water and wastewater/storm bill balances in accordance with the Standard Payment Arrangement terms due to financial hardship; and
- It appears that the Customer will be unable to pay past-due water and wastewater/storm bill balances without affecting their ability to meet basic living needs.

Financial Hardship Special Payment Arrangements are available only for residential Customers with the exception of owners/landlords of Income Producing Residential Rental Properties.

Extended-term Payment Arrangements

All Customers may request a Payment Arrangements with extended repayment terms that exceed the Standard Payment Arrangement terms for situations not related to a Backbill, LIPA or Financial Hardship. At the sole discretion of the City, these requests may be considered and, where approved, interest may be applicable to any arrears subject to such Payment Arrangements at a rate of 1.25 percent per month (15 percent per year).

PAYMENT ARRANGEMENT APPROVAL & ADMINISTRATION REQUIREMENTS

Approvals

- Standard/Special Payment Arrangements less than \$5,000: approved by Alectra in accordance with this Policy with monthly reporting to the City of all active payment arrangements.

- Standard/Special Payment Arrangements between \$5,000 and \$100,000: approved by the General Manager of Finance and Corporate Services or the Director of Financial Planning, Administration and Policy.
- Standard/Special Payment Arrangements that exceed \$100,000: Approved by City Council.

Administration

- The City and Alectra, as applicable, administers Payment Extensions and Payment Arrangements in accordance with this Policy.
- Payment Extensions are wholly administered by Alectra Utilities.
- Payment Arrangements up to \$5,000 with Standard Payment Arrangement terms are wholly administered by Alectra Utilities.
- Payment Arrangements exceeding \$5,000 and/or Special Payment Arrangements are administered by Alectra based on prior direction and approval from the City.

POLICY TITLE: Water Leak Adjustment Policy

POLICY NO: PP-005

LAST REVISION DATE: 7/1/2018

EFFECTIVE DATE: January 1, 2022

MANAGER REVIEWED: Kirk Weaver

TO BE REVIEWED: January 2027

MAINTENANCE RESPONSIBILITY: Senior Policy Advisor, Financial Planning,
Administration & Policy Division

Section 1. City and Customer's Responsibilities

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

The property owner is responsible for the water service line from the water curb valve 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. That said, water leaks do occur from time to time resulting in unexpectedly high water bills.

Section 2. Water Leak Adjustment Protection

The City of Hamilton has partnered with ServLine by HomeServe (ServLine) to provide the City's residential water customers with water leak adjustment coverage of one (1) adjustment of up to \$2,500 for leaks on the customer's premises during any 24-month rolling period. This coverage provides payment of unexpectedly high water bills due to qualifying leaks. See Item F below for services impacted by this protection. The following conditions, provisions and limitations apply:

A. Qualifying Leaks - Any leak, other than those non-qualifying leaks listed below, that generates a minimum additional charge resulting in a City water utility bill that is twice the average water bill of that customer calculated over a twelve (12) month period, up to a maximum adjustment of \$2,500 during any twenty-four (24) month period. For water customers who have been on the City's water system for less than twelve (12) months, a water leak adjustment will not be made until at least three (3) months of average usage has been established.

A leak is defined as an unintentional water loss caused by broken 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.

B. Non-Qualifying Leaks or Usage - The following leaks or use of water do not qualify for a water leak adjustment under this policy:

1. Residential customers who do not have an individual water meter and / or the meter is greater than 50mm in size;
2. Mastered metered Residential;
3. Industrial, Commercial and Institutional customers;
4. Leaks associated with structures that have been left or abandoned without reasonable care for the plumbing system (i.e. unattended homes that have not had the building control water valve turned off inside the structure and water drained from plumbing system or homes that have been left for any period of time without heat);
5. Leaks on water service lines, irrigation systems or irrigation lines;
6. Filling of water features, fountains or fish ponds or leaks associated with water features;
7. Filling of, 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;
8. Watering of lawns or gardens and washing or pressure-washing driveways, cars, windows or siding of any structure;
9. Negligent or intentional acts such as leaving water running (i.e. failing to winterize outside water faucets, leaving the outside faucet on, interior faucets left running, and / or any other water left on in the home without a faulty plumbing issue), meaning there must be an actual break and repair for leak reimbursement, neglect of private property;
10. Leaks in any structure other than the primary residential structure, such as, but not limited to, detached garages or storage buildings;
11. Water loss due to theft, vandalism or construction damage;
12. Leaks associated with water using equipment prohibited by the City's Waterworks By-law (for example, municipal water-powered backup sump pumps).

C. Submission of Claims

1. Claims must be submitted to ServLine within sixty (60) days from the billing date.
2. Claims must be accompanied by proof that the leak has been repaired before an adjustment will be made (i.e. copy of invoice for materials, bill from plumber, receipt for repair parts utilized by the homeowner for repair, meter consumption information, when available).
3. Contact ServLine to initiate a claim.

D. Limitations - A leak adjustment can encompass no more than four (4) billing cycles. No customer shall receive more than one (1) leak adjustment during any twenty-four (24) month period. Water leak adjustment coverage assists with the payment of high water bills due to qualifying water leaks but does not provide any reimbursement for the repair or replacement of water lines or plumbing fixtures. Customers who qualify for leak adjustments will be responsible for paying their four-month average bill. ServLine will pay up to \$2,500 of an excess water bill resulting from a qualifying leak. Amounts in excess of \$2,500 will continue to be the responsibility of the Customer.

E. Enrollment – As of January 1, 2022, all Residential customers who have an individual water meter up to 50mm in size are transitioned into the enhanced program, for the water leak adjustment coverage through the City's partner, ServLine. Qualifying new Residential Customers are automatically enrolled.


F. Services Impacted - Leak adjustments approved are applicable to water and wastewater / storm charges.

Section 3. Contacting ServLine

All questions concerning this water leak adjustment policy should be directed to ServLine who administers the program on the City's behalf.



CITY OF HAMILTON
CITY MANAGER'S OFFICE
Human Resources Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	May 31, 2023
SUBJECT/REPORT NO:	City Manager Performance Review Process (HUR23010) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Danielle Routhier (905) 546-2424 Ext.6667
SIGNATURE:	Lora Fontana Executive Director Human Resources 

RECOMMENDATIONS

- (a) That the Executive Director of Human Resources continues to assist with the performance review process and collecting performance review feedback from Council.
- (b) That a four-year mandate letter for the City Manager be included at the beginning of the performance review process during the first year of a new term of Council.
- (c) That the Mayor continues to participate in the final performance review meeting between the City Manager and the Executive Director of Human Resources, so that the Mayor can share performance feedback with the City Manager on behalf of Council.
- (d) That a new City Manager Performance Review Form be used (attached as Appendix "B" to Report HUR23010), as it more closely matches the City's existing Performance Accountability and Development (PAD) process used for all other employees, and also reflects the unique differences of the City Manager's role.

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.

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**SUBJECT: City Manager Performance Review Process (HUR23010) (City Wide) -
Page 2 of 5**

EXECUTIVE SUMMARY

The City of Hamilton has a responsibility to ensure that all employees, including the City Manager, have an opportunity to set goals annually, and to receive feedback on their performance in meeting these goals. To allow for a thorough review of the City Manager's performance, a review process was developed by Human Resources and approved by Council in 2009 (report HUR09024). This process was reviewed again in 2018 and was found to be "sound, reflective of best practices, and in alignment with the City's Performance Accountability and Development Process for all employees" (HUR18003).

The Canadian Association of Municipal Administrators (CAMA) updated their recommended performance review process for Chief Administrative Officer (CAO), or City Manager, in early 2023 (Appendix "A" to Report HUR23010). Human Resources has reviewed the Association's recommendations and compared them to the City of Hamilton's performance review process for the City Manager.

Based on this review, Human Resources recommends that the City Manager performance review process includes the following:

- Maintain the Executive Director of Human Resources' role in assisting with the performance review process and collecting performance review feedback from Council.
- Include a four-year mandate letter for the City Manager at the beginning of the performance review process during the first year of a new term of Council.
- That the Mayor lead the final performance review meeting between the City Manager and the Executive Director of Human Resources, so that the Mayor can share performance feedback with the City Manager on behalf of Council. Participation from the Executive Director of Human Resources will ensure information and context regarding the City Manager's performance can be shared from one Mayor to another when there is a change in this elected role.
- Creation of a new City Manager Performance Review Form (attached as Appendix "B" to Report HUR23010) that more closely matches the City's existing Performance Accountability and Development (PAD) process used for all other employees, and also reflects the unique differences of the City Manager's role.

Alternatives for Consideration – See Page 5

**SUBJECT: City Manager Performance Review Process (HUR23010) (City Wide) -
Page 3 of 5**

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Should Council approve the alternative recommendation (engaging a third-party consultant to facilitate the process instead of continuing to engage the Executive Director, Human Resources) there will be consulting fees incurred, at an approximate cost of \$25,000 annually. Engaging a third-party consultant will also delay the City Manager's presentation of their accomplishments against the Annual Work Plan, which is expected to be presented to Council in June.

Staffing: N/A

Legal: N/A

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

The Canadian Association of Municipal Administrators (CAMA) updated their recommended performance review process for Chief Administrative Officer (CAO), or City Manager, in early 2023 (Appendix "A" to Report HUR23010). Human Resources has reviewed the Association's recommendations and compared them to the City of Hamilton's performance review process for the City Manager.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Through analysing Canadian Association of Municipal Administrators recommended process, Human Resources determined that the existing City Manager Performance Review Process meets or exceeds the recommendations from the Association for CAO performance evaluation.

The City of Hamilton's process has several strengths, including:

- The City Manager creates an Annual Work Plan to document annual objectives. This allows for flexibility to make changes from year-to-year during the term of Council. The Canadian Association of Municipal Administrators provides a mandate letter template (Appendix "C" to Report HUR23010), but when used alone, it is not as comprehensive as the Annual Work Plan.

**SUBJECT: City Manager Performance Review Process (HUR23010) (City Wide) -
Page 4 of 5**

- The City has a different performance review process for all employees, called the Performance Accountability and Development (PAD) Process. The resources for this process are based on best practices and are more robust than what is offered by the Association. The proposed City Manager Performance Review Form (Appendix “A” to Report HUR23010) incorporates the details which are relevant to the City Manager.
- The performance review process is driven by the City Manager and happens on a consistent timeline, which is aligned with the Association’s recommendation. The City Manager initiates the Annual Work Plan and conducts a self-assessment of their performance. The City Manager presents their accomplishments against the Annual Work Plan in Council annually in June, following the approval of the budget.
- The City Manager is not given a formal Overall Performance Rating, which is consistent with the Association’s recommendation.
- The involvement of the Executive Director of Human Resources in the performance review process is a valuable support and aid for the City Manager, the Mayor and Council. Although the Association does not recommend the involvement of Human Resources in the performance review process and suggests using a third-party facilitator, the City’s practice of using Human Resources to support Council is a cost saving measure for the City and provides for greater consistency over the years.

The City’s process does have room for improvement in the following areas:

- The City Manager currently completes both a four-year mandate letter and annual objectives for the General Managers and the Directors in the City Manager’s Office. The City Manager performance review process with Council does not currently use a mandate letter. There is an opportunity to create consistency among the City’s Senior Leadership Team and ensure Council’s expectations of the City Manager are clear by using a mandate letter (Appendix “C” to Report HUR23010) for the City Manager as well.
- A foundational principle of both Canadian Association of Municipal Administrators’ process and the City’s Performance and Accountability process for all employees, is that performance feedback should be delivered by the leader on an ongoing basis. The Mayor, as the head of Council, acts as the leader for the City Manager in this process. The City Manager meets weekly with the Mayor, providing opportunities to receive feedback throughout the year. The final performance review meeting is conducted by Council in-camera, with support from the Executive Director of Human Resources. Feedback from the

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

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

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

**SUBJECT: City Manager Performance Review Process (HUR23010) (City Wide) -
Page 5 of 5**

final performance review meeting is then shared with the City Manager by the Executive Director of Human Resources, and the Mayor. There is an opportunity to better match the Association's recommendations and the City's existing performance process by involving the Mayor in delivering final performance review feedback.

- The City Manager Performance Review Form (Appendix "B" to Report HUR23010) would provide more structure for documenting and delivering final performance feedback. It provides the Mayor, Council and the City Manager with a formal record of the performance review and would better align to both the Association's recommendation and the City's existing performance review process for all staff.

ALTERNATIVES FOR CONSIDERATION

Council may consider adopting the recommendation from the Canadian Association of Municipal Administrators, specifically engaging a third-party consultant to work with the Mayor and Council to facilitate the process, instead of engaging the Executive Director, Human Resources. This will result in an additional cost of approximately \$25,000 annually and will delay the performance review process for this year.

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 AND SCHEDULES ATTACHED

Appendix "A" to Report HUR23010 - Canadian Association of Municipal Administrators
CAO Performance Evaluation Guide for Mayor and Council
Appendix "B" to Report HUR23010 - City Manager Performance Review Form
Appendix "C" to Report HUR23010 - Canadian Association of Municipal Administrators
Mandate Letter



CAO Performance Evaluation Toolkit

Guide for the Mayor & Council

An Ongoing Process: Not Just an Annual Event

A FREE RESOURCE BENEFITING CANADIAN MUNICIPALITIES

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Message From the Canadian Association of Municipal Administrators

It seems like a given, but regular performance evaluations of the Chief Administrative Officer (CAO) are not always a forethought for the Mayor and Council. Feedback suggests that when it is happening, it is not always used effectively. The Canadian Association of Municipal Administrators (CAMA) recognizes that performance evaluation is **an ongoing process and not just an annual event**. To facilitate the process, CAMA launched a Toolkit in 2017 with the support of our members, the Federation of Canadian Municipalities (FCM), and the elected officials, who completed our surveys at that time.

Over the years, we have heard feedback from our members and their Councils on the Toolkit and are pleased to provide you with a **new updated and improved 2023 edition**, which continues to be a flexible model that provides you and your CAO with the opportunity to choose the tools that work for your organization. Councils can change every four years and sometimes your entire direction changes which can be the same for the performance evaluation process. There is no right or wrong process or one that's perfect. What worked last year may not work this year depending on the complexities, so it's up to you and your CAO to customize the best performance evaluation model that works for everyone.

This new version of the Toolkit gives Mayors and Councils the tools and best practices to facilitate discussions with their CAO so that performance management is fair and effective, and the process is very easy for both parties. Using this Toolkit, the CAO and Mayor and Council can hold open conversations to assist in achieving a collective vision and reaching strategic goals for the success of the organization and the community.

For both parties, the Toolkit fosters:

- a foundation for good communication;
- an approach to dialogue and conversation that reduces misunderstandings;
- a process for setting annual work-related goals;
- a shared understanding of performance measures;
- a recognition of the CAO's achievements and assessment of what is being accomplished;
- an identification of performance gaps and proactive measures;
- a focus on aligning the CAO's goals with the strategic plan for the organization.

This Toolkit will support Mayors and Councils to work more effectively with their CAO, will shift Canadian practice to a higher level of professionalism, and will assist with the unique working relationships CAMA members must maintain with elected officials.

Please note that the reference to "Mayor and Council" in this document also includes Reeves, Wardens, Chairs, Heads of Council and elected officials.

Contact Jennifer Goodine, CAMA Executive Director (1-866-771-2262) admin@camacam.ca with your questions and comments.

TIP: Elected and appointed leadership need to strategically work together in an anticipatory fashion to align the municipal organization for success.

Introduction

CAMA produced this Toolkit in recognition of the importance of the relationship between the City Manager, Town Manager, or Chief Administrative Officer (CAO) and Mayor and Council. The CAO is the administrative head of the municipality who ensures policies and programs are implemented; advises and informs Mayor and Council about the operation and affairs of the municipality; and carries out the duties described in legislation.

CAOs stand at the crossroads of municipal management and politics, and in their job to follow the direction set by the municipality's elected officials - and a high degree of trust between each party is required.

Municipal World's article, by columnist Dawn McCoy entitled "CAO performance evaluation" explains the many responsibilities of the CAO:

"Consider this scenario. You are in charge of a multi-million dollar corporation with hundreds of employees. You have multiple stakeholders, all with an interest in how your organization meets their specific needs, many of which are not the same as each other's or your own. Your boss changes every four years and sometimes your entire direction changes, but it is not always clear what the new mandate is. In fact, you have multiple bosses, with different goals and ideas of what you should do and how you should do it. How do you know you are doing what you are supposed to do?"

This is the reality of the Chief Administrative Officer, the only employee of the elected council in most municipal government organizations. Given all the complexities, how does the CAO navigate through this murky maze to make sure they are leading the organization in the direction Council wants to go? How does Council know if the CAO is actually implementing their mandate or how well their goals are being met?"

In many Provinces and Territories, an annual CAO review is a requirement. However, even when it is not mandatory, it is advisable for Council to provide a yearly evaluation. For many municipalities, the annual performance evaluation is the key performance indicator of the

effectiveness of the CAO's strategic management decisions and actions and the performance of the organization. Appraisals are Council's opportunity to officially tell the CAO, from their perspective, how well they are discharging their duties. It is the CAO's report card.

CAMA encourages a broader, more holistic understanding of performance conversations, which form part of **an ongoing process, not just an annual event**. It is important to ensure Council strategy and expectations of the CAO are clearly defined, so there is something to measure performance against. To learn more about the principles of performance evaluation [click here](#).

Most Councils rely on the CAO to:

- be the connecting link between Council and municipal operations;
- implement the municipality's policies;
- assist Council in arriving at decisions and manage the efficient execution of those decisions by municipal staff;
- develop and use an appropriate decision making process;
- regularly review staff performance;
- maintain organizational health; and
- take all reasonable steps to run the organization professionally and within approved Council policies and the limits of government legislation.

This Toolkit will provide you with a Quick Reference Guide for each of the three steps in the process, but also a detailed step-by-step guide and checklist for the Mayor and Council when reviewing the CAO's self-evaluation, creating the *Final Performance Evaluation Report*, and the meeting with the CAO to discuss the results. The CAO has also been provided with their own guide for the process **"CAO Performance Evaluation Toolkit - Guide for the CAO"**.

TIP: It is imperative that CAOs and Councils are using a process that everyone sees the value of, and has confidence in.

How to Use This Toolkit – Mayor & Council

This Toolkit is meant to be a guide of best practices and guidelines for the Mayor and Council and the CAO to follow, however it is **flexible and customizable**. It is recommended that you customize the performance evaluation process for your organization and choose the specific components that work for you. It can be used for

- a CAO and Council that are developing a new process and it is their first time conducting a performance evaluation; or
- a CAO and Council that already has an existing process with specific templates that already work well but would like to add some other components and best practices.

As the first step, the CAO will provide a recommended process to the Mayor for consideration.

CAO Reviews Documents , Completes Self-Evaluation and Information Package to Present to Mayor & Council

Mayor and Council Review the CAO's Self-Evaluation and Create a *Final Performance Evaluation Report*

CAO, Mayor & Council Meet to Discuss and Sign *Final Performance Evaluation Report*

What is Included in this Toolkit?

This Toolkit provides the following information:

- **Important Information on the Value of Performance Discussions.** A performance evaluation should be an **ongoing process – not an annual event**. There are some tips and best practices on the importance of setting up quarterly reviews with your CAO, developing a compensation framework when the CAO is hired, surveying stakeholders that interact with the CAO on a regular basis, and the possibility of hiring a third-party consultant to conduct a facilitated evaluation.
- **Quick Reference Guides:** A one-page Quick Reference Guide showing each step at-a-glance for each of CAMA's three-part process (for the CAO, Mayor and Council and the final performance evaluation meeting).
- **Details for the Mayor and Council's Deliverables for the CAO's Performance Evaluation.** A detailed step-by-step guide for the Mayor and Council's *Final Performance Evaluation Report* and meeting with the CAO.
- **Sample Best Practices.** The performance evaluation template included in this Toolkit is a best practice document to assist you in having quality discussions with your CAO around their performance and does not have a rating system. A sample mandate letter has also been provided as an option. The CAO will provide a recommendation on the process and metrics.
- **Mayor and Council Process Checklist.** A Mayor and Council Process Checklist to ensure you have included all steps of the CAO *Final Performance Evaluation Report* and are prepared for the meeting with the CAO.
- **Sample Timeline.** A sample timeline to be used as a guide, beginning in mid-August and finishing the first week of December to coincide with the calendar and budget year. This process can move at the pace set by the CAO and the Mayor and Council.

What About the CAO's Process?

If you would like to review the detailed recommended process for the CAO's self-evaluation and preparation of the CAO *Information Package* for the Mayor and Council visit the [CAO Performance Evaluation Toolkit: Guide for the CAO](#).

Tips on Customizing Your Performance Evaluation Process

Every Council and their CAO is different and therefore the way that performance evaluations are conducted are going to be unique. The Toolkit is designed to provide you with foundational steps (the regular performance evaluation process) as well as optional steps (quarterly reviews, developing a compensation framework, and a stakeholder survey) which are outlined in detail in the next section. You may choose elements to start a simple process in your organization or pick additional pieces to add to your existing process. However, at the beginning of the process, the CAO will work with the Mayor and Council to determine the vision.

As a best practice, to facilitate a qualitative discussion during performance conversations with your CAO, you may consider using CAMA's performance evaluation template **without a rating system**, as a guide focusing on the specific annual Council and CAO goals for the evaluation period. You may also complete a mandate letter that outlines the annual expectations of a CAO of being a role model and good corporate leader, but also the specific expectations for the year based on the goals of Council and the CAO, approved by Council the previous year. These templates can be customized to suit your needs.

The performance evaluation process starts and ends with the CAO and he or she will initiate the process and both parties will decide on the template and performance metrics used for the evaluation. It is important for the Mayor and Council to take their time in reviewing the CAO's *Information Package* and prepare a *Final Performance Evaluation Report*. The end product is a meeting with the CAO, Mayor and Council to discuss the *Final Performance Evaluation Report* and set goals for the following year.

TIP: A numbered rating system is not always helpful.

"Evaluating someone's performance is a complex process and reducing it to a scale of 1 to 5 helps neither the evaluated nor the evaluators. Some people are "hard graders" and others just check the top box. Some will use it to avoid providing specific, meaningful feedback. In our experience, rating systems reduce the amount of feedback provided to the manager, and often produce a muddled and confusing result without clear direction to the manager."

Source: ICMA article titled "A Better Way: The Facilitated CAO Performance Review"

The Value of Performance Discussions

Effective performance management and performance evaluation should improve communication and the employment relationship between CAOs and their Councils. This is a unique relationship in that there are a number of people involved in evaluating the performance of the CAO, even though Council as a body sets direction. The relationship is significantly more complex than a traditional one-to-one of supervisor to employee. While there may be similarities to Board of Director/Chief Executive Officer relationships, the municipal context has these differences:

- In many cases, provincial legislation sets the basis for the Council/CAO relationship.
- Elected officials may or may not have prior experience and training in the oversight and performance evaluation of a professional senior executive.
- Municipal compensation systems may provide financial incentives (i.e. an annual bonus) to drive/reward performance.

Both elected officials and municipal CAOs operate under daily scrutiny of the public and the media. Regular performance evaluations promote a high-performance organization that is better able to withstand that scrutiny. They also create a vision for Council for their mandates.

The key value to conducting a written performance evaluation of the CAO provides the following benefits:

- An opportunity to increase communication between the CAO and the Mayor and Council.
- The conversation gives the CAO an opportunity to identify goals that support his or her career objectives.
- Aligning the municipality's strategic goals with the CAO's goals supports the organization's excellence.
- The performance review of the CAO provides the Mayor and Council with a formal record of their performance conversation and appraisals of the CAO's achievement of agreed-upon goals, and of the organization's performance in achieving its goals.



Goal setting occurs at the start of an evaluation cycle and the key results are an important component at the end of the annual evaluation cycle. **CAO's need to be in sync with the expectations of Council and these should be articulated at the outset and generally discussed again every year at the evaluation.**

Performance evaluations show appreciation for and feedback on the work of the CAO. Through performance evaluation the CAO better understands the roles and responsibilities of the position. Evaluations:

- offer a prime opportunity for organizational feedback;
- recognize the challenges the CAO faces;
- allow elected officials to hear about the CAO's managerial style; and
- encourage appreciation for the need for succession planning; and discuss/clarify the future.

An Ongoing Process - Not Just an Annual Event

The importance of regular conversations or "check-ins" throughout the year cannot be overstated. Building solid, respectful working relationships will advance everyone's interests and avoid having surprises arise over the course of the year and specifically at year-end. Regular performance conversations make it easier to link compensation to performance at the year-end performance evaluation.

Setting Up Quarterly Reviews

Although this Toolkit is for **annual** Performance Evaluation Reviews, some municipalities set up **quarterly reviews** for a more formal approach to "checking in," which gives the opportunity to review/change goals that are no longer achievable due to new circumstances.

Discussion with CAO on Compensation

During discussions about job descriptions, hiring, and performance evaluation, a compensation framework can be developed. When the Mayor and Council meet to discuss the *Final Performance Evaluation Report*, they may use the time to decide upon compensation. The Report identifies the level of performance satisfaction for the entire performance period. In addition to the ratings and executive summary of the *Final Performance Evaluation Report*, compensation decisions may be based on:

- the economic climate of the municipality and community;
- the general status of comparable compensation in the private sector of the community;
- compensation decisions for other employees of the local government; and
- a comparative salary review.

ICMA's Employment Agreement recommends the following options: an increase dependent upon the results of the performance evaluation in the form of salary and/or performance incentive and/or increase in benefits; the Consumer Price Index; compensation by percent each year; or by at least the average across the board increase granted to other employees of the Employer.

Optional Steps

Stakeholder Survey

Whether the municipality is small, medium, or large, there are components of performance evaluations that can elevate their effectiveness, such as a survey of stakeholders. Stakeholders include senior staff who report directly to the CAO and stakeholders identified by the CAO and confirmed by Mayor and Council.

This is an **optional step** in the performance evaluation; however, the review provides valuable information on how results are achieved and how the community perceives both the CAO and the municipality. Some evaluations call for a 30-minute interview with all stakeholders except for those stakeholders who provide feedback online. Conducting performance evaluations holds all those involved to professional standards and builds a community within the organization because all stakeholders involved are asked for input. This includes staff who report to the CAO, stakeholders who work with the CAO, and Mayor and Council. All participants in the Survey of Stakeholders must be assured that their input is confidential and that the results of interviews and surveys will be scrubbed to be non-attributable.

Hiring a Third Party Consultant for a Facilitated Evaluation

The goal of the performance evaluation is to provide the CAO with meaningful feedback. As stated by ICMA in an article entitled “A Better Way: The Facilitated CAO Performance Review” –

“Meaningful feedback is a gift. It is critical to effective leadership in ensuring that a City Manager’s actions align with the elected officials to whom they report.”

Sometimes Councils often find the process time-consuming, cumbersome, and not particularly effective. However, hiring a third party, such as a consultant, to work with the Mayor and Council to facilitate the process to ensure it is fair is a good best practice. A third party manages the evaluation process, acts as a neutral party to gather data from elected officials (and other evaluators), analyzes the data, and presents the findings to the CAO in a way that encourages growth.

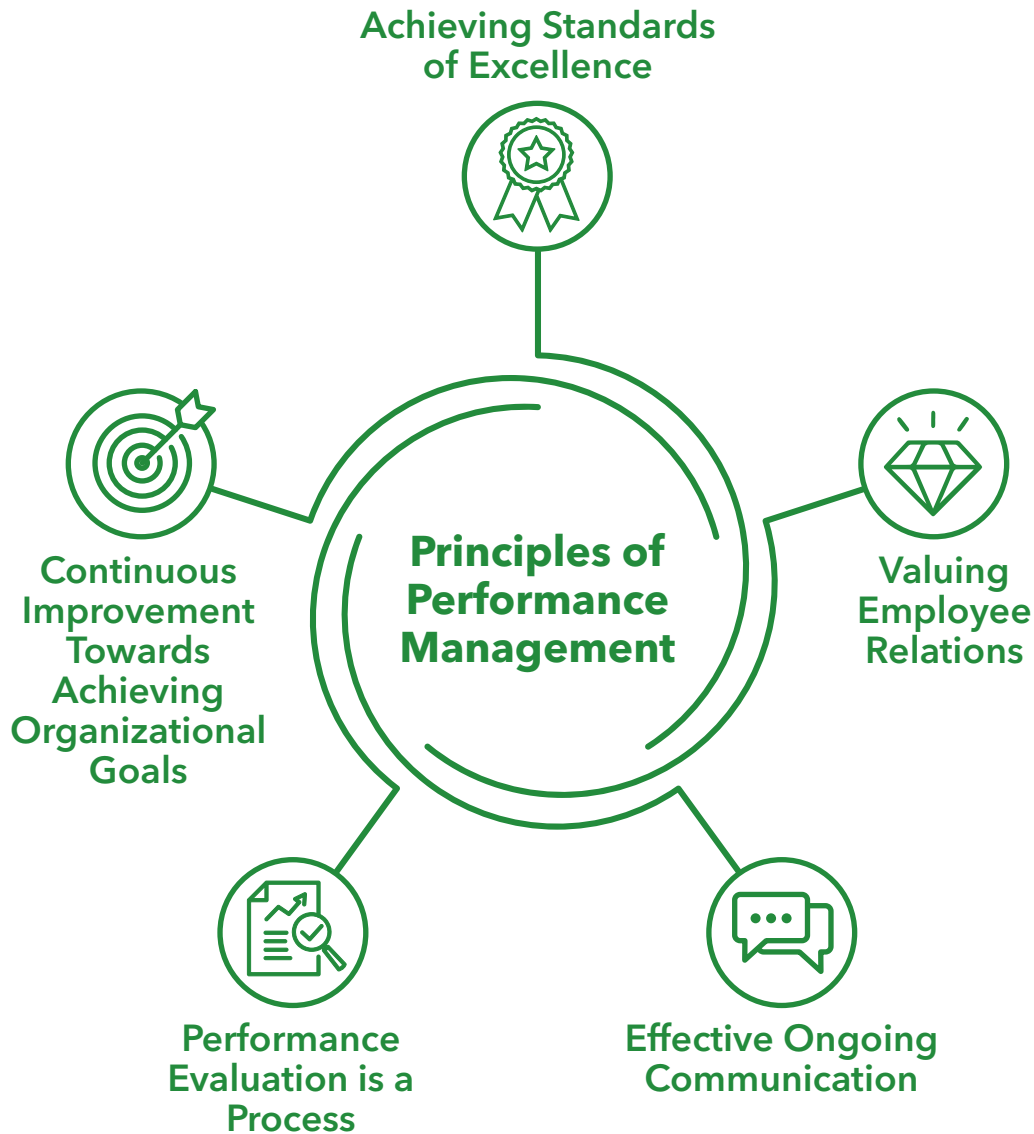
For the CAO, it provides meaningful feedback, it clears the air if there are any issues identified by Council, it separates the message from the messenger, and it focuses on results-oriented opportunities. For the elected officials, it professionalizes the process, values all opinions around the table, makes the process easier with one person responsible for managing the evaluation from start to finish, and it creates clarity.

The cost to pay for a facilitator is minimal when considered alongside the benefits and should be recognized as the key to a successful CAO-Council relationship. Given the significant investment that you have made in your CAO, the number of staff and budgets that they are responsible for, and the importance of assessing and correcting course as needed, it can create huge cost-savings from avoiding breakdowns in the Council-CAO relationship and is the key to success.

TIP: It is not recommended that the Human Resources Department or any other employee be intimately involved in the process as it puts them in an awkward situation as they all report to the CAO. The City Clerk may be involved in the process on behalf of the Mayor and Council. If a consultant is hired a recommendation would be that they meet with the Sub-Committee and/or Council to do an orientation on the purpose of a performance evaluation.

Source: ICMA article titled “A Better Way: The Facilitated CAO Performance Review”

Principles of Performance Management



Principle	Explanation
Achieving Standards of Excellence	Professional Chief Administrative Officers are essential for effective local government to operate with standards of excellence.
Valuing Employee Relations	<p>CAO performance evaluations are a way for Mayor and Council to recognize, appreciate, and evaluate their relationship with their employee.</p> <p>Mayor and Council may change more often than the CAO, so the performance evaluations offer a way to ensure all involved have clearly outlined understandings and expectations for the CAO. The best time to make those expectations known is during the annual evaluation.</p> <p>Performance evaluations, when there is a good relationship between the CAO and the Mayor and Council, allow for a discussion about the performance of the whole organization. The performance evaluations are a tool to better inform and engage Mayor and Council with the CAO's work, and to recognize the challenges the CAO faces. In gaining such an understanding, Mayor and Council can better appreciate the effectiveness of the CAO's work and determine ways to strengthen their support of this work.</p> <p>The relationship between Mayor and Council and the CAO ought to be front and center in any performance evaluation. Positive relationships, marked by respect, trust, and transparency will advance the achievement of organizational goals.</p>
Continuous Improvement Toward Achieving Organizational Goals	<p>The foundation of a performance management system aligns goals and expectations for the CAO with overall organizational strategies.</p> <p>High performance organizations promote continuous improvement for the CAO and the organization, empowering both to achieve success. As long-term outcomes come within reach, standards of excellence can be redefined.</p> <p>In some Provinces and Territories, the first goal is to meet legislative requirements that Council conduct regular CAO performance evaluations. Many jurisdictions have policies and by-laws in place that describe responsibilities and expectations towards performance evaluation of CAOs. Performance evaluation is a tool for organizational excellence. Legislative context enriches the process and provides additional tools in the toolbox that are specific to provincial and civic jurisdictions.</p>

Principle

Explanation

Effective Ongoing Communication

Positive working relationships are built and maintained with effective, ongoing communications.

Communication is one tool in the working relationship between the manager and elected officials and is NOT a report card that is an end in itself. With ongoing communication between the manager and officials, nothing in the performance evaluation should come as a surprise; it should be a summary of previously held conversations.

The performance evaluation is also an opportunity for the Mayor and Council to better define their vision and their expectations.

Performance Evaluation is a Process

Performance evaluation is a process that begins with a job description.

CAMA's Toolkit divides the process into three cycles. Part 1 involves seven steps of gathering information and preparing the *CAO Information Package* for Performance Evaluation. Part 2 involves six steps for creating the *Final Performance Evaluation Report*, and Part 3 has three steps for reviewing the *Final Performance Evaluation Report*.

TIP: "I have never had a performance evaluation from Council. I have to base my actions going forward on day-to-day successes I can see myself and staff attain, and by trying to determine what goals and actions Council would like to see achieved by listening during their discussions."

- Chief Administrative Officer

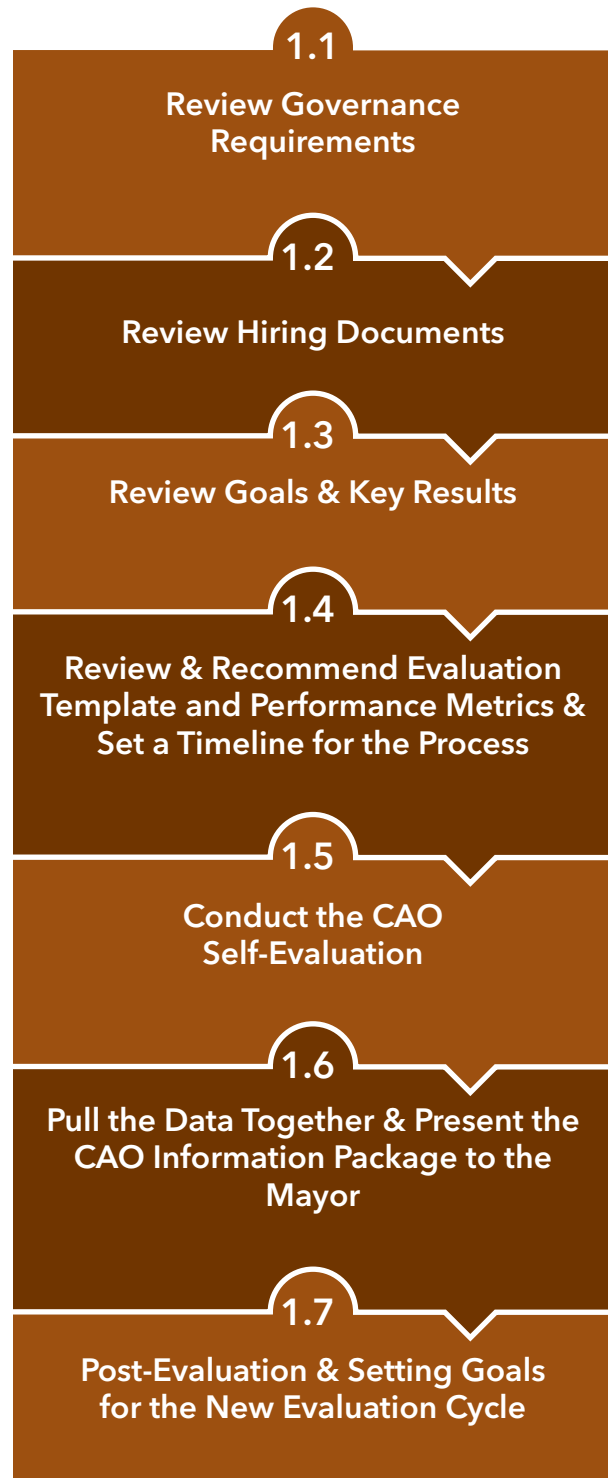


Quick Reference Guides

Part 1: The CAO's Process

Reviewing Documents, Creating Information Package and Completing Self-Evaluation for the Mayor & Council

Note that your municipality may not have all the elements described in the process, but because this Toolkit is a “flexible and customizable” model, that is completely fine. Use the elements that you do have, and consider, as you read through, whether you’d like to investigate additional elements. As you work through Part 1, you will collect information to give to the Mayor and Council for their work in preparing the *Final Performance Evaluation Report* in Part 2.



1.1 Review Governance Requirements: The CAO gathers and reviews all policies, by-laws, regulations, and acts that relate to or clarify the role of the CAO, or that Council must follow regarding performance evaluations of their CAO.

1.2 Review Hiring Documents: The CAO gathers and reviews the CAO job description, contract, and covenants (if any).

1.3 Review Goals & Key Results: The CAO gathers and reviews previously agreed-upon mandate letters, strategic goals, key result areas, the strategic plan, and/or Council priorities.

1.4 Review & Recommend Evaluation Template and Performance Metrics & Set a Timeline for the Process: After review, the CAO meets with the Mayor and recommends a performance evaluation template (included in this Toolkit or their own) to the Mayor and Council and the performance metrics that are used to rate performance. Several other questions are asked during this meeting. In addition, a timeline and a process are also agreed to collectively by both parties.

1.5 Conduct the CAO Self-Evaluation: The CAO uses the agreed upon Performance Evaluation template and metrics to conduct his or her self-evaluation prior to the Mayor and Council using the same evaluation template for their evaluation of the CAO. This self-evaluation is included in the Information Package.

1.6 Pull the Data Together & Present the CAO Information Package to the Mayor: The CAO has completed a review of relevant documents, including any quarterly or periodic reviews, and prepares an Information Package to present to the Mayor to circulate to Council.

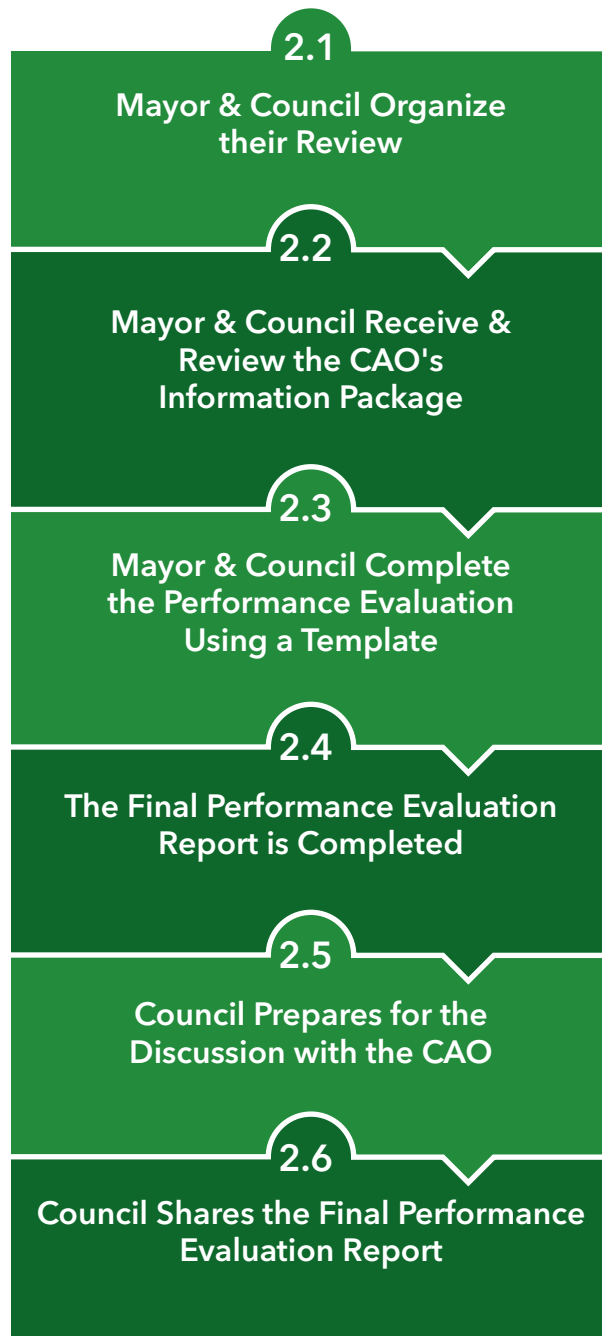
1.7 Post-Evaluation & Setting Goals for the New Evaluation Cycle: Following the joint meeting with the CAO and Mayor and Council to review and sign off the Final Performance Evaluation Report, the paperwork is completed for the Human Resources Department. The process then starts again with Council to set new strategic goals and key results for the coming year to be linked to the CAO's goals with the municipality's Strategic Plan and Council's priorities.



Part 2: Mayor and Council's Process

Creating the *Final Performance Evaluation Report*

Part 2 of the performance evaluation cycle occurs when Mayor and Council have received the *CAO's Information Package* which includes his or her self-evaluation.



2.1 Mayor and Council Organize their Review:

Once a performance evaluation template and performance metrics are agreed upon by both parties, the task of gathering and assessing the data involves agreeing on how to get input from all members, whether to designate a committee of Council to lead the exercise and, whether assistance is required from a consultant. Confirming a timeline for the process is also important.

2.2 Mayor & Council Receive & Review the CAO's Information Package:

The CAO's Evaluation includes all the background/foundational data the CAO gathered as part of the package as well as the CAO's self-evaluation.

2.3 Mayor & Council Complete the Performance Evaluation Using a Template:

This is the traditional step of the process wherein Mayor and Council rate the CAO's performance using the template that has been agreed upon by both parties.

2.4 The Final Performance Evaluation Report is Completed:

Using the agreed template, the person responsible for compiling the information, gathers all the evaluations and written comments from each Council member and organizes the findings as per the process previously agreed on for capturing the rolled-up feedback in Step 2.1.

2.5 Council Prepares for the Discussion with the CAO:

Things to be considered include the rules of feedback, the purpose and desired outcome of the performance evaluation discussion, and who is chairing the discussion.

2.6 Council Shares the *Final Performance Evaluation Report*:

The *Final Performance Evaluation Report* is shared with the CAO, Mayor and Council to allow all parties time to review this document prior to the meeting to discuss it.

Part 3: CAO, Mayor and Council Meet to Discuss the Performance Evaluation Report

3.1

Joint Review of the Final Performance Evaluation Report & Final Sign Off

3.2

Meet to Discuss New Goals for the Next Evaluation Cycle

3.3

A New Year: Begin the Performance Evaluation Cycle Again

3.1 Joint Review of the Final Performance Evaluation Report & Final Sign Off: An In-Camera/Closed meeting is held with the Mayor, Council and CAO to have a conversation between both parties to discuss the final report. The conversation uses constructive feedback to present and discuss the collective comments from the Mayor and Council. The CAO, Mayor and Council sign off on the document.

3.2 Meet to Discuss New Goals for the Next Evaluation Cycle: After the CAO's performance evaluation is complete, it's important for Council to set new strategic goals and key results for the coming year, which link to the CAO's goals, the municipality's Strategic Plan and Council's priorities. This may take a minimum of two meetings with the first meeting being to discuss Council's vision and strategic goals/priorities, and the second meeting being to review and approve the CAO's goals for the coming year based on that vision. If a mandate letter is part of the performance evaluation process it should be completed at this meeting.

3.3 A New Year: Begin the Performance Evaluation Cycle Again: Begin the performance evaluation cycle again.

"As Mayor (and Chair) of the performance committee, the process was discussed ahead of time with Councillors and the CAO. The results of the formal process survey were aggregated and agreed with the CAO so that the range of results could be seen. Results where there was significant agreement as well as those areas with a wide range of responses were discussed. A cumulative report was filed with opportunity for further discussion."

- Mayor

Part 2: Mayor and Council's Process

Creating the Final Performance Evaluation Report

Step #	Step and Explanation
2.1	<p data-bbox="380 499 967 533">Mayor & Council Organize Their Review</p> <p data-bbox="380 558 1373 621">Part 2 of the performance evaluation cycle occurs when Mayor and Council have received the <i>CAO's Information Package</i> which includes his or her self-evaluation.</p> <p data-bbox="380 646 899 680">Pre-Meeting Between the CAO and Mayor</p> <p data-bbox="380 701 1419 798">Prior to receiving the <i>CAO's Information Package</i>, the CAO will meet with the Mayor to present a recommended performance evaluation template and metrics, and set a timeline for the entire performance evaluation process with the Mayor and Council. Setting up a calendar from the start will help to keep the process on schedule and ensure it is not only started, but that it is also completed. The following questions and topics should be discussed during this meeting between the CAO and the Mayor:</p> <ul data-bbox="380 911 1422 1381" style="list-style-type: none"> • Who will be the Chair of the CAO Performance Evaluation? • Will a third party such as a consultant be hired to work with the Mayor and Council to ensure the process is fair? • Will there be a Sub-Committee of Council that will prepare the <i>Final Performance Evaluation Report</i> and collect the responses from each member of Council? Or work with the consultant to prepare the <i>Final Performance Evaluation Report</i>? • A recommended performance evaluation template and metrics will be presented to the Mayor by the CAO for consideration. • Any compensation clauses noted in the CAO's employment contract and how they relate to his/her performance evaluation. • The option of conducting a stakeholder survey as part of the review. • Creating a timeline/calendar that includes deadlines for the entire process and some additional dates to start the process of setting goals for the next year. <p data-bbox="380 1402 1130 1436">Mayor's Follow-Up with Council (Post-Meeting with the CAO)</p> <p data-bbox="380 1457 1425 1591">Following the meeting with the CAO, the Mayor needs to contact the City Clerk to set up a Private/In-Camera meeting with Council to determine how to manage the performance evaluation process. Following are some questions for discussion that can form the Agenda for the meeting:</p> <ul data-bbox="380 1604 1406 1730" style="list-style-type: none"> • Chair of the CAO Performance Evaluation. Typically, the Mayor takes the lead on the CAO's Performance Evaluation unless he/she appoints a Sub-Committee of Council to lead the process where another Councillor would be appointed as the Chair.

Step # Step and Explanation

- **Third Party Consultant/Facilitator.** Having a third-party consultant/facilitator that has expertise in performance evaluations is advantageous, however there is a cost that goes with it. Having a consultant and neutral party professionalizes the process, ensures all opinions are valued around the table, makes the process easier with one person responsible for managing the evaluation from start to finish, and it creates clarity. If a consultant is hired a recommendation would be that they meet with the Sub-Committee and/or Council to do an orientation on the purpose of a performance evaluation.

Important Note: Council often leans on the Human Resources Director because of their expertise. However, because the CAO is an employee of the Mayor and Council, the role of the CAO is unique. The Human Resources Department reports to the CAO and would therefore be in an awkward position if asked to manage the CAO's performance evaluation.

- **Sub-Committee & Preparation of *Final Performance Evaluation Report*.** Will there be a Sub-Committee of Council that will prepare the *Final Performance Evaluation Report* and collect the responses from each member of Council? Or work with the consultant to prepare the *Final Performance Evaluation Report*? Options that could be considered for those responsible for completing the *Final Performance Evaluation Report* Committee include: the Mayor, Council, a Committee of Council, a consultant, or a combination of the above. The Mayor and Council also need to agree on the process for capturing agreement of their feedback and developing the *Final Performance Evaluation Report* (rolled up feedback).
- **Performance Evaluation Template and Metrics.** The CAO has already presented a recommended performance evaluation template and metrics to the Mayor. The Mayor will make the decision on the template or forward it to the Sub-Committee. It is not recommended that the entire Council be involved in choosing the template. There must be a consensus on this before the process starts as both parties (CAO and Council) must use the same form. **It is important that all Council members complete the template and participate in the CAO's performance evaluation.**
- **Compensation Framework.** The CAO has advised the Mayor of any compensation clauses noted in his/her employment contract and how they relate to his/her performance evaluation. This needs to be taken into consideration during the performance review.
- **Optional Step: Surveying Stakeholders.** Does Council wish to undertake a survey of stakeholders which would include the CAO's direct report staff and any stakeholders he/she identifies in the community.
- **Creating a Timeline/Calendar.** A timeline should be confirmed that includes the following:
 - A deadline for the *CAO's Information Package* including the self-evaluation to be submitted to Council.
 - A time the CAO can meet with the Mayor and/or consultant to review the *CAO's Information Package*.
 - A date that the *CAO's Information Package* will be sent to all Council members.
 - A deadline when Council's evaluations must be completed and submitted to the Mayor/Sub-Committee and/or consultant.
 - A deadline when the *Final Performance Evaluation Report* must be completed by the Mayor/Sub-Committee and/or consultant.
 - A date for the review of the *Final Performance Evaluation Report* by Council.

Step #**Step and Explanation**

- o A final date for an In-Camera/Private Council meeting with the CAO to discuss and sign the *Final Performance Evaluation Report*.
- o Some additional dates should also be set with the City Clerk's Office to start the process of setting goals for the next year.

Post-Meeting with the CAO

Following the Council meeting, the Mayor has a second meeting with the CAO to advise him/her of the decisions made by Council with respect to the performance evaluation process. Following is a list of the information that the CAO needs to know before he/she can proceed with their self-evaluation and completing the CAO *Information Package* for the Mayor and Council:

- Who will chair the process?
- Will Council be hiring a consultant to facilitate the process? If not, who will be overseeing the process?
- Who will be preparing the *Final Performance Evaluation Report* and how will the feedback be captured?
- What is the final performance evaluation template and metrics that will be used by both parties?
- Will there be a stakeholder survey?
- What is the final timeline/calendar that has been confirmed for the process?

It is the responsibility of the Mayor and City Clerk to ensure that the timelines are met to keep this process moving forward. If it is the decision of the Mayor and Council to hire a third party to assist with the CAO's performance evaluation, this should be done as soon as possible following the municipality's procurement process.

2.2**Mayor & Council Receive & Review the CAO Information Package**

The CAO may meet with the Mayor and/or consultant (Chair of Sub-Committee) to review the *CAO Information Package* before it is circulated to all members of Council.

If the CAO did not make enough copies for the *CAO Information Package* for each member of Council, the Mayor's Office will complete this task. A blank template should also be kept for the *Final Performance Evaluation Report*.

Each Council member receives the *CAO Information Package*. It includes all the background/foundation data gathered by the CAO as pertinent for their evaluation. In addition, the CAO's self-evaluation is provided for review, and a blank performance evaluation template that was agreed upon by both parties is provided for completion by each Council member.

Step

Step and Explanation

Each Council member should review the following documents included in the *CAO Information Package* and ask the following questions as they complete the evaluation template:

- Governance documents including any legislation, municipal policies, and by-laws describing the CAO job descriptions, duties, powers or the performance evaluation process. Are there any new pieces of legislation or municipal by-laws that have triggered the need for change?
- Do any aspects of the CAO's job description or employment contract/offer letter need to be changed?
- In the CAO's self-evaluation, how well has he/she met the goals and key results defined at the beginning of the performance evaluation cycle?

2.3

Mayor & Council Complete the Performance Evaluation Using a Template

This is the traditional step in the performance evaluation process. In addition to reviewing the CAO's self-evaluation, the Mayor and each Council member rate the CAO's performance using the template and metrics that have been agreed upon by both parties.

Following completion, each copy is turned over to the person responsible for compiling the information into the *Final Evaluation Report* (Mayor, Chair of the Sub-Committee or the consultant).

2.4

The Final Performance Evaluation Report is Completed

Using the agreed template, the person responsible for compiling the information, gathers all of the evaluations and written comments from each Council member and organizes the findings as per the process previously agreed on for capturing the rolled-up feedback in Step 2.1. The report will show areas of excellence as well as areas for improvement. The written comments are grouped into thematic areas and appended to the *Final Evaluation Report*.

2.5

Council Prepares for the Discussion With the CAO

Upon receipt of the *Draft Final Performance Evaluation Report* from the Sub-Committee or consultant, the Mayor and Council will meet in an In-Camera/Closed meeting to discuss the report and the CAO's self-evaluation.

The Mayor and Council decide how feedback will be discussed, how one-of-a-kind comments will be handled, who will chair the performance evaluation conversation, and the purpose and desired outcome of the meeting with the CAO. Council also determines any salary adjustment (merit increase) based on the overall performance and any compensation clauses in the CAO's employment contract/offer letter.

Step

Step and Explanation

Any final changes are noted and a few days to a week are allowed for preparation of the *Final Performance Evaluation Report* prior to the meeting with the CAO.

TIP: Council's philosophy should be to help the CAO succeed. If they succeed, then staff succeeds; if administration succeeds then Council succeeds.

Delivering Positive and Constructive Feedback in the Written Narrative and Discussion

It has been said of performance evaluations that when 'an atmosphere of trust, respect and transparency characterizes the relationship between CAO, Mayor and Council, the CAO's performance can have a direct and lasting impact on the ability of Council to carry out its mandate.' Sometimes constructive feedback is necessary, and there are tips to do this effectively. The earlier the better is a good rule. If the feedback did not come with the actual event, and has accrued through the performance evaluation period, then there are some suggestions to keep in mind.

- Don't use the delivery of the constructive feedback to vent.
- Accentuate the positive. If there is a constructive comment, there must be a positive outcome that is being sought. What is it?
- Ask how the problem originated—it helps to get to the root of the problem.
- Involve the CAO and Mayor and Council in the solution.

For positive feedback, it is equally important to be fair and realistic. As noted in the quote below, too much positive feedback can be deceiving. A better approach is to coach the CAO on the type of appropriate and effective behaviour that could be exercised more often.

A Consultant Describes an Avoidable Feedback Scenario

[There are a] number of instances wherein I have been called by a Council concerned about its deteriorating relationship to the CAO and yet having just polished off another performance assessment proclaiming that the CAO is soon to walk on water. The CAO is of course stunned by one result/sentiment or the other and most likely both. It is akin to the hockey coach receiving a very positive endorsement just prior to the fateful call (sometimes by the same fellow) announcing that the team in its wisdom felt that a change was needed, hard to fire the team, need a different voice ...

(Cuff, George. FCMC. 2015. *Governance Zone: What Results?* p.1)

2.6

Council Shares Final Evaluation Report

The *Final Performance Evaluation Report* is circulated to all participants. The CAO, Mayor and Council should have time to review the Final Evaluation Report prior to the meeting to discuss it.







Part 3: CAO, Mayor and Council Meet to Discuss the Performance Evaluation

Step #	Step and Explanation
<p>3.1</p>	<p>Joint Review of the <i>Final Performance Evaluation Report</i> & Final Sign Off</p> <p>The Mayor, Council and CAO have received a copy of the <i>Final Performance Evaluation Report</i>. An In-Camera/Closed meeting is held to have a conversation between both parties to discuss the final report. The conversation uses constructive feedback to present and discuss the collective comments from the Mayor and Council on the CAO's <i>Information Package</i> and self-evaluation.</p> <ul style="list-style-type: none"> • How well did the CAO's performance align with Council's Strategic Goals? • What were the overall ratings (if a rating system was used)? • What discussion arises from the final notes? Are there any themes that emerged? <p>TIP: Maintaining an open communication is important to the success of the municipality. The evaluation should be a conversation between Council and the CAO, not just Council offering their opinions.</p> <p>The CAO, Mayor and Council sign off on the document and the CAO is responsible for submitting a copy of the report and his/her self-evaluation to the Human Resources Department to be placed in his/her personnel file. The CAO is also responsible for completing any paperwork (signed by the Mayor) to be submitted to the Payroll Department for any compensation related to the performance evaluation.</p>
<p>3.2</p>	<p>Meet to Discuss New Goals for the Next Evaluation Cycle</p> <p>After the CAO's performance evaluation is complete, it's important for Council to set new strategic goals and key results for the coming year, which link to the CAO's goals, the municipality's Strategic Plan and Council's priorities. These new goals can be part of a mandate letter if you and the CAO choose to use this tool.</p> <p>Certain goals set last year may remain unchanged, as they are ongoing strategic goals for the municipality and therefore the CAO. Other goals may be new, so this is the time to discuss all the chosen goals for the coming year considering of their:</p> <ul style="list-style-type: none"> • Appropriateness for the municipality; • Advancing the CAO's professional goals and interests; and • Potential for enhancing the relationship between the CAO, Mayor and Council, staff, stakeholders, and the community.



Step #	Step and Explanation
	<p>One effective way of setting goals is to use the S.M.A.R.T goal concept. A variety of interpretations of the SMART acronym have been used since the 1960s. George T. Doran's interpretation (1981) is often considered to be the foundational one and is described below.</p>
	<p>S Specific: Target a specific area for improvement.</p>
	<p>M Measurable: Quantify, or at least suggest, an indicator of progress.</p>
	<p>A Assignable: Specify who will do it.</p>
	<p>R Realistic: State what results can realistically be achieved given available resources.</p>
	<p>T Time-related: Specify when the result can be achieved.</p>
	<p>Setting Achievable Goals</p>
	<p>...a good performance review would [include a] discussion regarding whether or not those goals [from last year] were set in a moment of euphoria (i.e., filling all the potholes) or actually achievable.</p> <p><i>(Cuff, George B. 2015 Governance Zone: What Results? p.2)</i></p>
	<p>This may take a minimum of two meetings with the first meeting being to discuss Council's vision and strategic goals/priorities, and the second meeting being to review and approve the CAO's goals for the coming year based on that vision.</p>
<p>3.3</p>	<p>A New Year: Begin the Performance Evaluation Cycle Again</p> <p>Begin the performance evaluation cycle again.</p>

Mayor & Council's Checklist for the CAO's Performance Evaluation

Mayor & Council Organize Their Review.

- 
First Meeting with CAO. The Mayor has met with the CAO to discuss the entire performance evaluation process (with the Mayor and Council) including a timeline. The CAO has also presented his/her recommended performance evaluation template and metrics for consideration. As noted in Step 2.1 there are a number of questions that the Mayor has to follow-up on with Council before the process can begin.
- 
Contact the City Clerk. The Mayor has contacted the City Clerk to set up a Private/In-Camera meeting with Council to determine how to manage the CAO performance evaluation process.
- 
Meeting with Council. The Private-In-Camera meeting is held with Council to discuss the questions outlined in 2.1 above.
- 
Second Meeting with the CAO. Following the Council meeting, the Mayor has a second meeting with the CAO to advise him/her of the decisions made by Council with respect to the performance evaluation process. See the list of questions under "Post-Meeting with CAO" in Step 2.1 above.
- 
 If it is the decision of the Mayor and Council to hire a third party to assist with the CAO's performance evaluation, this should be done as soon as possible following the municipality's procurement process.
- 
Optional Step. The Mayor/consultant conduct a stakeholder survey if this is the decision of Council.

Mayor & Council Receive & Review the CAO Information Package

- 
Third Meeting. The Mayor and/or Consultant (Chair of the Sub-Committee) have met with the CAO to review the *CAO Information Package* before it is circulated to all members of Council.
- 
 If the CAO did not make enough copies for the CAO Information Package for each member of Council, the Mayor's Office must complete this task. A blank template has also been kept for the *Final Performance Evaluation Report*.

Mayor & Council Complete the Performance Evaluation Using a Template

- ✔ The *CAO Information Package* has been circulated to all members of Council with a request to complete the template by a deadline.
- ✔ Completed performance evaluations from all members of Council have been submitted to the person responsible for compiling the information into the *Final Evaluation Report* (Mayor, Chair of the Sub-Committee or the consultant).

The *Final Performance Evaluation Report* is Completed

- ✔ The draft *Final Performance Evaluation Report* has been completed.

Council Prepares for the Discussion with the CAO

- ✔ The Mayor and Council meet in an In-Camera/Closed meeting to discuss the Draft *Final Performance Evaluation Report* and the CAO's self-evaluation. At this meeting, the Mayor and Council decide how feedback will be discussed, how one-of-a-kind comments will be handled, who will chair the performance evaluation conversation, and the purpose and desired outcome of the meeting with the CAO. Council also determines any salary adjustment (merit increase) based on the overall performance and any compensation clauses in the CAO's employment contract/offer letter.

Council Shares Final Evaluation Report

- ✔ Any final changes to the Draft *Final Performance Evaluation Report* have been made and the Mayor, Council and CAO have received a copy of the Final Performance Evaluation Report.

Joint Review of the *Final Performance Evaluation Report* & Final Sign Off

- ✔ An In-Camera/Closed meeting is held to have a conversation between both parties to discuss the final report.
- ✔ The CAO, Mayor and Council sign off on the document (which is submitted to the Human Resources Department by the CAO) and the CAO has also provided the Mayor with any paperwork for signature for any compensation related to the performance evaluation.

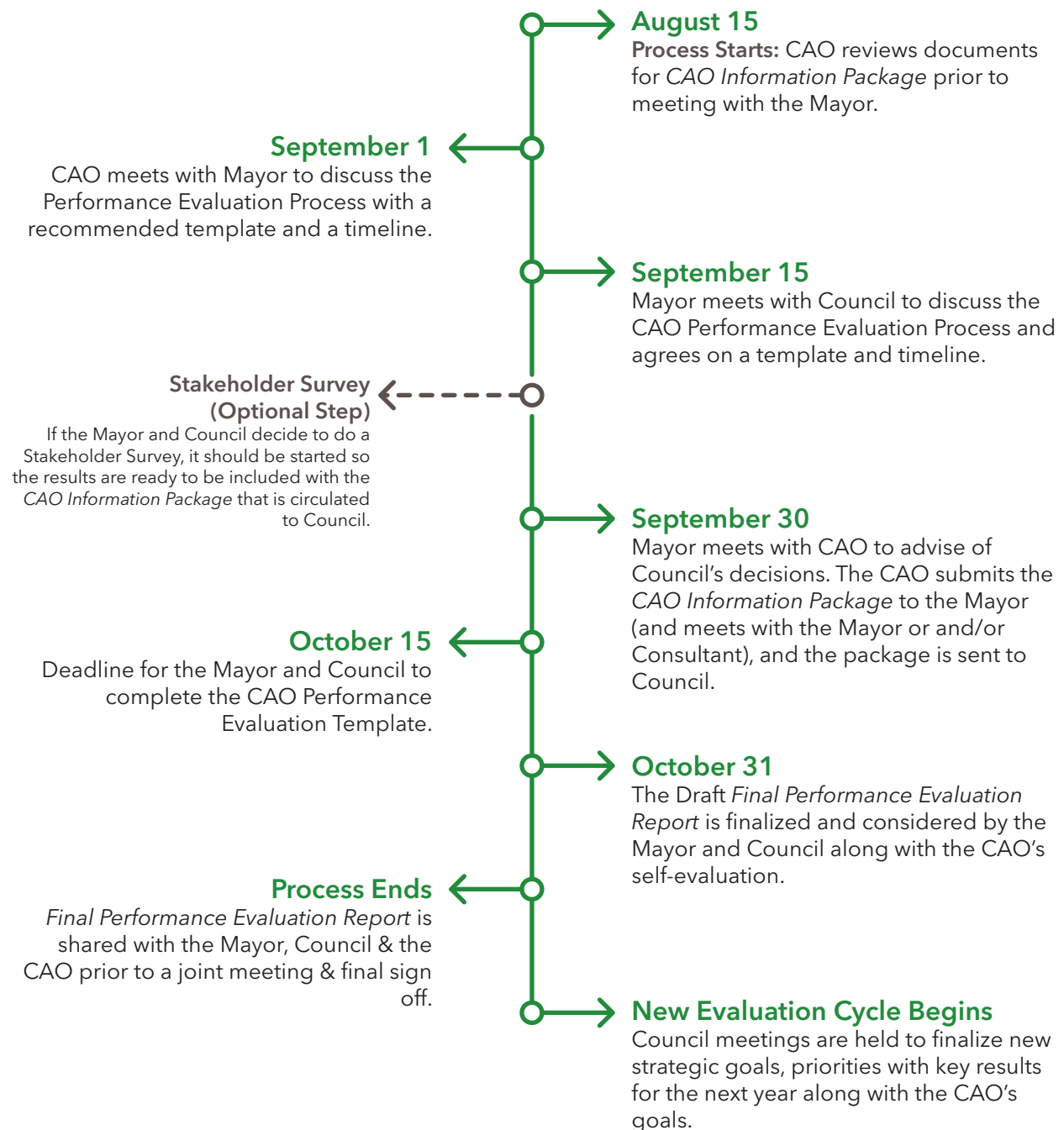
Meet to Discuss New Goals for the Next Evaluation Cycle

- ✔ **Setting New Goals.** Dates have been set for two more Council meetings to set new strategic goals and key results for the coming year which link to the CAO's goals with the municipality's Strategic Plan and Council's priorities. These new goals can be part of a mandate letter if the CAO and Mayor and Council choose to use this tool.

With the new performance evaluation cycle typically starting in January, it is important to have quarterly reviews in March and June or at least one review prior to the annual review.

CAO Performance Evaluation Timeline

The CAO Performance Evaluation process can move at the pace set by the CAO and the Mayor and Council and the Council meeting schedule. Below is an example of a process based on the calendar year that begins in mid-August and ends the first week of December.



City of Hamilton City Manager Performance Review Form

City Manager Name:			
Review Period Start:		Review Period End:	
Name of Mayor:			

Purpose of the City Manager Performance Review:

An annual performance review is an opportunity for Council to provide feedback to the City Manager about how effectively they are accomplishing the goals and priorities established by Council, and about the success of the municipality as a whole. The performance review process is intended to:

- Increase accountability and role clarity for the City Manager through clear expectation setting by Council.
- Ensure the City Manager is aligning the activities of the organization to achieve the strategic plans and vision, as set by Council.
- Increase communication and feedback loops between the City Manager and Council, to provide a regular opportunity to discuss their working relationship and progress.
- Recognize the City Manager’s efforts and accomplishments and discuss opportunities for improvement.
- Promote and support high performance for the City Manager and by extension, the municipality as a whole.

When preparing for performance review discussions, all parties should:

- Approach the review in a positive manner with the broad objective of improving the organization and positively impacting the City Manager, Council and City Staff.
- Keep all written and oral comments regarding the performance review confidential.
- Beware of biases and conduct the review in an honest and fair manner. This means:
 - Don’t let feelings or personal likes or dislikes enter the discussion.
 - Don’t let one single incident make such a vivid impact that the total picture of the year is lost (known as halo or recency bias).
 - Comments should be objective and evidence-based, relying upon facts and events during the accountability period.
- Conduct the review in a way that provides for and promotes open and honest dialogue.

Prior to completing the evaluation, take a few minutes to ask yourself the following questions and make some brief notes, including specific examples:

- | | |
|--|---|
| <ul style="list-style-type: none"> ✓ How are things going? ✓ What has been done well? ✓ What could have been done better? ✓ Are we on track? | <ul style="list-style-type: none"> ✓ What could Council do to help? ✓ What could the City Manager do to make the organization better? |
|--|---|

City of Hamilton City Manager Performance Review Form

Included Documentation:		
City Manager Process Overview Leadership Profile – City Manager level Unintentional Rater Bias		
CITY MANAGER GOALS FOR REVIEW PERIOD		
Goals (Specify desired future result or outcome)	Measures (Describe how each goal will be measured for example numeric; descriptive; timeframe)	Results Reported by City Manager (Describe progress, required changes, result, outcome)
1.		
2.		
3.		
4.		
5.		

CORE COMPETENCIES (LEADERSHIP PROFILE)	
COMPETENCY:	
Behaviours	
1.	
2.	
3. <i>*add additional rows as needed</i>	
To which value does this competency align?	<input type="checkbox"/> Collective Ownership <input type="checkbox"/> Steadfast Integrity <input type="checkbox"/> Courageous Change <input type="checkbox"/> Sensational Services <input type="checkbox"/> Engaged Empowered Employees
COMPETENCY:	
Behaviours	

City of Hamilton City Manager Performance Review Form

1.	
2.	
3. <i>*add additional rows as needed</i>	
To which value does this competency align?	<input type="checkbox"/> Collective Ownership <input type="checkbox"/> Steadfast Integrity <input type="checkbox"/> Courageous Change <input type="checkbox"/> Sensational Services <input type="checkbox"/> Engaged Empowered Employees
COMPETENCY:	
Behaviours	
1.	
2.	
3. <i>*add additional rows as needed</i>	
To which value does this competency align?	<input type="checkbox"/> Collective Ownership <input type="checkbox"/> Steadfast Integrity <input type="checkbox"/> Courageous Change <input type="checkbox"/> Sensational Services <input type="checkbox"/> Engaged Empowered Employees
COMPETENCY:	
Behaviours	
1.	
2.	
3. <i>*add additional rows as needed</i>	
To which value does this competency align?	<input type="checkbox"/> Collective Ownership <input type="checkbox"/> Steadfast Integrity <input type="checkbox"/> Courageous Change <input type="checkbox"/> Sensational Services <input type="checkbox"/> Engaged Empowered Employees
COMPETENCY:	
Behaviours	
1.	
2.	
3. <i>*add additional rows as needed</i>	
To which value does this competency align?	<input type="checkbox"/> Collective Ownership <input type="checkbox"/> Steadfast Integrity <input type="checkbox"/> Courageous Change <input type="checkbox"/> Sensational Services <input type="checkbox"/> Engaged Empowered Employees

Supporting Documentation
List any documentation or links provided to support the performance review comments above.

City of Hamilton City Manager Performance Review Form

DEVELOPMENT PLAN			
Development plan addresses competency development (knowledge, skills, abilities and behaviours) and career goals			
Development Goals (Specify desired future result or outcome)	Action Plan (Describe the specific steps needed to achieve the development goal and resources required)	Measures (Describe how each goal will be measured for example numeric; descriptive; timeframe)	Results Achieved (Describe progress, required changes, result, outcome)

OVERALL COMMENTS	
City Manager Comments:	
Executive Director, HR Comments:	
Summary of Mayor & Council Feedback:	

City of Hamilton City Manager Performance Review Form

City Manager Acknowledgment

By signing below, you are acknowledging that you have discussed your performance and development for the performance period with the Mayor as the head of Council, provided input and asked for clarification where needed.

City Manager Signature: _____ Date: _____

Mayor Acknowledgment

By signing below, you are acknowledging that you have discussed the City Manager's performance against expectations and development for the review period, with the City Manager and provided clarification where needed.

Mayor Signature: _____ Date: _____

Executive Director, HR Acknowledgment

By signing below, you are acknowledging that you have witnessed the discussion of Council about the City Manager's performance against expectations and participated in the delivery of feedback to the City Manager with the Mayor.

Executive Director, HR Signature: _____ Date: _____



This is an example of a Mandate Letter that a Chief Administrative Officer can provide to Council each year at their performance evaluation. The first section outlines the annual leadership expectations of a CAO of being a role model and good corporate leader that can be customized. The second section lists the specific expectations for the year based on the goals of Council and the CAO, approved by Council the previous year.

Mandate Letter Template

Chief Administrative Officer

INSERT DATES

The Chief Administrative Officer provides their best advice to Council, and leads the municipal organization to carry out the direction of Council; models consistent values of high ethical awareness, honesty and fairness; develops objectives and implements strategic and operational plans to achieve the vision for the municipality, as well as the financial and operating objectives; oversees operations of the municipal organization, develops management and allocates resources, and ensures controls to safeguard municipal assets; and works with the Council to develop policy and maintain oversight.

Annual Corporate Leadership Expectations of the CAO

Staff Effectiveness	Live the corporate values, and create and nurture a culture that attracts, retains and motivates talented personnel. Promote the development and performance of employees at all levels of the organization.
Policy Facilitation and Council Relations	Help elected officials by offering high quality policy advice, guidance, and direction for the development of Council’s decisions and policies. Facilitate Council governance and decision-making, and assist other community players identify, work toward, and achieve common goals.
Political Acumen	Appropriately represent Council’s direction and guide the work of senior management in support of this direction. Anticipate the possible impacts of decisions on the political environment.
Functional and Operational Expertise and Planning	Assist Departments with decisions on service delivery and work operations while encouraging teamwork and effective problem-solving among staff members, eliminating barriers between Departments.
Service Delivery Management	Maintain a consistently high level of quality in staff work, operational procedures, and service delivery in an efficient and productive manner implementing change of procedures when necessary. Build strong collaborative and mutually beneficial relationships with client and partner agencies.
Strategic Leadership	Link business decisions with the strategic direction and long-term sustainability of the organization and look for creative solutions that support a culture of continuous improvement.




Democratic Advocacy and Citizen Participation	Demonstrate a commitment to democratic principles by respecting elected officials, community interest groups, and the decision-making process.
Diversity	Understand and value the differences among individuals and foster these values throughout the organization and community. This includes attracting, retaining and developing a diverse labour pool and sustaining a respectful workplace.
Budgeting and Financial Analysis	Prepare and manage a balanced budget to provide services at a level directed by Council and promote fiscal discipline and accountability to staff ensuring that the operation of the municipality is efficient and effective for the short term and the long term. Ensure the municipality is positioned to access all funding programs for which it is eligible from other levels of government.
Human Resources Management	Ensure policies and procedures for employee hiring, promotion, performance appraisal, and discipline are equitable, legal and current.
Strategic Planning	Position the organization and the community for events and circumstances that are anticipated in the future by developing a clear plan with programs and services that reflect Council's vision, mission and strategic plan including reviewing annual priorities and identifying new initiatives with Council.
Advocacy and Interpersonal Communication	Facilitate the flow of ideas, information, and understanding between and among individuals in a way that demonstrates respect. Effectively establish rapport with stakeholders including Council, employees, external agencies, partners and community members. Keep Council fully informed of all significant operational, financial and advocacy matters and risks relevant to the municipality in a timely manner.
Media Relations	Build a positive relationship with the media demonstrating no bias and communicate information in a clear and compelling manner that increases public understanding of local government issues and activities.
Integrity	Act to create a positive image for the municipality and have a positive impact on the community. Be a role model by demonstrating a high degree of personal integrity, fairness, honesty, and ethical and legal awareness in personal and professional relationships and activities. Ensure public processes are transparent and accountability is clear when dealing with issues. Promote ethical behaviour and hold individuals at all levels, including external contractors and internal staff, accountable for meeting ethical standards.
Personal Development	Demonstrate a commitment to a balanced life and wellness by attending personal or professional development and training and activities, both within and outside the corporation.

Specific Annual Council and CAO Goals

Goal	Outcomes/Measures	Target Completion Date
Goal #1:		
Goal #2:		
Goal #3:		
Goal #4:		
Goal #5:		
Goal #6		



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Planning Administration and Policy Division
and
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Emergency Services, Fire Department
and
PUBLIC WORKS DEPARTMENT
Corporate Facilities and Energy Management Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	May 31, 2023
SUBJECT/REPORT NO:	Next Generation 9-1-1 Messaging Service Delivery Project Update (FCS20082(c) / HSC20045(c) / PW22087(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Robyn Ellis (905) 546-2424 Ext. 2616 Kirk Weaver (905) 546-2424 Ext. 2878 Mike Rember (905) 546-2424 Ext. 3376
SUBMITTED BY:	Mike Zegarac General Manager, Finance and Corporate Services Corporate Services Department
SIGNATURE:	
SUBMITTED BY:	Angela Burden General Manager, Healthy and Safe Communities Healthy and Safe Communities Department
SIGNATURE:	
SIGNATURE:	Carlyle Khan General Manager, Public Works Public Works Department
SIGNATURE:	

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

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

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

**SUBJECT: Next Generation 9-1-1 Messaging Service Delivery Project Update
(FCS20082(c) / HSC20045(c) / PW22087(a)) (City Wide) – Page 2 of 11**

RECOMMENDATIONS

- (a) That the Next Generation 911 (NG911) Facilities Renovation Project be approved with a budget totalling \$6,824,000, including Phase 1 and 2 design, renovations, consoles, furniture, UPS, design fees, permits, tax, fees, infrastructure fit-up, per Appendix “A” to Report FCS20082(c) / HSC20045(c) / PW22087(a) and to be funded from:
 - (i) An appropriation of previously approved \$4,325,000 of Tax Supported Capital Levy funding from the Next Generation 9-1-1 technology component (project #3502157101);
 - (ii) A transfer of \$2,499,000 from the Unallocated Capital Levy Reserve (#108020);
- (b) That the \$4,325,000 in Ministry of the Solicitor General transition funding be applied to the Next Generation 9-1-1 technology component (project #3502157101);
- (c) That Council approve the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for the Prime Design Consultancy Services for the Facility renovations for NG911 and that the General Manager, Public Works Department be authorized to negotiate, enter into and execute a Contract and any ancillary documents required to give effect thereto with AECOM Canada Ltd., in a form satisfactory to the City Solicitor;
- (d) That Public Works staff be directed to make any required updates to Service Level Agreements (SLAs) and/or Operating agreements with internal and external parties in order to service, maintain, repair and lifecycle manage ongoing operating costs related to City managed facilities at the Multi-Agency Training Centre (MATC) located at 1227 Stone Church Road East, 729 Upper Sherman, and Central Station located at 155 King William Street.

EXECUTIVE SUMMARY

Further to the December 5, 2022, Information Report “Upgrade of 911 System to the Next Generation 911 Messaging Service Delivery (FCS20082(a) / HSC20045(a) / PW22087)”, and subsequently, Next Generation 9-1-1 Service Delivery (FCS20082(b) / HSC20045(b) the purpose of Report FCS20082(c) / HSC20045(c) / PW22087(a) is to seek approval for the “NG911 Facilities Renovation Project” and budget of \$6,824,000, including Phase 1 and 2 project scope as outlined in Appendix “A” to Report FCS20082(c) / HSC20045(c) / PW22087(a).

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As communicated through report FCS20082(a)/HSC20045(a)/PW22087, staff had previously provided an estimated renovation and construction budget of \$24M. The short-term solution for the Hamilton Police Service (HPS) to serve NG-911 requirements by remaining at existing HPS sites has reduced estimated anticipated Facilities Capital renovation costs from \$24M down to \$6.84M. Most of the reduction from the original budget number was due to the fact that NG-911 renovations at Stoney Creek City Hall are no longer feasible and so the design was required to pivot.

The interim NG911 solution presented in this report reflects an adjusted budget to a significantly lower estimated cost. However, a long-term NG911 facility need still exists within the City of Hamilton and a future GIC report will be submitted once long-term facility direction is confirmed for HPS. Outside of that report, all other future updates to Council on the NG911 project will be provided through Communication Updates, where appropriate.

Additionally, through Report FCS20082(b)/HSC20045(b) staff communicated that the Ministry of the Solicitor General had committed \$4.325M in transition funding towards the Next Generation 9-1-1 technology component. This effectively frees up previously approved Capital Levy funds that could be directed towards the facilities component of the project, leaving \$2.499M to be funded. It is recommended that the remaining \$2.499M be funded from the Unallocated Capital Levy Reserve with no future tax implications of financing the capital component of the project.

Project scope locations:

Facilities Renovation Project Scope Locations:		
Site Location Space Renovations	Square Feet	Estimated Facilities Capital Budget*
Upper Sherman IT location (729 Upper Sherman)	800	\$ 1,108,000
Central Police Station (155 King William Street) [space fit-up only]	N/A	\$ 800,000
Multi Agency Training Centre (MATC) – Building B Administration (1227 Stone Church Road East)	3,000	\$4,916,000
Total	3,800	\$6,824,000

*Note line item estimates provided in this table are for information purposes only and may be redistributed at project design phase.

** Refer to Appendix A for further in Scope details.

The Total project budget of \$6,824,000, and the scope of the project is included in Appendix “A” to Report FCS20082(c) / HSC20045(c) / PW22087(a).

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No additional operating impacts are expected.

There is a master project schedule endorsed by Hamilton Police Services (HPS), Hamilton Fire Department (HFD), and IT Services which includes technology scope and temporary space fit-ups to meet Q2 2024 implementation of the NG911 call handling systems. Facility renovations will follow Q2 2024 Bell cutover to NG911 to considerably reduce risk to the schedule due to required lead times (e.g. design & permitting).

HPS has noted that NG911 project implementation is anticipated to create additional pressures on training rooms and meeting room utilization at MATC. To ensure mandatory/legislated training continues, a classroom will be set up in available space at Station 30 on Rymal Road East. The cost of this fit-up is included within this project budget within the MATC budget in order to alleviate the legislated training pressure at that site, at a cost not to exceed \$225,000.

Also relative to training pressures during NG911 implementation, HPS plan to hire a temporary Sergeant for 24 months on contract starting August 1, 2023 to July 31, 2025. HPS notes that this will be addressed by HPS as a budget variance in 2023 and be referred to HPS' 2024 Operating Budget for consideration.

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Total gross project costs and proposed funding sources for the Next Generation 9-1-1 Messaging Service Delivery Project are provided in the table below:

Next Generation 9-1-1	Gross Budget	Funding Sources			Balance
		Provincial Subsidy	Contribution from Capital Levy	Unallocated Capital Levy Reserve	
Facilities	\$ 6,824,000		\$ (4,325,000)	\$ (2,499,000)	\$ -
Technology	\$ 7,760,000	\$ (4,325,000)	\$ (3,435,000)		\$ -
Total	\$ 14,584,000	\$ (4,325,000)	\$ (7,760,000)	\$ (2,499,000)	\$ -

A total of \$7,760,000 in funding from the Capital Levy had been previously approved through the 2021 and 2023 Tax Supported Capital Budgets. Additionally, the Ministry of the Solicitor General has confirmed transition funding of \$4.325M for the technology component of the project, which freed up previously approved Capital Levy funding to allocate towards the facilities

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component. The remaining \$2.499M is recommended to be funded from the Unallocated Capital Levy Reserve.

Total ongoing operating impacts, as communicated through Report FCS20082(a)/HSC20045(a)/PW22087, are expected to be \$1,493,400 annually for technology and facilities.

Staffing: N/A

Legal: Legal Services may be involved in procurement contracts related to the N Next Generation 9-1-1 Messaging Service Delivery Project Facility.

HISTORICAL BACKGROUND

On June 1st, 2017, in order to create a safer environment for Canadians by enabling access to enhanced and innovative 911 services, the Canadian Radio-television and Telecommunications Commission (CRTC) mandated all telephone companies to update their networks to provide Next-Generation 911 (NG911) Call Handling System voice and text messaging services to all Canadians. The deadline for transition to NG911 was initially March of 2024. CRTC subsequently has extended the deadline till March 4, 2025. At that point the legacy system - Enhanced 911 (E911) will be decommissioned. However, to ensure the CRTC mandated transition deadlines are met, City of Hamilton Public Safety Answering Point facilities must be phased to have various I.T. and fit-up elements ahead of the proposed Bell cutover in Q2, 2024.

With NG911 services, Canadians could eventually stream video from an emergency incident, send photos of accident damage or a fleeing suspect, and send personal medical information, including accessibility needs, which could greatly aid emergency responders.

New system features include:

- True system interoperability;
- Data sharing between Public Safety Answering Points (PSAPs);
- Improved redundancy and reliability (virtual Public Safety Answering Points);
- Improved response times;
- Enhanced disaster recovery.

In July 22, 2022, the Energy, Fleet & Facilities Management Division of Public Works (Now Corporate Facilities and Energy Management Division) was tasked with identifying a minimum of two suitable locations to accommodate the new systems including developing the scope of work required for the data centres and associated office operations. The site selection criteria included a list of requirements related to critical

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service environments including geographical distancing, site redundancy (primary and backup), risk mitigation capabilities, reliable and available communication infrastructure, technology supports and enhanced security.

The Stoney Creek Municipal Centre (SCMC) had previously been identified as a location for a future 911 call center. However, as of March 2023, the project evolved. Updates regarding technology assets opened up the possibility of new locations. Additionally, change of use at the SCMC, along with major renovations triggered a post-disaster requirement clause in the Ontario Building Code for 911 call centres. The Ontario Building Code requires all buildings be assigned an Importance Category of 'Low', 'Normal', 'High' or Post-disaster. The 'Post-disaster' category applies to buildings that need to remain operational following a disaster such as hospitals, police facilities and telephone exchanges.

Upon review of this information, the Executive Sponsors and the NG911 Joint Steering Committee determined that Central Station would temporarily remain as the primary Public Safety Answering Point (PSAP) for the Hamilton Police Service (HPS), and MATC would remain as their backup for much of the project delivery, at which point MATC would become HPS' primary PSAP. The Hamilton Fire Department would remain at the MATC for their primary and the Upper Sherman Ave. Upper Sherman would remain as their backup.

Facilities staff completed site visits at all 3 locations with HPS and HFD to determine a viable space layout concept design, master schedule in coordination with IT (including project phasing to meet NG-911 deadlines), and facilities project budget.

The master project schedule, endorsed by all parties including IT, Facilities, Police, and Fire, which includes project phasing, is as follows:

Phase	Lead	Scope & Location	Est Completion Date
1	Facilities	Temporary Space Fit-ups, all locations	Q1 2024
1	IT	NG-911 Bell cutover and Call Handling System Implementation - all locations (<i>date mandated by Bell</i>)	Q2 2024
1	Facilities	Design, Permitting, Prequal, Tender for Phase 2	Q2 2024
1	Facilities, in coordination with Police	New call-taker/dispatcher Console Procurement	Q3 2024
2	Facilities	Renovation MATC & Upper Sherman location	Q1 2025

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.

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This project phasing is critical to enable IT, HPS, and HFD to meet critical 2024 and 2025 timelines while maintaining Primary and Backup PSAP obligations. There is lead time required for Phase 2 (e.g. design, permitting, ordering), which will be undertaken by Facilities during Phase 1 for Next Generation 9-1-1 (NG911) implementation, in preparation for Phase 2.

Facility renovations at 729 Upper Sherman, and at MATC at 1227 Stone Church Road, (achieved through temporary space fit-ups) will occur during Phase 2, after the deadline of Q2 2024 Bell cutover date to considerably reduce risk to the schedule due to required lead times (e.g. design & permitting & ordering).

While the initiation of this project to migrate the 911 systems was intended to meet legislative compliance requirements, as mandated by CRTC, the NG9-1-1 Facilities Renovation at the Upper Sherman location and MATC (1227 Stone Church Road) will be designed to ensure the physical space and technology can be fully optimized.

A detailed Phasing Plan for Primary & Backup PSAP for both HPS and HFD was developed in April 2023 in collaboration with Facilities, IT, HPS and HFD. Also, in April 2023, HPS staff worked out an MOU with another municipality to address the need for a contingency PSAP during a few select, approximately 2-3-week periods during the project when IT is adding or moving data & power.

Staff engaged AECOM Canada Ltd. as prime design consultant under approval of a Policy 11 due to their previous experience with design at NG911 sites for multiple nearby municipalities as a subject matter expert. Given the tight legislative timeline of the project, staff worked efficiently with Procurement to engage with the consultant in order to avoid delay to the project due to the need for critical design information. Understanding that the cost of consulting would exceed staff authority, recommendations in Report FCS20082(c) / HSC20045(c) / PW22087(a) are needed to continue the services of the prime design consultant through the permitting, tender, construction contract administration and project close-out phases.

AECOM Canada Ltd. has a team of multidisciplinary staff of SME's (architectural, mechanical & electrical engineering), who have recent and ongoing experience designing emergency dispatch centres to meet specific technological and specialty performance requirements. These technological (IT equipment and connectivity) requirements are mandated and dictated by Federal agencies and are to be completed, in full, by March 2025. AECOM's team is delivering NG911 projects of very similar scope for the emergency services of neighbouring municipalities, such as Toronto and Niagara.

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Historical References:

2017 – On June 1, 2017 Canadian Radio – Television Telecommunications Commission (CRTC) mandate to upgrade E911 System.

2020 – Report FCS20082 / HSC20045 Information Report to AF&A October 22, 2020.

December 2020 – Tax Supported Capital Budget Report (FCS20101) Council approved \$6M for the Technology Solution with Operating Impacts of Capital of \$312 K.

2022 - December 5, 2022 – GIC Information Report FCS20082(a) / HSC20045(a) / PW22087 informing Council of upcoming Budget requirements for Technology Enhancements & Facilities Renovations.

2023 Tax Supported Capital Budget Report FCS22081 – Approval of additional amount for Technology enhancement component of project of \$1,760,000.

2023 – GIC on March 22, 2023 Report FCS20082(b) / HSC20045(b) to seek approval of the call handling system and delegate the ability to execute the contract. It was confirmed that the Ministry of the Solicitor General would be providing \$4,325,000 for the technology component of the project.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The migration to NG911 is mandated and legislated through the CRTC Telecom Regulatory Policy: CRTC 2017-182.

One of the largest benefits of NG911 is improved location services for citizens dialling 911. Public Safety Answering Points will no longer be able to take 911 calls after March of 2025 without the required NG911 technology. Every Public Safety Answering Point within Canada will be required to update and replace their Call Handling Systems in order to have compatibility to receive 911 calls and transfer them accordingly.

Failure to meet the Canadian Radio-television and Telecommunications Commission platform migration to NG911 by March 4, 2025 will result in disruption (failure) of 911 services provided by the City of Hamilton.

The recommendation of a single source for prime design consultancy services is consistent with Procurement Policy #11, Non-competitive Procurements. In accordance with policy, Council approval is being requested given that the recommended single source procurement is of a value of greater than \$250,000.

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RELEVANT CONSULTATION

Consultation for this report took place as follows:

- Corporate Services: Financial Planning, Administration and Policy Division – Corporate / Capital Finance Teams – Information Technology Services – Procurement (only with respect to adherence to the Procurement Policy)
- Health & Safe Communities, General Manager
- Public Works, General Manager
- Corporate Facilities and Energy Management Director and Strategic Planning, Capital & Compliance and other Facilities teams
- Hamilton Police Services (HPS)
- Hamilton Fire Department (HFD)

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The three-site model proposed for this project is considered an interim solution. The three-site solution was necessary due to physical limitations in any of the two-site options including lack of satisfactory physical space available for the footprint required and/or significant time and cost for relocating existing operations from the MATC-Administration building. The three-site solution proved to be the most expedient and cost-effective option.

The three facilities identified (Police Central Station, the Multi-Agency Training Centre and Upper Sherman location) were selected because they meet the facilities requirements with regard to feasibility for project schedule, communications infrastructure (fibre, communications tower), geographical risks, construction timeline and financial impacts.

As this project involves HPS and HFD, service level agreements will be negotiated as required to establish facilities management services and responsibilities at City Managed Facilities (MATC and Upper Sherman location).

Construction outlined in Report FCS20082(c)/HSC20045(c)/PW22087(a) and Appendix “A” shall be procured through competitively tender (RFT).

The budget estimates contained in this report were provided by Public Works staff after considering the following factors:

- a) Aggressive timeline cost implications and potential over-time premiums;
- b) Current construction market conditions including supply chain challenges;
- c) Risk contingencies related to early concept design & facility unknowns;

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- d) Anticipated higher costs associated with critical environments.

ALTERNATIVES FOR CONSIDERATION

The following alternative locations were considered and deemed not suitable as follows:

1. New Waterdown Fire/Police currently in planning stages for construction -timeline not feasible;
2. Stoney Creek Municipal Centre - The building was constructed as Stoney Creek City Hall, and as such, does not have the required post-disaster rating;
3. Third Party leased locations – No suitable locations were found, and other risks were identified with 3rd party leasing scenarios;
4. Constructing a new building - not feasible due to critical timeline requirements.

The following methods of reducing schedule risk, as alternatives to Project Phasing were considered and deemed not suitable as follows:

- a) Single sourcing or RFQ for construction – due to international trade agreements and other obligations;
- b) Use of existing smaller desks to fit better within the space will not adequately accommodate the new monitors required for migration to NG911;
- c) EOC space at the MATC (1227 Stone Church Road East) location is not available for use and would require a large expense to relocate.

HPS has asked that City Staff provide Council with previous preliminary estimates for delivering facilities for NG911, which originally exceeded \$24M. The majority of the original budget number was dedicated to renovations at Stoney Creek City Hall, which is no longer a feasible option. The interim NG911 solution presented in this report reflects an adjusted budget. However, a long-term NG911 facility need still exists within the City of Hamilton and a future GIC report will be submitted once long-term facility direction is confirmed for HPS.

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.

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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 FCS20082(c)/HSC20045(c)/PW22087(a) – Project Scope
Details &
Preliminary
Estimates

Appendix "A" to Report FCS20082(c) / HSC20045(c) / PW22087(a)
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Location	Scope of Work	Cost (\$1000's)
Upper Sherman Location (729 Upper Sherman)	Upper Sherman Location Subtotal: consulting, fitups, equipment, minor furniture, consoles, corresponding minor infrastructure fit-up, taxes, internal fees, contingency	1108
Central Police Station (155 King William)	Central Police Station Subtotal: consulting, fitups, equipment, minor furniture, consoles, corresponding minor infrastructure fit-up, taxes, internal fees, contingency	800
MATC (1227 Stone Church Rd. East)	MATC consulting & permits	330
MATC (1227 Stone Church Rd. East)	MATC construction (including escalation & contingency), corresponding infrastructure replacement, fit-up, UPS	3150
MATC (1227 Stone Church Rd. East)	MATC Furniture, Consoles	518
MATC (1227 Stone Church Rd. East) & Station 30 (training room only at Rymal Rd. E)	Relocation of legislated training room from MATC to fitup training room at Station 30, corresponding minor infrastructure fit-up within the Station 30 training room	225
MATC (1227 Stone Church Rd. East)	MATC Taxes & Internal Fees & Contingency	693
MATC (1227 Stone Church Rd. East)	MATC subtotal (Addition of all work at MATC)	4916
Project Total: (Upper Sherman Location Subtotal + Central Police Station Subtotal + MATC Subtotal)		6824



Hamilton

**West Harbour Development Sub-Committee
REPORT 23-002**

1:00 p.m.

**Tuesday, May 23, 2023
Room 264, 2nd Floor, City Hall**

Present: Mayor A. Horwath (Chair)
Councillors M. Spadafora (Vice-Chair), C. Kroetsch

**Absent
with Regrets:** Councillor C. Cassar – City Business

THE WEST HARBOUR DEVELOPMENT SUB-COMMITTEE PRESENTS REPORT 23-002 AND RESPECTFULLY RECOMMENDS:

- 1. Indigenous-Focused Macassa Bay Public-Space Design Process (PED23123) (Ward 2)**
 - (a) That staff be directed to develop and initiate an Indigenous-focused conceptual design process, as the first phase of work for the proposed public-space within the Macassa Bay area of the West Harbour waterfront;
 - (b) That the design process should advance the actions of the City's Urban Indigenous Strategy, including identified strategic themes of "Land", "Spirit" and "People";
 - (c) That the key principles outlined in the West Harbour Waterfront Recreation Master Plan (WHWRMP), including providing continuous public access to the water's edge, continue to be used to guide the overall design; and
 - (d) That as part of the process, staff identify next steps and any approvals required for the execution and implementation of the direction, and report back to the West Harbour Sub-Committee.

FOR INFORMATION:**(a) CHANGES TO THE AGENDA (Item 2)**

The Committee Clerk advised the following changes to the agenda.

7. DELEGATIONS

- 7.1 Dermot Nolan, Hamilton Museum Citizens' Committee, respecting Discovery Centre Strategy Framework (for today's meeting)

The Agenda for the May 23, 2023 meeting of the West Harbour Development 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) April 14, 2023 (Item 4.1)**

The Minutes of the April 14, 2023 meeting of the West Harbour Development Sub-Committee were approved, as presented.

(d) DELEGATIONS (Item 7)**(i) Dermot Nolan, Hamilton Museum Citizens' Committee, respecting Discovery Centre Strategy Framework (Added Item 7.1)**

Dermot Nolan, Hamilton Museum Citizens' Committee, addressed Committee respecting the Discovery Centre Strategy Framework, with the aid of a handout.

The presentation from Dermot Nolan, Hamilton Museum Citizens' Committee, addressed Committee respecting the Discovery Centre Strategy Framework, was received and referred to the consideration of Report PED21090(d), respecting Discovery Centre Strategy Framework: Preliminary Option for Discovery Centre Site.

(e) STAFF PRESENTATIONS (Item 8)**(i) Indigenous-Focused Macassa Bay Public-Space Design Process (PED23123) (Ward 2) (Item 8.1)**

Chris Phillips, Manager, Municipal Land Development Office, addressed Committee, respecting Indigenous-Focused Macassa Bay Public-Space

Design Process with the aid of a presentation.

The presentation from Chris Phillips, Manager, Municipal Land Development Office, respecting Indigenous-Focused Macassa Bay Public-Space Design Process, was received.

(ii) Discovery Centre Strategy Framework: Preliminary Option for Discovery Centre Site (PED21090(d) (Ward 2) (Item 8.2)

Andrea Smith, Senior Development Consultant, West Harbour Redevelopment and Paul Takala, Chief Executive Officer, Hamilton Public Library, addressed Committee, respecting Discovery Centre Strategy Framework: Preliminary Option for Discovery Centre Site with the aid of presentations.

- (a) The presentations from Andrea Smith, Senior Development Consultant, West Harbour Redevelopment and Paul Takala, Chief Executive Officer, Hamilton Public Library, respecting Discovery Centre Strategy Framework: Preliminary Option for Discovery Centre Site, were received.
- (b) That consideration of Report PED21090(d), respecting Discovery Centre Strategy Framework: Preliminary Option for Discovery Centre Site, be deferred until after Closed Session.

(f) PRIVATE AND CONFIDENTIAL (Item 14)

The West Harbour Development Sub-Committee moved into Closed Session respecting Added Item 14.1, pursuant to Section 9.3, Sub-sections (i) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (i) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

(i) Discovery Centre Strategy Framework: Preliminary Option for Discovery Centre Site (PED21090(d) (Ward 2) (Added Item 14.1)

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

(g) STAFF PRESENTATIONS (Continued) (Item 18)

**(i) Discovery Centre Strategy Framework: Preliminary Option for
Discovery Centre Site (PED21090(d) (Ward 2)**

- (a) Consideration of Report PED21090(d), respecting Discovery Centre Strategy Framework: Preliminary Option for Discovery Centre Site, was deferred to allow for further consultation;
- (b) Indigenous Relations Office staff was directed to consult with the Indigenous community on the Discovery Centre Strategy project;
- (c) Municipal Land Development Office staff was directed to organize a public engagement session, following the consultation set out in subsection (b), preferably at the Discovery Centre, respecting the Discovery Centre Strategy project; and
- (d) Municipal Land Development staff was directed to report back to the West Harbour Development Sub-Committee on the above consultation and public engagement session no later than the end of 2023.

(h) ADJOURNMENT (Item 15)

There being no further business, the West Harbour Development Sub-Committee was adjourned at 3:27 p.m.

Respectfully submitted,

Mayor A. Horwath, Chair
West Harbour Development Sub-
Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk