



City of Hamilton

CITY COUNCIL ADDENDUM

24-009

Wednesday, April 24, 2024, 9:30 A.M.

Council Chambers

Hamilton City Hall

71 Main Street West

5. COMMUNICATIONS

- *5.14 Correspondence from Joshua Weresch respecting keeping all of LRT public now.
Recommendation: Be received and referred to the consideration of Item 1 of General Issues Committee Report 24-007.
- *5.15 Correspondence from Viv Saunders respecting Restrictions on the Use of Veto Powers and New By-laws.
Recommendation: Be received.
- *5.16 Correspondence from Gabriel Nicholson respecting Words are what we deem them to be?
Recommendation: Be received.

Pilon, Janet

Subject: Keep all of LRT public now

From: J. C. Weresch

Sent: April 20, 2024 11:06 AM

To: Office of the Mayor <Officeofthe.Mayor@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>

Cc: clerk@hamilton.ca

Subject: Keep all of LRT public now

Dear Mayor Horwath, Councillor Danko, and all councillors:

I write as a resident in Ward 8, a life-long resident here in Hamilton on Between the Lakes Purchase Treaty No. 3 lands. I ask that this letter be placed on Council's agenda.

Despite being opposed to LRT due to growing, unknown costs and lack of vehicular manoeuvring around accidents, favouring instead Bus Rapid Transit and the continued expansion of unionized public transit in this city as excellently operated by the HSR, I ask that Council vote not to approve the 17 April 2024 General Issues Committee's meeting's recommendation to Metrolinx.

While I am grateful to see that the LRT will be publicly-owned, I ask, moreover, that Council send clear direction to Metrolinx that the entirety of the Light-Rail Transit be publicly operated, too – endorsing, in effect, Operational Model 4 from staff's presentation to the Committee.

As customers' experience, according to staff's presentation, is most important, then I would like to write as a public-transit user since 2011 and state that my customer experience with unionized HSR drivers has been excellent, and their care and support particularly of seniors and those with mobility devices and issues has been, in my experience, unparalleled.

I trust Council will continue to support excellent, unionized, living-wage jobs in this city and vote not to approve the GIC's recommendation.

Council must no longer support precarious, low-wage, non-union jobs which is what will be offered if a third-party, private operator operates the LRT.

Thank you for your time and attention in these regards.

Respectfully,

Joshua Weresch

Pilon, Janet

Subject: Restrictions on Use of Veto Powers & New By-laws

From: Viv Saunders

Sent: April 22, 2024 6:45 AM

To: Horwath, Andrea <Andrea.Horwath@hamilton.ca>; Office of the Mayor <Officeofthe.Mayor@hamilton.ca>

Cc: clerk@hamilton.ca

Subject: Restrictions on Use of Veto Powers & New By-laws

Dear Madam Mayor,

With the greatest respect, you need to (re) read the Municipal Act. A mayor cannot use the Strong Mayor framework to override a section 270 by-law.

Specifically, what is excluded in the Strong Mayors powers (and is also specifically noted in the Ministry's Section 10 of the Municipal Councillor's Guide*) is that Vetos and Powers Re by-laws do not apply for any prescribed sections in the Municipal Act:

Veto powers

Application

284.11 (1) This section applies with respect to by-laws under,

(a) this Act and the regulations, other than under any prescribed section;

(b) the *Planning Act* and its regulations, other than any prescribed section; and

(c) any other prescribed Act or regulation or prescribed section of an Act or regulation. [2022, c. 18](#), Sched. 2, s. 1.

Powers re by-laws

284.11.1 (1) This section applies with respect to by-laws under,

(a) this Act and the regulations, other than under any prescribed section;

(b) the *Planning Act* and its regulations, other than under any prescribed section; and

(c) any other prescribed Act or regulation or prescribed section of an Act or regulation. [2022, c. 24](#), Sched. 3, s. 8.

Procedure

(2) Despite any procedure by-law passed by the municipality under [subsection 238 \(2\)](#) and subject to any prescribed requirements, if the head of council is of the opinion that a by-law could potentially advance a prescribed provincial priority, the head of council may propose the by-law to the council and require the council to consider and vote on the proposed by-law at a meeting. [2022, c. 24](#), Sched. 3, s. 8.

I fully appreciate the reasoning for going down this path however, what is "prescribed" in the Act, are all of the by-laws approved by Council under section 270. Section 270 deals with regulations that are key Accountability & Transparency by-laws for various municipal matters such as procurement, disposition of land & such as per this section of the Ministry's Municipal Councillor's Guide:

Ensuring accountability and transparency is one of council's roles under [section 224](#) of the [Municipal Act, 2001](#) (the Act), and is a priority in maintaining public trust. Councillors are, of course, accountable to the public as elected officials. However, it is also important that procedures and policies are clearly set out and accessible, and that the day-to-day operations of the municipality are transparent.

Ontario municipalities and members of council operate under a legislated accountability and transparency framework that include rules for the municipality and rules for members of council and local boards. Local accountability and transparency frameworks consist of a mix of requirements and options.

Key requirements for municipalities include:

- adopting policies related to accountability and transparency specified in [section 270 of the Municipal Act, 2001](#)
- establishing a code of conduct for members of council and certain local boards, ensuring access to an Integrity Commissioner
- certain [Municipal Conflict of Interest Act](#) and open meeting requirements

Discretionary options for municipalities include appointing additional accountability officers, such as a municipal Ombudsman or auditor general. Municipalities may also wish to adopt a broader range of local policies than those [mandated under section 270 of the Municipal Act, 2001](#).

Hence, since 'The sale and disposition of land policy' by-law #14-204 (approved and adopted by Council under Section 270 of the Municipal Act) is a mandated by-law in a prescribed section of the Act, any discussions/amendments/resolutions appear to clearly fall outside of the Municipal Act's section 284.11 and 284.11.1 Strong Mayor/Good Governance regulations.

I know this isn't the outcome you and others want, so you might choose to ignore this email, however in my opinion you and our Council need to find a way to carry out your duties *under* and not outside *this Act or any other Act*. No person of reasonable thought would presume that the legislature would give a single elected official the power to solely pick and choose which municipal assets are 'surplus' & instruct Staff to dispose of them during their elected term of office; even during a housing crisis.

Respectfully,

Viv Saunders

*[Section 10 Strong Mayor Powers & Duties](#) in Ministry's Municipal Councillor's Guide:

Bring forward matters for council consideration related to provincial priority

The head of council can bring forward matters for council consideration if they are of the opinion that considering the matter could potentially advance a provincial priority in this [regulation](#).

When bringing forward such a matter for council consideration, the head of council should consider whether any rules with respect to notice and public consultation apply to the exercise of a particular municipal authority.

By-law power related to provincial priorities

The head of council can propose certain municipal by-laws if they are of the opinion that the proposed by-law could potentially advance a prescribed provincial priority in this [regulation](#). When using this power, the head of council can only propose by-laws made under:

- the [Municipal Act, 2001](#)
- the [City of Toronto Act, 2006](#)
- the [Planning Act](#)
- section 2 of the [Development Charges Act](#)

When proposing the by-law, the head of council must provide a copy of the proposed by-law and their reasons for the proposal to the clerk and each member of council. The head of council can require council to consider and vote on the proposed by-law at a meeting (despite any rules in a local procedure by-law). By-laws proposed by the head of council using this power are passed if more than one-third of all council members vote in favour of the by-law. The head of council is also able to vote on passing the by-law.

Note: municipal procedure by-laws and by-laws related to filling a vacancy on council are excluded from this power. There is also a separate process related to proposing the municipal budget. Read "[Municipal budget process](#)" in this section for more information.

Pilon, Janet

Subject: Words are what we deem them to be?

From: Gabriel Nicholson

Sent: April 21, 2024 8:47 PM

To: clerk@hamilton.ca

Subject: Words are what we deem them to be?

Dear Clerks,

And just to clarify, this is a communication that I would appreciate being part of the upcoming Council agenda, specifically regarding 12.1 and 12.6.

Congratulations City of Hamilton!

You have allowed the most impressive, yet horrifying, precedent to stand where it comes to the use of Strong Mayor Powers.

And that precedent is the Municipal Act is open to the interpretation of the one wielding it, and if that person always has the power to fire the one who can fire the rest, surely there will not be any pushback on incorrect future uses.

What crazy times to live in a creeping authoritarian society, where whims can be dictated, based not in law, but beliefs.

Doesn't matter what words are used in the Municipal Act, like "the head of council may veto the by-law", if a future mayor wants to come along and 'veto failed parts of agenda while passing the bylaw", then they only have to look back at this time to recognize it's A-OK.

I look forward to a future use of Strong Mayor Powers to delete the Heritage Registry (for housing, eh), banish bikes from the city (for roads, eh) or an unknown endless list of possibilities that will be attainable because today we say "words in the Municipal Act do not matter".

The next election could be won by someone who thinks our staff are competent and made the correct recommendation in expanding our Urban Boundary!

And then Strong Mayor Powers can be wielded for actual housing!

We get there are some in the building who think every new Hamiltonian should be happy living in an apartment, but perhaps those who speak of 'monster homes' shouldn't write opinion pieces from their mansion on their 7000+ sq urban city lot.

If you have it, then others are entitled to it. Imagine an author gorging on cheeseburgers while writing "people shouldn't eat cheeseburgers"...

The Association of Single Family Home Owners Against Other Families Owning Single Family Homes is the biggest blight on our city.

Who knew mansion dwellers are the first to support this unofficial organization and insane advocacy?

As for affordable housing, maybe let's not listen to people who are sitting on a vacant unit today! We understand, tenants suck, and we're busy, and who wants to deal with that headache. And selling now is not an option because the declared income level will just murder any profit in capital gains, especially with this new federal budget.

So we suck and blow at the same time; we care about affordable housing while insisting everyone else should do the work to house people.

Ask not what you can do to solve societal ills, ask how you can duck responsibility and get others to do it?

We are about to waste so much money and create so many travesties with a Vacant Unit Tax, there will be no "Well, we didn't know" because yes, you knew as it's in the media daily about how Toronto is going to lose money on theirs.

Hire 2 employees, give them a phone number, do some media runs on how to notify the city of a Vacant Unit, let them investigate. Other jurisdictions are doing that.

Truthfully, none of this is shocking to Hamilton residents, from a leadership who taxes its citizens over and above the regular rate to address capital infrastructure reinvestment, and then turns around and spends it on the most ludicrous projects or doles it out as cash grants to a few lucky people; all the while absolutely none of the spending has anything to do with the city infrastructure and every now and then someone is opining in the local media how there is no money for the ever growing infrastructure deficit.

The real travesty regarding Hamilton's use of the Strong Mayor Powers is that it was not an unprecedented situation. An item failed on agenda in Mississauga, and the Mayor there advanced the provincial priority correctly.

And she didn't veto a bylaw, either.

regards,
gabriel nicholson