



**City of Hamilton**  
**GENERAL ISSUES COMMITTEE**  
**REVISED**

**Meeting #:** 24-008  
**Date:** May 1, 2024  
**Time:** 9:30 a.m.  
**Location:** Council Chambers (GIC)  
Hamilton City Hall  
71 Main Street West

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

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**1. CEREMONIAL ACTIVITIES**

- \*1.1 National Day of Awareness for Missing and Murdered Indigenous Women and Girls and Two-Spirit People(MMIWG2S+)

**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 April 17, 2024

**5. COMMUNICATIONS**

- 5.1 Correspondence from Diane Gower Dent PhD, Founder Durand Neighbourhood Association 1972, Vice Chair Heritage Hamilton Foundation, Chair Friends of Auchmar, respecting the proposed new name Magnolia Hall for the former St Mark's Church.

Recommendation: Be received and referred to consideration of Item 1 of Facility Naming Sub-Committee Report 24-001 (Item 10.3).

- \*a. Additional Correspondence from Diane Gower Dent respecting Item 10.3 - Facility Naming Sub-Committee Report 24-001

Recommendation: Be received and referred to consideration of Item 1 of Facility Naming Sub-Committee Report 24-001 (Item 10.3).

- \*5.2 Correspondence from Roberta Harman, President, Durand Neighbourhood Association respecting agenda Item 10.3 - Facility Naming.

Recommendation: Be received and referred to consideration of Item 1 of Facility Naming Sub-Committee Report 24-001 (Item 10.3).

- \*5.3 Correspondence from Janice Brown, DNA Board Member 1995-2023, Durand Honorary Member 2024, respecting the Proposal to Rename the former St Marks Church.

Recommendation: Be received and referred to consideration of Item 1 of Facility Naming Sub-Committee Report 24-001 (Item 10.3).

## 6. DELEGATION REQUESTS

- \*6.1 Shelby Alicia, respecting homelessness and the correlation to REITs in Hamilton (In Person) (For a future meeting)

## 7. DELEGATIONS

- 7.1 Jeffrey McCabe, All Hands on Deck, respecting homeless and addiction issues (Approved April 17, 2024)

## 8. STAFF PRESENTATIONS

## 9. CONSENT ITEMS

## 10. DISCUSSION ITEMS

- 10.1 City of Hamilton / Ministry of Transportation 2023-24 Dedicated Gas Tax Funding Agreement (FCS24032) (City Wide)
- 10.2 Transit Area Rating Review Sub-Committee Report 24-001 - April 11, 2024
- 10.3 Facility Naming Sub-Committee Report 24-001 - April 19, 2024
- 10.4 Open for Business Sub-Committee Report 24-002 - April 8, 2024
- 10.5 Next Generation 911 Service Delivery - 2023-2024 Provincial Funding (FCS20082(d) / HSC20045(d)) (City Wide)

- 10.6 Second floor addition to new Waterdown Station for 911 Call Centre (FCS20082(e) / HSC20045(e) / PW22087(b)) (City Wide)

*Please refer to Item 14.3 for Confidential Appendix "A" to this Report.*

## 11. MOTIONS

- 11.1 Councillor Ward Office Budgets 2023 Operating Surplus

## 12. NOTICES OF MOTION

## 13. GENERAL INFORMATION / OTHER BUSINESS

## 14. PRIVATE AND CONFIDENTIAL

- 14.1 Closed Session Minutes - February 21, 2024

Pursuant to Section 9.3, Sub-sections (c), (d), (e), (f), and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (c) (d), (e), (f), and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City or a local board purposes; labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the City or a 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 City or a local board.

- 14.2 Closed Session Minutes - April 17, 2024

Pursuant to Section 9.3, Sub-sections (a), (d), (f) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2) sub-sections (a), (d), (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain to the security of the property of the City or a local board; labour relations or employee negotiations; 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 City or a local board.

- 14.3 Confidential Appendix "A" to Item 10.6 - Second floor addition to new Waterdown Station for 911 Call Centre (FCS20082(e) / HSC20045(e) / PW22087(b)) (City Wide)

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

14.4 Lease Agreement – Pier 7, 121 Haida Drive (formerly 47 Discovery Drive)  
(PED24078) (Ward 2)

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

**15. ADJOURNMENT**



## GENERAL ISSUES COMMITTEE MINUTES 24-007

9:30 a.m.

April 17, 2024

Council Chambers, City Hall, 2<sup>nd</sup> Floor  
71 Main Street West, Hamilton, Ontario

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

### THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

#### 1. Light Rail Transit Operations Models (PED23166(b)) (City Wide) (Item 8.1)

##### (Danko/Pauls)

- (a) That the City endorse Operations Model 2 (Municipality performs passenger interface activities) to be selected as the City's preferred LRT operations model;
- (b) *That within the first 5 years, staff begin the process of preparing the City to transition to Operations Model 4, where the Municipality assumes all aspects of operational activities from the third party, at the 10-year mark; and,*
- (c) *That staff seek approval from Council, at the appropriate time, to enter negotiations with Metrolinx and the Province of Ontario, to transition fully the operations of the LRT to the City of Hamilton.*

**Result: MAIN MOTION, AS AMENDED, CARRIED by a vote of 9 to 6, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
No	-	Ward 2 Councillor Cameron Kroetsch
Absent	-	Ward 3 Councillor Nrinder Nann
No	-	Ward 4 Councillor Tammy Hwang
No	-	Ward 5 Councillor Matt Francis
No	-	Ward 6 Councillor Tom Jackson
Yes	-	Ward 7 Councillor Esther Pauls

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

**2. Business Improvement Area Sub-Committee Report 24-003 - April 9, 2024 (Item 9.1)**

**(Hwang/Kroetsch)**

That the Business Improvement Area Sub-Committee Report 24-003 - April 9, 2024, 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
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

**3. Environmental Remediation and Site Enhancement Redevelopment Grant Application ERG-23-06, 71 Rebecca Street, Hamilton (PED24073) (Ward 2) (Item 10.1)**

**(Kroetsch/Cassar)**

- (a) That Environmental Remediation and Site Enhancement Redevelopment Grant Application ERG-23-06, submitted by HiRose (Rebecca) Inc. (Melrose Investments Inc./Rosehaven Homes), owner of the property 71 Rebecca Street, Hamilton be approved for an Environmental Remediation and Site Enhancement Redevelopment Grant not to exceed \$5,160,501 for estimated eligible remediation costs to be provided over a maximum of ten years, in

accordance with the terms and conditions of the Environmental Remediation and Site Enhancement Redevelopment Agreement;

- (b) That the General Manager of the Planning and Economic Development Department be authorized and directed to execute the Environmental Remediation and Site Enhancement Redevelopment Agreement together with any ancillary documentation required, to give effect to the Environmental Remediation and Site Enhancement Redevelopment Grant for HiRose (Rebecca) Inc. (Melrose Investments Inc./Rosehaven Homes) owner of the property 71 Rebecca Street, Hamilton in a form satisfactory to the City Solicitor;
- (c) That the General Manager of the Planning and Economic Development Department be authorized and directed to administer the Grant and Grant Agreement including but not limited to: Deciding on actions to take in respect of events of default and executing any Grant Amending Agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Environmental Remediation and Site Enhancement Redevelopment Grant, as approved by City Council, are maintained and that any applicable Grant Amending Agreements are undertaken in a form satisfactory to the City Solicitor.

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

**4. Revenue Sources to Fund Council Priorities and Ongoing Operating and Capital Works (FCS24022) (City Wide) (Outstanding Business List Item) (Item 10.2)**

**(Cassar/M. Wilson)**

That Report FCS24022, Revenue Sources to Fund Council Priorities and Ongoing Operating and Capital Works, 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
Absent	-	Ward 5 Councillor Matt Francis
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Yes	-	Ward 15 Councillor Ted McMeekin

**5. City of Hamilton advocacy at the Great Lakes St. Lawrence Cities Initiative Annual General Meeting taking place in Montreal, Quebec in May 2024 (Item 11.1)**

**(Hwang/McMeekin)**

WHEREAS the Great Lakes and St. Lawrence Cities Initiative is a binational coalition of over 240 U.S. and Canadian mayors, Councillors and local officials working to advance the protection and restoration of the Great Lakes and St. Lawrence River Basin.

WHEREAS the Cities Initiative and local officials integrate environmental, economic and social agendas and sustain a resource that represents approximately 20 percent of the world's surface freshwater supply, provides drinking water for 40 million people, and is the foundation upon which a strong regional economy is based.

WHEREAS the City of Hamilton has a robust government relations strategy and as part of that process, advocacy and alignment with other municipalities at the federal level is integral to sustainability, economic prosperity and success;



WHEREAS participation on behalf of the City of Hamilton supports the Term of Council Priorities

THEREFORE, BE IT RESOLVED:

- (a) That Councillor A. Wilson be selected as the City of Hamilton's representative at the Great Lakes St. Lawrence Cities Initiative Annual General Meeting taking place in Montreal, Quebec from May 15 – 17, 2024; and,
- (b) That Council assumes all costs associated with attendance for Councillor A. Wilson for the Great Lakes St. Lawrence Cities Initiative Annual General Meeting taking place in Montreal, Quebec from May 15 – 17, 2024 from the General Legislative Budget (300100).

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

**6. Revitalizing Hamilton Tax Increment Grant Application Criteria Exception for the Property Municipally Known as 75 James Street South, Hamilton (Item 11.3)**

**(Danko/Kroetsch)**

WHEREAS the Revitalizing Hamilton Tax Increment Grant Program (the Program) is intended to incentivize property owners within strategic commercial districts to develop, redevelop or otherwise improve properties and/or buildings in a manner that will support the broader revitalization of the commercial district as well as generate new municipal property tax revenue through increased property assessments;

WHEREAS Applicants must meet Council approved Program eligibility and grant criteria;

WHEREAS Program applications are subject to a comprehensive review by the City of Hamilton's Economic Development Division and approval of all Program applications are at the absolute discretion of City Council and subject to the availability of funds.

WHEREAS above grade improvements/developments commenced prior to submitting an application are ineligible under this Program.

WHEREAS the development at 75 James Street South, Hamilton received final Site Plan Approval making the development otherwise eligible under the Program; and,

WHEREAS Fengate Hamilton Lands GP Inc., the registered owner of 75 James Street South, proceeded with above grade development prior to formally submitting an application for the Program and would like to apply for the Program subsequent to the above-grade construction commencing on-site;

THEREFORE, BE IT RESOLVED:

- (a) That, on a one-time basis, staff be directed to accept the Program application submitted by Fengate Hamilton Lands GP Inc., the registered owner of 75 James Street South; and,
- (b) That staff be directed to review, process and bring a report back to the General Issues Committee for consideration with a recommendation on the application submitted by Fengate Hamilton Lands GP Inc., respecting 75 James Street South, in accordance with all other applicable Council approved Program terms.

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

Yes	-	Mayor Andrea Horwath
Conflict	-	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
Yes	-	Ward 6 Councillor Tom Jackson
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Yes	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar

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

**7. Verbal Update on a Cyber Security Incident (No copy) (Item 14.3)**

**(A. Wilson/Cassar)**

That the Verbal Update on a Cyber Security Incident, be received and remain confidential.

**Result: MOTION, CARRIED by a vote of 9 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  
 Absent - Ward 7 Councillor Esther Pauls  
 Absent - Ward 8 Councillor J. P. Danko  
 Absent - Ward 9 Councillor Brad Clark  
 Yes - Ward 10 Councillor Jeff Beattie  
 Absent - Ward 11 Councillor Mark Tadeson  
 Yes - Ward 12 Councillor Craig Cassar  
 Yes - Ward 13 Councillor Alex Wilson  
 Yes - Ward 14 Councillor Mike Spadafora  
 Absent - Ward 15 Councillor Ted McMeekin

**8. Legal Update Regarding Judicial Review Application - Urban Boundary Expansion (LS16029(j)) (City Wide) (Item 14.4)**

**(A. Wilson/Jackson)**

That Report LS16029(j), respecting a Legal Update Regarding Judicial Review Application - Urban Boundary Expansion, be received and remain confidential.

**Result: MOTION, CARRIED by a vote of 9 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  
 Absent - Ward 7 Councillor Esther Pauls

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

**9. Overtime Policy Amendments During the Cyber Security Incident (HUR24009)  
(City Wide) (Item 14.5)**

**(Horwath/Kroetsch)**

- (a) That the directions provided to staff in Closed Session respecting Report HUR24009, Overtime Policy Amendments During the Cyber Security Incident, be approved and remain confidential; and,
- (b) That Report HUR24009, Overtime Policy Amendments During the Cyber Security Incident, remain confidential.

**Result: MOTION, CARRIED by a vote of 9 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
Absent	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Absent	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 2)**

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

**5. COMMUNICATIONS**

- 5.1 Correspondence from Steve Levene, Chief Operation Officer - Rapid Transit, Metrolinx, respecting Clarity on Decision Behind Operator Role(s) for the Hamilton Light Rail Transit program.

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

- 5.2 Correspondence respecting Item 8.1, Report PED23166(b), Light Rail Transit Operations Models, from the following individuals:

- (a) Robyn Deshaies
- (b) Mary Love
- (c) Mary Henderson
- (d) Caitlin Craven, Executive Director, Hamilton Centre for Civic Inclusion
- (e) Shania Ramharrack-Maharaj, Stop Sprawl Students
- (f) Tara Bursey, Executive Director, Workers Arts and Heritage Centre
- (g) Medora Uppal, CEO, YWCA Hamilton
- (h) Hamilton-Brantford Building & Construction Trades Council
- (i) Canadian Union of Postal Workers (CUPW) Local 548
- (j) Hamilton & District Labour Council

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

**6. DELEGATION REQUESTS**

- 6.1 Delegation Requests, respecting Light Rail Transit, for today's meeting, from the following individuals:

- (g) James Kemp (Virtually)
- (h) Michael Marson (In-Person)
- (i) Ian Borsuk, Environment Hamilton (Virtually)
- (j) Tracey Langille, CUPW Local 548 (In-Person)
- (k) T.H. Ponders (In-Person)
- (l) Don McLean, Hamilton 350 Committee (Virtually)
- (m) Declan Withers (In-Person)
- (n) Clint Crabtree, ATU Local 279 (Virtually)
- (o) Evan Ubene (In-Person)
- (p) Christine McNabb, Council of Canadians - Hamilton Chapter (Virtually)
- (q) Shelagh Pizey-Allen, TTCriders (Virtually)

- 6.2 Delegation Request from Jeffrey McCabe, All Hands on Deck, respecting homeless and addiction issues (For a future meeting)

**8. STAFF PRESENTATIONS**

- 8.2 Goods Movement Strategy (PED24049) (City Wide) – WITHDRAWN

**11. MOTIONS**

- 11.2 Request for Funding Agreement to the Provincial Government – WITHDRAWN
- 11.3 Revitalizing Hamilton Tax Increment Grant Application Criteria Exception for the Property Municipally Known as 75 James Street South, Hamilton - REVISED

**CHANGE TO THE ORDER OF AGENDA ITEMS:**

Item 14.5 - Overtime Policy Amendments During the Cyber Security Incident (HUR24009) (City Wide) to be considered immediately follow Item 14.3 - Verbal Update on a Cyber Security Incident (No copy)

**(Jackson/Hwang)**

That the agenda for the April 17, 2024 General Issues Committee meeting, be approved, as amended.

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

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

**(b) DECLARATIONS OF INTEREST (Item 3)**

Deputy Mayor M. Wilson relinquished the Chair to Councillor C. Kroetsch to declare a disqualifying interest.

Deputy Mayor M. Wilson declared a disqualifying interest to Item 7.1 - Matt Johnston, Urban Solutions Planning & Land Development Consultants Inc., respecting Hamilton Tax Increment Grant Program in relation to 75 James Street South, Hamilton (In-Person) (Approved December 6, 2023) and Item 11.3 - Revitalizing Hamilton Tax Increment Grant Application Criteria Exception for the Property Municipally Known as 75 James Street South, Hamilton, as her husband has a business relationship with Fengate Hamilton Lands GP Inc.

Deputy Mayor M. Wilson assumed the Chair.

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

**(Kroetsch/A. Wilson)**

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

- (i) March 27, 2024 – Special (Item 4.1)**
- (ii) April 3, 2024 (Item 4.2)**

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

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

**(d) COMMUNICATIONS (Item 5)**

**(Danko/Beattie)**

That Communications Items 5.1 and 5.2, be approved, as follows:

- (i) Correspondence from Steve Levene, Chief Operation Officer - Rapid Transit, Metrolinx, respecting Clarity on Decision Behind Operator Role(s) for the Hamilton Light Rail Transit program (Added Item 5.1)**

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

- (ii) Correspondence respecting Item 8.1, Report PED23166(b), Light Rail Transit Operations Models, from the following individuals (Added Item 5.2):**

- (1) Robyn Deshaies (Added Item 5.2(a))
- (2) Mary Love (Added Item 5.2(b))
- (3) Mary Henderson (Added Item 5.2(c))
- (4) Caitlin Craven, Executive Director, Hamilton Centre for Civic Inclusion (Added Item 5.2(d))
- (5) Shania Ramharrack-Maharaj, Stop Sprawl Students (Added Item 5.2(e))
- (6) Tara Bursey, Executive Director, Workers Arts and Heritage Centre (Added Item 5.2(f))
- (7) Medora Uppal, CEO, YWCA Hamilton (Added Item 5.2(g))
- (8) Hamilton-Brantford Building & Construction Trades Council (Added Item 5.2(h))
- (9) Canadian Union of Postal Workers (CUPW) Local 548 (Added Item 5.2(i))
- (10) Hamilton & District Labour Council (Added Item 5.2(j))

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

**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     |
| Yes | - | Ward 8 Councillor J. P. Danko      |
| Yes | - | Ward 9 Councillor Brad Clark       |
| Yes | - | Ward 10 Councillor Jeff Beattie    |



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

**(e) DELEGATION REQUESTS (Item 6)**

**(Pauls/Cassar)**

That the following Delegation Requests, be approved, as follows:

**(i) Delegation Requests, respecting Light Rail Transit, for today's meeting, from the following individuals (Item 6.1):**

- (1) Brian Connolly, ATU Canada (Virtually) (Item 6.1(a))
- (2) Eric Tuck, ATU Local 107 (In-Person) (Item 6.1(b))
- (3) Karl Andrus, Hamilton Community Benefits Network (In-Person) (Item 6.1(c))
- (4) Mason Fitzpatrick, CUPE Local 3906 (In-Person) (Item 6.1(d))
- (5) Anthony Marco, Hamilton & District Labour Council (In-Person) (Item 6.1(e))
- (6) Stephen McBride (In-Person) (Item 6.1(f))
- (7) James Kemp (Virtually) (Added Item 6.1(g))
- (8) Michael Marson (In-Person) (Added Item 6.1(h))
- (9) Ian Borsuk, Environment Hamilton (Virtually) (Added Item 6.1(i))
- (10) Tracey Langille, CUPW Local 548 (In-Person) (Added Item 6.1(j))
- (11) T.H. Ponders (In-Person) (Added Item 6.1(k))
- (12) Don McLean, Hamilton 350 Committee (Virtually) (Added Item 6.1(l))
- (13) Declan Withers (In-Person) (Added Item 6.1(m))
- (14) Clint Crabtree, ATU Local 279 (Virtually) (Added Item 6.1(n))
- (15) Evan Ubene (In-Person) (Added Item 6.1(o))
- (16) Christine McNabb, Council of Canadians - Hamilton Chapter (Virtually) (Added Item 6.1(p))
- (17) Shelagh Pizey-Allen, TTCriders (Virtually) (Added Item 6.1(q))

**(ii) Delegation Request from Jeffrey McCabe, All Hands on Deck, respecting homeless and addiction issues (For a future meeting) (Added Item 6.2)**

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

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

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

**(f) DELEGATIONS (Item 7)**

Due to a declared conflict Deputy Mayor M. Wilson relinquished the Chair to Councillor C. Kroetsch.

**(i) Matt Johnston, Urban Solutions Planning & Land Development Consultants Inc., respecting Hamilton Tax Increment Grant Program in relation to 75 James Street South, Hamilton (In-Person) (Approved December 6, 2023) (Item 7.1)**

Matt Johnston, Urban Solutions Planning & Land Development Consultants Inc., addressed the Committee respecting Hamilton Tax Increment Grant Program in relation to 75 James Street South, Hamilton.

**(Pauls/A. Wilson)**

That the Delegation from Matt Johnston, Urban Solutions Planning & Land Development Consultants Inc., respecting Hamilton Tax Increment Grant Program in relation to 75 James Street South, Hamilton, be received.

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

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

Yes - Ward 14 Councillor Mike Spadafora  
Absent - Ward 15 Councillor Ted McMeekin

Deputy Mayor M. Wilson assumed the Chair.

**(ii) Delegations respecting Light Rail Transit (Item 7.2)**

**(1)** The follow delegates addressed the Committee respecting Light Rail Transit:

- (a) Stewart Klazinga, ACORN Hamilton (Virtually) (Item 7.2(a))
- (b) Ritch Whyman (Virtually) (Item 7.2(b))
- (c) Brian Connolly, ATU Canada (In-Person) (Added Item 7.2(c))
- (d) Eric Tuck, ATU Local 107 (In-Person) (Added Item 7.2(d))
- (e) Karl Andrus, Hamilton Community Benefits Network (In-Person) (Added Item 7.2(e))
- (f) Mason Fitzpatrick, CUPE Local 3906 (In-Person) (Added Item 7.2(f))
- (g) Anthony Marco, Hamilton & District Labour Council (In-Person) (Added Item 7.2(g))
- (h) Stephen McBride (In-Person) (Added Item 7.2(h))
- (i) James Kemp (Virtually) (Added Item 7.2(i))
- (j) Ian Borsuk, Environment Hamilton (Virtually) (Added Item 7.2(k))
- (k) Tracey Langille, CUPW Local 548 (In-Person) (Added Item 7.2(l))
- (l) T.H. Ponders (In-Person) (Added Item 7.2(m))
- (m) Declan Withers (In-Person) (Added Item 7.2(o))
- (n) Clint Crabtree, ATU Local 279 (Virtually) (Added Item 7.2(p))
- (o) Evan Ubene (In-Person) (Added Item 7.2(q))
- (p) Christine McNabb, Council of Canadians - Hamilton Chapter (Virtually) (Added Item 7.2(r))
- (q) Don McLean, Hamilton 350 Committee (Virtually) (Added Item 7.2(n))
- (r) Shelagh Pizey-Allen, TTCriders (Virtually) (Added Item 7.2(s))
- (s) Michael Marson (In-Person) (Added Item 7.2(j))

**(2) (Pauls/Beattie)**

That the following delegations respecting Light Rail Transit, be received:

- (a) Stewart Klazinga, ACORN Hamilton (Virtually) (Item 7.2(a))
- (b) Ritch Whyman (Virtually) (Item 7.2(b))
- (c) Brian Connolly, ATU Canada (In-Person) (Added Item 7.2(c))
- (d) Eric Tuck, ATU Local 107 (In-Person) (Added Item 7.2(d))
- (e) Karl Andrus, Hamilton Community Benefits Network (In-Person) (Added Item 7.2(e))

- (f) Mason Fitzpatrick, CUPE Local 3906 (In-Person) (Added Item 7.2(f))
- (g) Anthony Marco, Hamilton & District Labour Council (In-Person) (Added Item 7.2(g))
- (h) Stephen McBride (In-Person) (Added Item 7.2(h))
- (i) James Kemp (Virtually) (Added Item 7.2(i))
- (j) Ian Borsuk, Environment Hamilton (Virtually) (Added Item 7.2(k))
- (k) Tracey Langille, CUPW Local 548 (In-Person) (Added Item 7.2(l))
- (l) T.H. Ponders (In-Person) (Added Item 7.2(m))
- (m) Declan Withers (In-Person) (Added Item 7.2(o))
- (n) Clint Crabtree, ATU Local 279 (Virtually) (Added Item 7.2(p))
- (o) Evan Ubene (In-Person) (Added Item 7.2(q))
- (p) Christine McNabb, Council of Canadians - Hamilton Chapter (Virtually) (Added Item 7.2(r))
- (q) Don McLean, Hamilton 350 Committee (Virtually) (Added Item 7.2(n))
- (r) Shelagh Pizey-Allen, TTCriders (Virtually) (Added Item 7.2(s))
- (s) Michael Marson (In-Person) (Added Item 7.2(j))

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

**(3) Recess**

**(Jackson/Nann)**

That the General Issues Committee recess for 50 minutes until 1:45 p.m.

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

**(g) PRESENTATIONS (Item 8)**

**(i) Light Rail Transit Operations Models (PED23166(b)) (City Wide) (Item 8.1)**

Steve Robichaud, Acting General Manager of Planning and Economic Development provided background information and introduced Abdul Shaikh, Director of Hamilton LRT Project Office, and Mike Murray, Strategic Advisor on the LRT Project and former CAO of Waterloo Region, who provided the presentation respecting Report PED23166(b), Light Rail Transit Operations Models.

**(1) (McMeekin/Kroetsch)**

That the presentation respecting Report PED23166(b), Light Rail Transit Operations Models, be received.

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

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

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

**(2) (Danko/Pauls)**

That the City endorse Operations Model 2 (Municipality performs passenger interface activities) to be selected as the City's preferred LRT operations model with the right to opt-in (transition) to Operations Model 4 (Municipality performs all aspects of Operational activities except facility operations) after an initial 10-year term.

**(3) (Horwath/McMeekin)**

That the recommendation in Report PED23166(b), Light Rail Transit Operations Models, **be amended as follows**, and **by adding subsections (b) and (c)**:

(a) That the City endorse Operations Model 2 (Municipality performs passenger interface activities) to be selected as the City's preferred LRT operations model ~~**with the right to opt-in (transition) to Operations Model 4 (Municipality performs all aspects of Operational activities except facility operations) after an initial 10-year term.**~~

(b) ***That within the first 5 years, staff begin the process of preparing the City to transition to Operations Model 4, where the Municipality assumes all aspects of operational activities from the third party, at the 10-year mark; and,***

(c) ***That staff seek approval from Council, at the appropriate time, to enter negotiations with Metrolinx and the Province of Ontario, to transition fully the operations of the LRT to the City of Hamilton.***

**Result: AMENDMENT, CARRIED by a vote of 12 to 3, as follows:**

Yes - Mayor Andrea Horwath  
 Yes - Ward 1 Councillor Maureen Wilson  
 Yes - Ward 2 Councillor Cameron Kroetsch  
 Absent - 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  
 Yes - Ward 8 Councillor J. P. Danko

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No	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

For disposition of this matter, refer to Item 1.

**(4) Recess**

**(Danko/Horwath)**

That the General Issues Committee recess for 15 minutes until 4:45 p.m.

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

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

**(i) (A. Wilson/Hwang)**

That the General Issues Committee meeting of April 17, 2024, be extended past the 5:30 pm curfew, up to an additional 1.5 hours.

**Result: MOTION, CARRIED by a vote of 10 to 2, as follows:**

Yes	-	Mayor Andrea Horwath
Yes	-	Ward 1 Councillor Maureen Wilson
No	-	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
Absent	-	Ward 7	Councillor Esther Pauls
No	-	Ward 8	Councillor J. P. Danko
Absent	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

**(ii) Revitalizing Hamilton Tax Increment Grant Application Criteria  
Exception for the Property Municipally Known as 75 James Street  
South, Hamilton (Item 11.3)**

Due to a declared conflict Deputy Mayor M. Wilson relinquished the Chair to Councillor Kroetsch.

Deputy Mayor M. Wilson assumed the Chair following the conclusion of the vote.

**(i) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

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

**(Danko/Kroetsch)**

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

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

Revenue Sources to fund Council Priorities and Ongoing Operating and Capital Works

Added: August 14, 2023 at GIC - Item 11.2

Completed: April 17, 2024 at GIC - Item 10.3

**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



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

**(j) PRIVATE & CONFIDENTIAL (Item 14)**

Committee determined that discussion of Items 14.1 and 14.2 was not required in Closed Session; therefore, the matters were addressed in Open Session, as follows:

**(McMeekin/Jackson)**

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

- (i) Closed Session Minutes – March 27, 2024 - Special (Item 14.1)**
- (ii) Closed Session Minutes – April 3, 2024 (Item 14.2)**

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

**(iii) (Cassar/A. Wilson)**

That Shannon Parker and Bryson Tan of Deloitte be permitted to attend the Closed Session portion of the General Issues Committee Meeting.

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

**(iv) (Beattie/Spadafora)**

That Committee move into Closed Session Pursuant to Section 9.3, Sub-sections (a), (d), (f) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2) sub-sections (a), (d), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain to the security of the property of the City or a local board; labour relations or employee negotiations; 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 City or a 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
Absent	-	Ward 7 Councillor Esther Pauls
Yes	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark

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

**(v) Verbal Update on a Cyber Security Incident (No copy) (Item 14.3)**

For disposition of this matter, refer to Item 7.

**(vi) Legal Update Regarding Judicial Review Application - Urban Boundary Expansion (LS16029(j)) (City Wide) (Item 14.4)**

For disposition of this matter, refer to Item 8.

**(vii) Overtime Policy Amendments During the Cyber Security Incident (HUR24009) (City Wide) (Item 14.5)**

For disposition of this matter, refer to Item 9.

**(k) ADJOURNMENT (Item 15)**

**(Cassar/Hwang)**

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

**Result: MOTION, CARRIED by a vote of 9 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
Absent	-	Ward 7 Councillor Esther Pauls
Absent	-	Ward 8 Councillor J. P. Danko
Absent	-	Ward 9 Councillor Brad Clark
Yes	-	Ward 10 Councillor Jeff Beattie
Absent	-	Ward 11 Councillor Mark Tadeson
Yes	-	Ward 12 Councillor Craig Cassar
Yes	-	Ward 13 Councillor Alex Wilson
Yes	-	Ward 14 Councillor Mike Spadafora
Absent	-	Ward 15 Councillor Ted McMeekin

Respectfully submitted,

---

Deputy Mayor Maureen Wilson  
Chair, General Issues Committee

---

Angela McRae  
Legislative Coordinator  
Office of the City Clerk

Re: St Mark's submission, Thursday April 18, 2024

Attention: Matt Gauthier, City of Hamilton

Members of the Facility Naming Sub-Committee

- Councillor Craig Cassar, Chair
- Councillor Matt Francis.
- Councillor Tom Jackson
- Councillor Alex Wison.

Dear Sub-committee members,

I am writing to ask that you do not accept the proposed new name Magnolia Hall for the former St Mark's Church. This renaming is of great concern to me because;

- I do have a Facebook account and therefore was not aware of the renaming of St Marks and who to contact.
- No Town Hall meeting has taken place. Why? All citizens have a right to be informed and play a role. That is democracy.
- In my opinion the Survey ignored the City of Hamilton Municipal Property and Building Name Policy specifically the intent of the Policy Statement, and Naming Criteria and Guidelines.
- I researched and learned that February 23rd, 2005, the Facility Naming Sub-Committee was established by Council. The Objectives were to develop a policy and make recommendations to the General Issues Committee respecting requests to name municipal facilities and or properties. The current City of Hamilton Municipal Property and Building Name Policy was updated and is current as of 2016. Is this protocol being followed?
- I presume Engage Hamilton is a new and interactive online space for Hamiltonians. Do citizens of Hamilton know how to engage with this new online system?
- In my opinion, The Engage Hamilton Rename St Marks is flawed and possibly biased.
- In my opinion it is not the citizens who are making the renaming recommendation. It is staff and the councillor of the ward, who were not present when Mayor Bob Morrow, Councillors of ward 2, Bill McCulloch, Vince Agro, along with Canon Peter Moore and I met to discuss the possible transfer of ownership to the City of Hamilton
- In my opinion it is the responsibility of the Durand Neighbourhood Association (formed in 1972) along with the citizens of Hamilton and members of city council, to have major input to decide the re-naming not Tourism and Culture Division staff. That is why a Town Hall should be held prior to any renaming decision, with input from citizens, the Municipal Heritage Committee and all city councillors.
- The name should refer to Hamilton's history or culture. What significance does Magnolia have for Hamiltonians in need of strengthening their attachment to and their love of the city?

- How does Magnolia capture what is specifically the Hamilton identity? In my opinion there is no connection.
- James Durand sold his lands to George Hamilton. St Marks is located in the Durand Neighbourhood; thus the name Durand has significance for St Marks.
- The Durand Meeting Place at St Marks as once suggested would honour Hamilton's history.

Community consultation is vital; therefore, I hope and trust one of your recommendations will be to set up a Town Hall meeting so that all city councillors will send an invitation to their constituents.

Thank you for receiving my letter.

Sincerely,

Diane Gower Dent PhD

Founder Durand Neighbourhood Association 1972

Vice Chair Heritage Hamilton Foundation

Chair Friends of Auchmar

**From:** Dent, Diane  
**Sent:** Tuesday, April 30, 2024 11:02 AM  
**To:** [cityclerks@hamilton.ca](mailto:cityclerks@hamilton.ca)  
**Cc:** Gauthier, Matt <[Matt.Gauthier@hamilton.ca](mailto:Matt.Gauthier@hamilton.ca)>  
**Subject:** Durand Hall at St Marks

**External Email:** Use caution with links and attachments

Dear Members of Hamilton City Council,

I am writing to you to ask -- Please support Durand Hall at St Marks as the new name --NOT -  
- Magnolia.

The renaming of St Marks should be transparent. I do not do facebook , thus I was not aware of the renaming process. Durand and citizens of Hamilton should have a say.

- Is Engage Hamilton and is the renaming committee following the "Policy Statement of Intent"? What about transparency? --the aim of this new council! Has there been a Town Hall meeting?
- There is nothing geographically or historically significant for Magnolia Hall. Magnolias can be found throughout southern Ontario, brought here through imported nursery stock.

Please remember ---

The Durand Neighbourhood Association was founded in September 1972, when residents came together to bring stability to their neighbourhood.

**The Durand Neighbourhood Association, recently celebrated 50 years of uninterrupted community service.**

The Durand Neighbourhood has been involved in urban city planning, revitalization of a decaying downtown, control of development and demolition, support of innovative housing, and preservation of heritage sites such as the Carnegie Library now the Unified family Court and the Bank of Montreal Building adaptive reuse - to name a few. Members' meetings are held regularly with input from all citizens..That is citizens working together for the betterment of the community.

We saved Central Public School from demolition. It is now thriving.

We went to the OMB to have a neighbourhood park.

Former councillors Robert Morrow, William McCulloch, Vince Agro, Reg Wheeler, Dennis Carson, Geraldine Copps, Chad Collins and others encouraged public participation in municipal decision-making

As for St Mark's, if it were not for former Mayor Bob Morrow, Aldermen Agro, McCulloch, LACAC, Heritage Hamilton Foundation and the Durand Neighbourhood Association, there would not have been this new community /event space and public garden.

Mayor Bob Morrow, Councillor of Ward 2 Willim McCulloch and I met with Canon Peter Moore to ensure the preservation of St Marks.

Since the early 1990s, through decades of former and current Durand Neighbourhood Association Board Members, engaged Duranders and other municipal leaders including Andrea Horwath, Ron Corsini, Bob Bratina, Fred Eisenberger Jason Farr, Culture & Tourism Staff, Anna Bradford, Ian Kerr Wilson and Heritage Planner Nina Chapple, has been unwavering.

As the founder of the Durand Neighbourhood Association in 1972 and as a citizen of the City of Hamilton, I am disappointed, saddened, astonished, flabbergasted that a name such as Magnolia would ever have been considered by any member of Hamilton City Council or staff.

St Marks will be a community space, a green space, a park for this downtown densely populated neighbourhood.

Magnolias will provide neither shade nor respect for our culture or our past.

Other trees that are **native** to this area, when planted, would be welcomed by visitors at Durand Hall at St Marks, at St Mark's Park in Durand.

The traditional practice of naming municipal property, buildings, and features after significant geographical or historical elements is recognizing and paying tribute to our past.

In my opinion, Magnolia would obliterate our past..

Please do not ignore Hamilton's past.

Thank you for the opportunity to send this letter and possibly to speak tomorrow at your 9:30am meeting.

Respectfully,

Diane

-----

Dr Diane Gower Dent



**From:** DNA President <[president@durandna.com](mailto:president@durandna.com)>

**Sent:** Monday, April 29, 2024 9:10 AM

**To:** McRae, Angela <[Angela.McRae@hamilton.ca](mailto:Angela.McRae@hamilton.ca)>; [clerk@hamilton.ca](mailto:clerk@hamilton.ca); Ward 13 <[ward13@hamilton.ca](mailto:ward13@hamilton.ca)>; Ward 12 Office <[ward12@hamilton.ca](mailto:ward12@hamilton.ca)>; Jackson, Tom <[Tom.Jackson@hamilton.ca](mailto:Tom.Jackson@hamilton.ca)>; Francis, Matt <[Matt.Francis@hamilton.ca](mailto:Matt.Francis@hamilton.ca)>; Kroetsch, Cameron <[Cameron.Kroetsch@hamilton.ca](mailto:Cameron.Kroetsch@hamilton.ca)>; Office of the Mayor <[Officeofthe.Mayor@hamilton.ca](mailto:Officeofthe.Mayor@hamilton.ca)>

**Subject:** General Issues Committee Written Submission for May 1, 2024 Meeting

**External Email:** Use caution with links and attachments

**RE: General Issues Committee May 1, 2024 Meeting**

### **Agenda Item 10.3 Facility Naming**

The Durand Neighbourhood Association Board are in receipt of a flurry of comments from the membership relating to the decision to rename the St. Mark's facility to Magnolia Hall. The board submitted an alternative name to the membership which for practical purposes established our position. The letter to our membership is attached.

Feedback from our membership has stated that they are not opposed to the use of the Durand name as it "pays homage to the community that has advocated for over three decades to safeguard this area for the neighbourhood" but are opposed to the word Common and are also opposed to losing the historical reference to St. Mark's.

We would like to also point out that the word Magnolia has no historical, architectural or cultural connection to this property or connection to the City.

Feedback we have received favours using "Durand Hall at St. Mark's".

Roberta Harman, President,  
Durand Neighbourhood Association



## Reminder: St. Mark's Church Renaming



Dear Duranders,

We hope this message finds you well. We wanted to share an important update from the DNA Board of Directors regarding the renaming of St. Mark's Church.

During our recent meeting on Wednesday, February 21, we discussed the renaming of this historical site, considering its significance to our community. As many of you know, the DNA has played a pivotal role in preserving this property as a valuable community space.

After thoughtful deliberation, one name that resonated strongly with us is "**Durand Common**." The term "Common," defined as "a piece of open land for public use," reflects our vision for this space as a shared resource for everyone. Additionally, "Durand" pays homage to the community that has advocated for over three decades to safeguard this area for the neighbourhood.

We understand that while some may always refer to it as St. Mark's, it's essential that the name reflects the collective identity of our community. Your voice matters in this decision-making process.

If you support the name "Durand Common," we encourage you to participate in the survey. The deadline for voting is March 1, so there's still time to make your voice heard. [Simply click here to access the survey.](#)

If you wish to suggest another name, please select the "suggest a name" tab within the survey tool.

We appreciate your participation, together let's shape the future of our community spaces.

Warm Regards,

**Roberta Harman, President**

On behalf of the Durand Neighbourhood Association

*For more information on the history of St. Mark's Church and the efforts to preserve it, [please refer to the document linked here.](#)*

Clerks Office  
 GIC - Wednesday, May 1, 2024  
 Proposal to Rename the former St Marks Church

Dear Members of City Council

Please do not support the proposal to Rename the former St Marks Church Magnolia Hall

Engage Hamilton, did not follow the "Policy Statement of Intent".

- Continue the traditional practice of naming municipal property, buildings, and features after significant geographical or historical elements
- Recognize on an exceptional basis, significant contributions that organizations or individuals have made to the public life and the well-being of the City of Hamilton

There is nothing significant geographically or historically for Magnolia Hall. Magnolias can be found throughout southern Ontario, brought here through US nursery stock, via China and Asia.

#### HISTORY:

The Durand Neighbourhood Association and its residents came together in the early 70's to bring stability to their neighbourhood. It has been involved in urban city planning, revitalization of a decaying downtown, control of development and demolition, support of innovative housing, preservation of heritage sites, saving a public school, creating a park and encouraging public participation in municipal decision-making. Durand recently celebrated 50 years of uninterrupted community service.

As for St Mark's, if it were not for former Aldermen Agro, McCullough, Mayor Bob Morrow, LACAC and the Durand Neighbourhood Association, there would not have been this new community /event space and public garden. Since the early 1990s, the advocacy through decades of former and current DNA Board Members, engaged Duranders and other municipal leaders including Andrea Horwath, Ron Corsini, Bob Bratina, Fred Eisenberger Jason Farr, Culture & Tourism Staff, Anna Bradford, Ian Kerr Wilson and Heritage Planner Nina Chapple has been unwavering. The Association and Duranders remained adamant that St Marks be a community space and a green space for this downtown dense neighbourhood; staving off another hi-rise development, several Request For Proposals for best and highest use, and a purchase by an organization that not only failed to find the funds but was in legal difficulties!

Finally, in 2015, the council-directed St Marks Feasibility Study was presented to the Council

Duranders and the Ward 2 community were actively involved;

- \$100,000 from Ward 2's 2014 Participatory Budget;
- \$280,000 from the Federal Economic Development Agency for Southern Ontario (FedDev Ontario) – sesquicentennial project;
- \$280,000 from the Tourism and Culture Division's Capital block funding for 2016 – pending Council's approval;

- \$400,000 from Ward 2's 2015 Area Rating – sesquicentennial project.
- volunteered with Staff opening St Marks to Doors Open in 2016. We received almost 500 visitors.
- Participating in the 2022 groundbreaking ceremony

\*When the restoration was approved by Council in 2016, to recognize the efforts the Durand Neighbourhood Association and the Community, the DNA would be permitted to use the facility for meetings and events with the provision they help to look after the gardens of the designated open space. I was a the Chair of the Garden Team that met with staff during this time. I am glad to hear that Staff are still engaged with the DNA to finally have a community space to hold their meetings.

In light of the engagement of the DNA and the Durand community over the last 30 years, the public participation exercise Engage Hamilton Rename St Marks was inadequate and skewed. Names were suggested by the Staff and the Councillor. For any that wished to suggest an alternate name, instructions were given to not use St Marks. Yet, for any of us who have followed the timeline once the Feasibility Study was approved by the Council, the former St Marks was referred to as St Marks Centre both on the website and the onsite display board at St Marks during the entire restoration and new build. There was no Town Hall or opportunity to hear from Duranders who do not participate in FB. I recall one Spectator newspaper article.

Surely the volunteer efforts and advocacy of this outstanding Association and Duranders to engage its community should be recognized. Lets call the former St Marks **Durand Hall**. Only fitting to celebrate the efforts of Duranders since 1972!

Janice Brown  
DNA Board Member-1995-2023  
Durand Honorary Member 2024

Submitted on Mon, 04/29/2024 - 17:22

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  
Shelby Alicia

Preferred Pronoun  
she/her

Reason(s) for delegation request  
Homelessness and the correlation to REITs in Hamilton

Will you be requesting funds from the City?  
No

Will you be submitting a formal presentation?  
No

## Committee Requested

Committee  
General Issues Committee

## Requestor Information

Requestor Information  
Jeffrey McCabe  
All Hands on Deck, Hamilton, ON


Reason(s) for delegation request  
Homeless and addition issues

Will you be requesting funds from the City?  
No

Will you be submitting a formal presentation?  
No



**CITY OF HAMILTON**  
**CORPORATE SERVICES**  
**Financial Planning, Administration and Policy**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	May 1, 2024
<b>SUBJECT/REPORT NO:</b>	City of Hamilton / Ministry of Transportation 2023-24 Dedicated Gas Tax Funding Agreement (FCS24032) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Craig Webb, CPA, CMA, (905) 546-2424, Ext. 1870
<b>SUBMITTED BY:</b>	Kirk Weaver Acting Director, Financial Planning, Administration and Policy Corporate Services Department
<b>SIGNATURE:</b>	

### RECOMMENDATION(S)

- (a) That the Mayor and the General Manager, Finance and Corporate Services, be authorized and directed to enter into an Agreement between the City of Hamilton and the Province of Ontario related to the funding commitment made by the Province of Ontario to the municipality under the Dedicated Gas Tax Funds for Hamilton's Public Transportation Program;
- (b) That the Mayor and General Manager, Finance and Corporate Services, be authorized and directed to execute the Letter of Agreement attached as Appendix "A" to Report FCS24032;
- (c) That the By-law attached as Appendix "C" to Report FCS24032 authorizing and directing the Mayor and General Manager, Finance and Corporate Services, to sign a Letter of Agreement between the City of Hamilton and the Province of Ontario with respect to funding under the Dedicated Gas Tax Funds for Public Transportation Program, be passed; and
- (d) That, upon being passed, a certified copy of the By-law, together with two copies of the signed Letter of Agreement, be forwarded to the Ministry of Transportation.

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

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

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

**SUBJECT: City of Hamilton / Ministry of Transportation 2023-24 Dedicated Gas Tax Funding Agreement (FCS24032) (City Wide) – Page 2 of 4**

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**EXECUTIVE SUMMARY**

The City of Hamilton is eligible to receive \$12,389,845 in provincial funding as part of the 2023-24 Dedicated Gas Tax Funds for Public Transportation Program. This represents an increase of \$383,491 (3.2%) over the previous 12-month total allocation of \$12,006,354.

With this agreement, the Ministry of Transportation recognizes the variation in ridership recovery in the Province. As a result, the Province has committed an additional \$3 M in funding for the 2023-24 Gas Tax program. This additional funding maintains the funding envelope at the 2022-23 program year as the Province recognizes transit systems are continuing to build back their ridership levels. Ridership is recorded only when a fare is paid via cash, ticket or PRESTO tap. The Gas Tax funding is allocated based on 70% transit ridership and 30% municipal population. As the funding has been maintained from 2022-23 to 2023-24, this implies that Hamilton's share increased due to a better year-over-year relative ridership and / or population ratio versus other transit agencies across the Province.

Early data to February 2024 shows ridership is at 98.2% of 2019 actual, with the month of February exceeding 2019 levels for the first time, reaching 102.1%. This is 16% ahead of 2023 and 10.6% ahead of the Year to Date (YTD) 2024 budgeted level, which is a promising indicator for the remainder of the year. Overall, it is expected that ridership for 2024 will reach 21,280,722, an 11% increase over 2023, however, still slightly behind 2019 full year ridership of 21,659,761.

For the 2023-24 Gas Tax Program, the Ministry of Transportation, Ontario (MTO) is using 2022 ridership data, along with the highest level of reported municipal spending from 2018-2022 when calculating municipal allocations. The 2023-24 Provincial Program provides funding for the Program to 102 public transit systems responsible for service to 140 communities. The 2023-24 Provincial Program for the year running from April 1, 2023, to March 31, 2024, will amount to approximately \$379.6 M.

The Letter of Agreement, 2023 Guidelines and Requirements and By-law attached to Report FCS24032 as Appendices "A", "B" and "C" are provided as a condition of the transfer of funds provided by the Province of Ontario to the City of Hamilton under this Program.

Under the terms and conditions of the Agreement, a by-law is required to authorize the Mayor and General Manager, Finance and Corporate Services, to sign "(t)his Letter of Agreement between the City of Hamilton (the "Municipality") and His Majesty the King in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario (the "Ministry")" the agreement sets out the terms and conditions for the provision and use of dedicated gas tax funds under the Dedicated Gas Tax Funds for Public Transportation Program (the "Program")."

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**SUBJECT: City of Hamilton / Ministry of Transportation 2023-24 Dedicated Gas Tax Funding Agreement (FCS24032) (City Wide) – Page 3 of 4**

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Municipalities receiving dedicated gas tax funds must meet the requirements set out in the “2023-24 Guidelines and Requirements” attached as Appendix “B” to Report FCS24032.

**Alternatives for Consideration – Not Applicable**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** Ratification of the Letter of Agreement is a condition of the City of Hamilton becoming eligible for an estimated \$12,389,845 in provincial funding relating to 2023-24 as part of the 2023-24 Dedicated Gas Tax Funding program. This represents an increase of \$383,491 over the previous 12-month total allocation of \$12,006,354.

In 2024, \$15,851.000 in Provincial Gas Tax funds are being utilized in the Transit operating budget to fund the Fare Policies initiative (\$1.6 M), to offset the reduced revenue budget associated with Safe Restart funds (\$2.1 M) and to better match the amount received from the Province on an annual basis (\$401 K).

**Staffing:** None.

**Legal:** The enacting of the supporting By-law per Appendix “C” to Report FCS24032 is a requirement to receive funding under the Dedicated Gas Tax Funds for Public Transportation Program.

**HISTORICAL BACKGROUND**

In 2013, the Province of Ontario moved forward with its commitment to make Gas Tax funding permanent.

The 2023-24 Program year runs from April 1, 2023, to March 31, 2024. The new allocation of funding for the Program for 102 public transit systems representing 140 municipalities will amount to approximately \$379.6 M. This includes one-time supplementary funding of \$3.0 M to bring the funding envelope up to the same level as the 2022-23 program year.

As part of that commitment, the Province of Ontario, under the Dedicated Gas Tax Funds for the Public Transportation Program, is providing funding in the amount of \$12,389,845 to the City of Hamilton for 2023-24 as per the Letter of Agreement attached as Appendix “A” to Report FCS24032.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

None.

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**SUBJECT: City of Hamilton / Ministry of Transportation 2023-24 Dedicated Gas Tax Funding Agreement (FCS24032) (City Wide) – Page 4 of 4**

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**RELEVANT CONSULTATION**

None.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

Under the Dedicated Gas Tax Funds for the Public Transportation Program, funding allocated is based on 70% transit ridership and 30% municipal population with the requirement that funding received be deposited into a dedicated reserve. For the 2023-24 Gas Tax Program, MTO is using a five-year average of ridership from 2018 to 2022 and will be using the highest level of reported municipal spending from 2018 to 2022 when calculating municipal allocations.

The purpose of the Program is to provide dedicated gas tax funds to Ontario municipalities to support local public transportation services and to increase overall ridership through the expansion of public transportation capital infrastructure and levels of service.

Under the terms and conditions of the attached Agreement, a by-law is required to authorize the Mayor and City Treasurer to sign the "Letter of Agreement between the City of Hamilton (the "Municipality") and His Majesty the King in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario (the "Ministry"), sets out the terms and conditions for the provision and use of dedicated gas tax funds under the Dedicated Gas Tax Funds for Public Transportation Program (the "Program")".

**ALTERNATIVES FOR CONSIDERATION**

None.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report FCS24032 – Letter of Agreement between the City of Hamilton and the Province of Ontario

Appendix "B" to Report FCS24032 – 2022/23 Guidelines and Requirements

Appendix "C" to Report FCS24032 – 2023 City of Hamilton / Ministry of Transportation Gas Tax Funding Agreement By-law

CW/dt

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Ministry of  
Transportation

Ministère des  
Transports

Office of the Minister

Bureau du ministre

777 Bay Street, 5<sup>th</sup> Floor  
Toronto ON M7A 1Z8  
416 327-9200

[www.ontario.ca/transportation](http://www.ontario.ca/transportation)

777, rue Bay, 5<sup>e</sup> étage  
Toronto ON M7A 1Z8  
416 327-9200

[www.ontario.ca/transports](http://www.ontario.ca/transports)



March 15, 2024

Mayor Andrea Horwath  
City of Hamilton  
City Hall, 71 Main Street West  
Hamilton ON L8P 4Y5

Dear Mayor Horwath:

**RE: Dedicated Gas Tax Funds for Public Transportation Program**

---

This Letter of Agreement between the **City of Hamilton** (the "Municipality") and His Majesty the King in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario (the "Ministry"), sets out the terms and conditions for the provision and use of dedicated gas tax funds under the Dedicated Gas Tax Funds for Public Transportation Program (the "Program"). Under the Program, the Province of Ontario provides two cents out of the provincial gas tax to municipalities to improve Ontario's transportation network and support economic development in communities for public transportation expenditures.

The Ministry intends to provide dedicated gas tax funds to the Municipality in accordance with the terms and conditions set out in this Letter of Agreement and the enclosed Dedicated Gas Tax Funds for Public Transportation Program 2023-24 Guidelines and Requirements (the "guidelines and requirements").

In consideration of the mutual covenants and agreements contained in this Letter of Agreement and the guidelines and requirements, which the Municipality has reviewed and understands and are hereby incorporated by reference, and other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Ministry and the Municipality agree as follows:

1. To support local public transportation services in the Municipality, the Ministry agrees to provide funding to the Municipality under the Program to a maximum amount of up to **\$12,389,845** ("the "Maximum Funds") in accordance with, and subject to, the terms and conditions set out in this Letter of Agreement and, for greater clarity, the guidelines and requirements.
2. Subject to Section 1, the Ministry will, upon receipt of a fully signed copy of this Letter of Agreement and a copy of the authorizing municipal by-law(s) and, if applicable, resolution(s) for the Municipality to enter into this Letter of Agreement, provide the Municipality with **\$9,292,384**; and any remaining payment(s) will be provided thereafter.

-2-

3. If another municipality authorizes the Municipality to provide local public transportation services on its behalf and authorizes the Municipality to request and receive dedicated gas tax funds for those services also on its behalf, the Municipality will in the by-law(s) and, if applicable, resolution(s) described in Section 2 confirm that the Municipality has the authority to provide those services and request and receive those funds.
4. The Municipality agrees that any amount payable under this Letter of Agreement may be subject, at the Ministry's sole discretion, to any other adjustments as set out in the guidelines and requirements.
5. The Municipality will deposit the funds received under this Letter of Agreement in a dedicated gas tax funds reserve account, and use such funds and any related interest only in accordance with the guidelines and requirements.
6. The Municipality will adhere to the reporting and accountability measures set out in the guidelines and requirements, and will provide all requested documents to the Ministry.
7. The Municipality agrees that the funding provided to the Municipality pursuant to this Letter of Agreement represents the full extent of the financial contribution from the Ministry and the Province of Ontario under the Program for the 2023-24 Program year.
8. The Ministry may terminate this Letter of Agreement at any time, without liability, penalty or costs upon giving at least thirty (30) days written notice to the Municipality. If the Ministry terminates this Letter of Agreement, the Ministry may take one or more of the following actions: (a) cancel all further payments of dedicated gas tax funds; (b) demand the return of any dedicated gas tax funds remaining in the possession or under the control of the Municipality; and (c) determine the reasonable costs for the Municipality to terminate any binding agreement(s) for the acquisition of eligible public transportation services acquired, or to be acquired, with dedicated gas tax funds provided under this Letter of Agreement, and do either or both of the following: (i) permit the Municipality to offset such costs against the amount the Municipality owes pursuant to paragraph 8(b); and (ii) subject to Section 1, provide the Municipality with funding to cover, in whole or in part, such costs. The funding may be provided only if there is an appropriation for this purpose, and in no event will the funding result in the Maximum Funding exceeding the amount specified under Section 1.
9. Any provisions which by their nature are intended to survive the termination or expiration of this Letter of Agreement including, without limitation, those related to disposition, accountability, records, audit, inspection, reporting, communication, liability, indemnity, and rights and remedies will survive its termination or expiration.
10. This Letter of Agreement may only be amended by a written agreement duly executed by the Ministry and the Municipality.
11. The Municipality agrees that it will not assign any of its rights or obligations, or both, under this Letter of Agreement.

-3-

- 12. The invalidity or unenforceability of any provision of this Letter of Agreement will not affect the validity or enforceability of any other provision of this Letter of Agreement. Any invalid or unenforceable provision will be deemed to be severed.
- 13. The term of this Letter of Agreement will commence on the date of the last signature of this Letter of Agreement.
- 14. The Municipality hereby consents to the execution by the Ministry of this Letter of Agreement by means of an electronic signature.

If the Municipality is satisfied with and accepts the terms and conditions of this Letter of Agreement, please print and secure the required signatures, and then deliver a fully signed pdf copy to the Ministry at the email account below. Subject to the province's prior written consent, including any terms and conditions the Ministry may attach to the consent, the Municipality may execute and deliver the Letter of Agreement to the Ministry electronically. In addition, all program documents are also to be sent to the following email account:

[MTO-PGT@ontario.ca](mailto:MTO-PGT@ontario.ca)

Sincerely,

Prabmeet Singh Sarkaria  
Minister of Transportation

I have read and understand the terms and conditions of this Letter of Agreement, as set out above, and, by signing below, I am signifying the Municipality's consent to be bound by these terms and conditions.

**Municipality**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name: Andrea Horwath  
Title: Mayor

I have authority to bind the Municipality.

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Name (print): Mike Zegarac  
Title: General Manager, Finance & Corporate Services

I have authority to bind the Municipality.



**MINISTRY OF TRANSPORTATION**

**Dedicated Gas Tax Funds For  
Public Transportation Program**

**2023-24 Guidelines and Requirements**

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## **DEDICATED GAS TAX FUNDS FOR PUBLIC TRANSPORTATION PROGRAM**

### **2023-24 GUIDELINES & REQUIREMENTS**

#### **1. DEFINITIONS**

When used in these guidelines and requirements, the words set out below that import the singular include the plural and vice versa:

“Canadian Content Policy” means the Canadian Content for Transit Vehicle Procurement Policy, which the Ministry may amend from time to time.

“dedicated gas tax funds” means the money provided by the Ministry to a municipality to be used strictly towards eligible expenditures that are reasonable, in the opinion of the Ministry, and related directly to the provision of public transportation services, and “dedicated gas tax funding” has the same meaning.

“dedicated gas tax funds reserve account” means an interest bearing account set up by a municipality, under its name and in a Canadian financial institution, where dedicated gas tax funds are deposited and can be tracked separately from any other funds that may be in the account. This does not need to be a separate account, so long as the dedicated gas tax funds can be tracked separately.

“DFPTA” means the *Dedicated Funding for Public Transportation Act, 2013*, S.O. 2013, c. 2, Sched. 3.

“eligible expenditures” means expenditures made by a municipality in direct support of public transportation operating or capital, or both, costs in accordance with Article 3 of these guidelines and requirements.

“guidelines and requirements” means these guidelines and requirements entitled “Dedicated Gas Tax Funds for Public Transportation Program – 2023-24 Guidelines and Requirements”, including Appendices A, B and C to these guidelines and requirements, which the Ministry may amend from time to time.

“host municipality” means a host municipality as described in Section 4.2.

“indemnified parties” means His Majesty the King in right of Ontario, His ministers, agents, appointees, and employees.

“letter of agreement” means an agreement entered into between the Ministry and a municipality, including a host municipality, that sets out the terms and conditions under which the Ministry agrees to provide dedicated gas tax funds to the municipality, including those under these guidelines and requirements, and any amendments to the letter of agreement.



"losses" means any and all liability, loss, costs, damages or expenses (including legal, expert and consultant fees).

"major refurbishment" means: (a) for a subway car, light rail car, streetcar or trolley bus, the refurbishment where the life cycle is extended for a minimum of six years beyond the designed life cycle set out by the manufacturer; and (b) for a bus thirty feet in length or over, the refurbishment where, when the bus reaches a minimum age of nine years, the life cycle of the bus is extended for a minimum of six years.

"Ministry" and "Minister", respectively, means the Ministry of Transportation, which is responsible for the administration of the Program and the Minister responsible for the Ministry.

"municipal own spending on public transportation" means the funds, including those received from total operating revenue and local public donations, that a municipality contributes towards public transportation expenditures, including funds it contributes for operating and capital expenditures.

"personnel" includes the advisors, appointees, directors, officers, employees, agents, partners, affiliates, volunteers or subcontractors of a municipality.

"proceeding" means any and all causes of action, actions, claims, demands, lawsuits or other proceedings.

"Program" means the Dedicated Gas Tax Funds for Public Transportation Program set up by the Ministry to provide municipalities with dedicated gas tax funds subject to and in accordance with a letter of agreement.

"PRESTO" means the fare payment system for which Metrolinx is responsible.

"public transportation" means any service for which a fare is charged for transporting the public by vehicles operated by or on behalf of a municipality or local board as defined in the *Municipal Affairs Act*, R.S.O. 1990, c. M. 46, as amended, or under an agreement between a municipality or local board, and a person, firm or corporation, and includes special transportation facilities for transporting persons with disabilities but does not include transportation by special purpose facilities, such as marine vessels, school buses or ambulances.

"public transportation vehicle" refers to a streetcar, bus, subway car, light rail car, specialized vehicles for transporting persons with disabilities or trolley bus used for public transportation.

"reporting forms" means the form "2023-24 Dedicated Gas Tax Funds for Public Transportation (Gas Tax) Program" to be provided by the Ministry.

"subcontractor" means any contractor of a municipality or any of its subcontractors at any tier of subcontracting.

## **2. INTRODUCTION**

The Program is an important element of the ongoing relationship between the province of Ontario and Ontario municipalities. Municipalities receiving dedicated gas tax funds must meet the requirements set out in these guidelines and requirements.

As of 2013 and pursuant to the *Dedicated Funding for Public Transportation Act, 2013*, S.O. 2013, c. 2, Sched. 3 ("DFPTA"), a portion, (2 cents per litre), of the provincial gasoline tax revenue is dedicated to the provision of grants to municipalities for public transportation, including those pursuant to the Program. The portion of the gas tax that is dedicated in each fiscal year is an amount determined using a formula set out in the DFPTA.

The 2023-24 Program year runs from April 1, 2023 to March 31, 2024. The new allocation of funding for the Program for 102 public transit systems representing 140 municipalities will amount to approximately \$379.6 million. This includes one-time supplementary funding of \$3.0 million to bring the funding envelope up to the same level as the 2022-23 program year.

## **3. GENERAL ELIGIBILITY REQUIREMENTS AND CONDITIONS**

The purpose of the Program is to provide dedicated gas tax funds to Ontario municipalities to support local public transportation services, and to increase overall ridership through the expansion of public transportation capital infrastructure and levels of service. To be eligible to receive dedicated gas tax funds, a municipality must contribute financially towards its public transportation services.

For 2023-24, and unless otherwise approved in writing by the Ministry, only municipalities that have submitted their 2022 annual data survey to the Canadian Urban Transit Association (CUTA), and their 2022 Gas Tax reporting forms to the Ministry, will be eligible to receive dedicated gas tax funds.

Subject to the provision of a municipal by-law indicating its intent to provide public transportation services, a municipality that is not currently providing public transportation services, but decides to begin providing such services, may be eligible for funding. Notification of the municipality's intent to provide public transportation services and specific commitment to annually fund such public transportation services is required. Municipalities are encouraged to contact ministry staff early in their decision making process for providing services. After the new public transportation services have been implemented, and at the Ministry's sole discretion, dedicated gas tax funding may then be available.

A municipality receiving dedicated gas tax funds must ensure that all funds received and any related interest are used exclusively towards eligible expenditures and, unless otherwise approved in writing by the Ministry, disbursement of dedicated gas tax funds and any related interest must be net of any rebate, credit or refund, for which the municipality has received, will receive, or is eligible to receive.

All public transportation services and public transportation vehicles must be fully accessible in accordance with the requirements set out under the following statutes and regulations, as may be amended from time to time: the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11 and the *Integrated Accessibility Standards*, O. Reg. 191/11 made under that Act; the *Highway Traffic Act*, R.S.O. 1990, c. H.8 and the *Accessible Vehicles*, R.R.O. 1990, Reg. 629 made under that Act; and the *Public Vehicles Act*, R.S.O. 1990, c. P. 54. In addition to the above, the acquisition of public transportation vehicles must comply with the Canadian Content Policy requirements.

Unless the Ministry otherwise approves in writing, in 2023-24, gas tax revenues and any related interest can only be used to support municipal public transportation expenditures and not to reduce or replace current levels of municipal public transportation funding. External audit and financial reporting costs are not eligible expenditures which the Ministry may reimburse or to which dedicated gas tax funding can be applied.

**(a) Requirements for All Dedicated Gas Tax Funds Received in 2023-24 and Beyond**

- Dedicated gas tax funds and any related interest must be spent on one or more of the following:
  - Public transportation capital expenditures that promote increased transit ridership;
  - Public transportation operating expenditures;
  - Capital expenditures for the replacement of any public transportation vehicles;
  - Capital expenditures that provide improvements to public transportation security and passenger safety;
  - Expenditures for major refurbishment on any fully accessible, or to be made fully accessible, public transportation vehicle, with the exception of specialized vehicles used for the transportation of persons with disabilities, and
  - Expenditures which enhance connections or access to and from transit ("First Mile/Last Mile" initiatives).
    - Such initiatives must directly support ridership growth.
    - Municipalities are encouraged to consult Ministry staff for guidance or advice on whether a specific initiative would qualify as an eligible expenditure for the purpose of the dedicated gas tax funds.
  
- For municipalities that provide only specialized transit for persons with disabilities, dedicated gas tax funds can be spent on public transit initiatives that may not initially result in ridership growth but will provide increased accessibility.

**(b) Additional Requirements for the following Municipalities: Regions of Durham and York, the Cities of Brampton, Burlington, Hamilton, Mississauga, Ottawa and Toronto, and the Town of Oakville.**

Prior to the release of any dedicated gas tax funds, the municipalities listed under (b) above

will, in addition to any other requirements in this Article 3, be required to:

- Participate in PRESTO and, as participants, will be required to meet their financial obligations for that system.

**(c) Additional Requirements for GTA Municipalities: Regions of Durham, Halton, Peel and York, and Cities of Hamilton and Toronto.**

Prior to the release of any dedicated gas tax funds, the municipalities listed under (c) above will, in addition to any other requirements in this Article 3, be required to:

- Demonstrate that they have met their responsibility for the payment of the growth and expansion capital costs of Metrolinx pursuant to the *Amendment to Greater Toronto Services Board By-law No. 40*, O. Reg. 446/04, made under the *Metrolinx Act, 2006*, S.O. 2006, c. 16, as amended.

**(d) Additional Requirements for the following Municipalities: Regions of Durham, Peel, Niagara, Waterloo and York, the Cities of Barrie, Brampton, Burlington, Guelph, Hamilton, Mississauga, and Toronto, and the Towns of Caledon, Halton Hills, Milton and Oakville.**

- As requested by the Province, participate in an engagement process led by the Province or Metrolinx, or both, to enable regional fare and service integration.
- As requested by the Province, share information and data to support analysis on regional fare and service integration.

The eligibility requirements for dedicated gas tax funds will be determined in accordance with these guidelines and requirements. The eligibility for any dedicated gas tax funds is at the sole discretion of the Ministry. Municipalities should consider consulting with Ministry staff to determine whether a proposed expenditure is an eligible expenditure for the purpose of dedicated gas tax funds.

## **4. GENERAL PROGRAM ALLOCATION METHODOLOGY AND PAYMENT PROCESS**

### **4.1 General Program Allocation Methodologies**

Based on consultation with municipalities, public transportation operators and stakeholders, the Province recognizes the varying needs of public transportation in Ontario municipalities, including those related to large established public transportation systems and communities with different growth rates and levels of public transportation service. Consistent with the above, the Province has established an allocation formula based on a combination of ridership and population. This formula balances the needs of large established public transportation systems, the growth needs of rapidly growing municipalities, and the needs of smaller municipalities that provide public transportation services.

The Province is implementing an allocation based on 70% transit ridership and 30% municipal population. Fully implemented, 70% of \$379.6 million (up to \$265.7 million) may be distributed to municipalities on the basis of their public transportation ridership levels. Thirty percent (30%) of \$379.6 million (up to \$113.9 million) may be distributed on the basis of population levels. Public transportation ridership will include the totals of both conventional and specialized public transportation services.

Both ridership and population figures are updated and revised annually for use in the calculation of dedicated gas tax funds, unless otherwise approved in writing by the Ministry.

CUTA annually collects and reproduces, on behalf of the Ministry, transit ridership data in its Ontario Urban Transit Fact Book and its Ontario Specialized Transit Services Fact Book (the "CUTA Fact Books").

The Gas Tax allocations for the 2023-24 program year have been calculated using 2022 ridership data from the 2022 CUTA Fact Books and 2022 population estimates derived from the 2016 census data.

Dedicated gas tax funds provided to each municipality in 2023-24 are not to exceed 75% of municipal own spending on public transportation. For the 2023-24 Program, municipal own spending was calculated using municipal public transportation spending data set out in the CUTA Fact Books, selecting the highest contribution of the years 2018 through 2022 for each municipality. The Ministry may re-allocate, in support of increasing public transportation ridership, any amounts of moneys dedicated for, but that remains undistributed through, the Program.

The Ministry may undertake an annual review of the dedicated gas tax allocation methodology and eligibility requirements to ensure these funds support the desired outcome of increased public transportation ridership. Municipal public transportation spending will be reviewed on an annual basis to determine if the limits of the dedicated gas tax funds need to be applied where the gas tax allocation may exceed 75% of municipal own spending on public transportation.

## **4.2 Payment Process**

The Minister will advise each municipality that provides public transportation services of the amount of dedicated gas tax funds it is eligible to receive. The Minister will send a letter of agreement to each of these municipalities. The letter of agreement will set out the terms and conditions upon which the dedicated gas tax funds will be released to the municipality, and by which the municipality will have to agree to be bound.

The Ministry may, on a quarterly basis (or other basis, as the Ministry may decide from time to time), make payments of dedicated gas tax funds only after receipt of the following documents: i) the letter of agreement, provided by the Ministry to the municipality, signed in accordance with the by-law(s) and, if applicable, the resolution(s) described below; and ii) a scanned copy

of the by-law(s) and, if applicable, any resolution(s) authorizing the letter of agreement and naming municipal signing officers for the letter of agreement.

In addition, the Ministry may withhold payment of dedicated gas tax funds until the reporting requirements under Section 8.4 are met.

Any amount of dedicated gas tax funds provided to the municipality under the Program will be subject to the remedies set out under Article 7.

Any dedicated gas tax funds the Ministry provides to a municipality and any related interest, including those kept by the municipality in a dedicated gas tax funds reserve account, will have to be used by the municipality exclusively towards public transportation services and in accordance with the requirements set out in these guidelines and requirements including, without limitation, those related to eligibility and related conditions, acquisition, disposition, accountability, records, audit, reporting, liability, and indemnity requirements.

If a municipality agrees to provide public transportation services (a "host municipality") for another municipality, the Ministry, at its sole discretion, may only provide the host municipality with dedicated gas tax funds. Prior to the Ministry making any payment of dedicated gas tax funds to the host municipality, the host municipality and the municipality on whose behalf the host municipality is providing transportation services will be required to provide the Ministry with copies of their respective by-law(s) and, if applicable, resolution(s), designating the host municipality as a public transportation service provider for the municipality or authorizing the host municipality to provide public transportation services to the municipality, as applicable. The contributing municipality, on whose behalf the host municipality is providing transportation services, will be required to provide the Ministry with a copy of their by-law(s) and, if applicable, resolution(s), in the year that this arrangement is initiated, and will be required annually to confirm with the Ministry in writing that the arrangement is still in effect. The host municipality will be required to enter into a dedicated gas tax funds letter of agreement with the Ministry and be in compliance with the terms and conditions set out in these guidelines and requirements.

In addition, the host municipality must promptly advise the Ministry of any change in arrangements between the host and contributing municipalities, such as decisions to cease contributions. The Ministry may then, at its sole discretion, make any necessary adjustment to its contribution of dedicated gas tax funds to the host municipality.

## **5. DEDICATED GAS TAX FUNDS RESERVE ACCOUNT AND INTEREST**

### **5.1 Dedicated Gas Tax Funds Reserve Account**

Dedicated gas tax funds must be used only towards the eligible expenditures for public transportation listed under Article 3(a). If the Ministry provides dedicated gas tax funds to a municipality before the municipality's immediate need for the funds, the municipality will be required to keep the funds, and all interest earned on such funds, in a dedicated gas tax funds reserve account. Dedicated gas tax funds received, and any related interest earned on such

funds, must be reported annually, using the reporting forms, on a cash basis. At no time should a municipality report a negative reserve account balance.

In the event of a merger, amalgamation of transit systems, or where the transit system in one municipality is taken over by another municipality, and the municipality originally operating the transit system has unused dedicated gas tax reserve funds when it ceases to provide the transit system, the Ministry may, in its sole and absolute discretion, allow for the transfer of unused dedicated gas tax reserve funds to the municipality that is assuming the transit system. Approval must be obtained by the municipality from the Ministry in writing prior to the transfer. Such dedicated gas tax reserve account funds must be deposited in a dedicated gas tax funds reserve account for the municipality assuming the transit system. The Ministry may, in its sole discretion, impose any other requirements appropriate under the circumstances. The municipality/municipalities shall provide the Ministry with written notice of their request, as soon as practicable.

The municipality assuming the transit system must be a Gas Tax Program participant. It must execute a Letter of Agreement with the Ministry, and must remain in compliance with all other terms and conditions set out in these Guidelines. For further clarity, funds may **not** be transferred to a municipality which does not participate in the Gas Tax Program. This shall not be interpreted, however, as preventing a municipality from applying and becoming a participant in the Gas Tax Program in accordance with any requirements in these Guidelines.

If the Ministry for any reason declines to permit the type of transfer described above, the Ministry may demand the payment of any unused dedicated gas tax reserve funds, as a debt owing and due to the Crown, as per Section 7 of these Guidelines.

## **5.2 Interest**

Interest must accrue on funds carried over the course of the Program reporting period in a dedicated gas tax funds reserve account. A municipality must calculate interest on its average annual balance of funds. The interest must also be reported annually, using the reporting forms, and can only be applied towards eligible expenditures.

## **6. ACQUISITION OF GOODS OR SERVICES, AND DISPOSAL OF ASSETS**

If a municipality acquires goods, including supplies, materials, vehicles, equipment or services, or both, with dedicated gas tax funds, it must do so through a process that promotes the best value (with due regard for economy, efficiency and effectiveness) for the dedicated gas tax funds it spends.

The municipality must report, in writing, to the Ministry any funds accrued from the sale, lease or disposal of assets purchased with dedicated gas tax funds, and return such funds to a dedicated gas tax funds reserve account (see Article 5), with the exception that funds accrued from the sale, lease or disposal of transit buses beyond their useful economic life (12 years for conventional and 5 years for specialized), will not be required to be returned to a dedicated reserve account.

## **7. ADJUSTMENT, WITHHOLDING AND PAYMENT OF DEDICATED GAS TAX FUNDS AND OTHER REMEDIES**

If, in the opinion of the Ministry, a municipality: i) fails to comply with any term, condition or obligation set out in a letter of agreement, including these guidelines and requirements; ii) uses any of the dedicated gas tax funds or any related interest for a purpose not authorized without the prior written consent of the Ministry; iii) provides erroneous or misleading information; iv) fails to provide information, including requested audit information and required reports, to the Ministry for any reason whatsoever; or v) is unable to provide or acquire or has discontinued the provision or acquisition of any service or asset for which dedicated gas tax funds have been provided, or it is not reasonable for the municipality to continue to provide or acquire any service or asset for which such funds have been provided ("event of default"), the Ministry may, unless the Ministry provides the municipality with written notice of an opportunity to remedy the event of default, take one or more of the following actions: i) initiate any action the Ministry considers necessary in order to facilitate the successful provision or acquisition of any service or asset provided or acquired with dedicated gas tax funds; ii) suspend the payment of dedicated gas tax funds for such period as the Ministry determines appropriate; iii) reduce the amount of the dedicated gas tax funds; (iv) cancel further payments of dedicated gas tax funds; (v) demand from the municipality the return of any dedicated gas tax funds remaining in the possession or under the control of the municipality; (vi) demand from the municipality the payment of an amount equal to any dedicated gas tax funds the municipality used, but did not use in accordance with the letter of agreement; (vii) demand from the municipality the payment of an amount equal to any dedicated gas tax funds the Ministry provided to the municipality; and viii) terminate the letter of agreement at any time, including immediately, without liability, penalty or costs to the Ministry upon giving notice to the municipality.

Where the Ministry gives the municipality an opportunity to remedy an event of default by giving the municipality notice of the particulars of the event of default and the date by which the municipality is required to remedy it, and: i) the municipality does not remedy the event of default by the date specified in the notice; ii) it becomes apparent to the Ministry that the municipality cannot completely remedy the event of default by the date specified in the notice; or iii) the municipality is not proceeding to remedy the event of default in a way that is satisfactory to the Ministry, the Ministry may extend the date by which the municipality is required to remedy the event of default, or initiate any of the remedies for event of default available to it under this Article 7.

Upon termination of the letter of agreement pursuant to this Article 7, the Ministry may take one or more of the actions listed for in the first paragraph to this Article 7. In regards to any demand for payment, the Minister may not demand payment of an aggregate amount greater than the dedicated gas tax funds that were received by the municipality.

Upon the Minister providing a municipality a written demand for payment of dedicated gas tax funds, any related interest, or both, the amount of the demand will be deemed to be a debt due and owing to the Crown of the Province of Ontario and may be recovered as such under applicable law, including, without limitation, the *Financial Administration Act*, R.S.O. 1990, c.



F.12, as amended, ("FAA"). In addition to any remedy the Crown may have under the FAA, the Ministry may decide to withhold or adjust the amount of any current or future dedicated gas tax funding, or any other funding program, that may be provided to the municipality in an amount equal to such debt or have the amount of such debt deducted from financial assistance payable on any other project(s) of the municipality under any other initiative in which the Ministry is involved (either current or future). The Ministry may charge the municipality interest on any money owing by the municipality at the then current rate charged by the Province of Ontario on accounts receivable. The municipality will pay any money owing to the Ministry by cheque payable to the "Ontario Minister of Finance" and delivered to the Ministry as the Ministry may require.

If a municipality: i) has failed to comply with any term, condition or obligation under any other agreement with His Majesty the King in right of Ontario or one of His Agencies (a "failure"); ii) has been provided with notice of such failure in accordance with the requirements of such other agreement; iii) has, if applicable, failed to rectify such failure in accordance with the requirements of such other agreement; and iv) such failure is continuing, the Ministry may suspend the payment of dedicated gas tax funds for such period as the Ministry determines appropriate.

When the Ministry provides its consent pursuant to a letter of agreement, including these guidelines and requirements, it may impose any terms and conditions on such consent and the municipality will comply with such terms and conditions.

If a municipality fails to comply with any term of a letter of agreement, including these guidelines and requirements, the municipality could only rely on a waiver of the Ministry if the waiver was in writing and refers to the specific failure to comply. A waiver will not have the effect of waiving any subsequent failures to comply.

Any decision made by the Minister regarding funding under the Program is final.

## **8. ACCOUNTABILITY, RECORDS, AUDIT AND REPORTING REQUIREMENTS**

### **8.1 Accountability**

A municipality receiving dedicated gas tax funds must use such funds, and any interest earned on such funds, exclusively towards public transportation service eligible expenditures and in accordance with these guidelines and requirements. The municipality will not be allowed to use dedicated gas tax funds and related interest to offset other municipal expenditures.

The municipality will also be required to provide such further assurances as the Ministry may request from time to time with respect to any matter to which a letter of agreement, including these guidelines and requirements, pertains, and will otherwise do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of these documents to their full extent.

Furthermore, the municipality must ensure any information the municipality provides to the

Ministry under the Program is true and complete at the time provided and will continue to be true and complete.

## **8.2 Records**

A municipality receiving dedicated gas tax funds must keep and maintain separate records and documentation related to any dedicated gas tax funds and any related interest, including invoices and any other financially-related documents relating to the provision or acquisition of public transportation services for which dedicated gas tax funds and any related interest have been used. The records and documentation must be kept and maintained in accordance with generally accepted accounting principles. Records containing confidential information must be kept in accordance with all applicable legislation. No provision of these guidelines and requirements shall be construed so as to give the Ministry any control whatsoever over the municipality's records.

## **8.3 Audit**

A municipality receiving dedicated gas tax funds may be subject to audit. The Ministry may, at its sole discretion, audit or have audited by any third party, any records and documentation of the municipality related to any public transportation services provided or acquired with dedicated gas tax funds or any related interest, and such funds. Such audit may require the Ministry, at the municipality's expense (except as provided in the Canadian Content Policy), to retain external auditors. In addition, the Auditor General may, pursuant to the *Auditor General Act*, R.S.O. 1990, c. A. 35, as amended, audit the accounts and records of the municipality relating to any expenditure of dedicated gas tax funds.

To assist in respect of the rights set out above, a municipality will be required to disclose any information requested by the Ministry, its authorized representatives or an independent auditor identified by the Ministry, and will do so in the form requested by the Ministry, its authorized representatives or an independent auditor.

In addition to any adjustments the Ministry may make to dedicated gas tax funding under these guidelines and requirements, the Ministry may, upon recommendation in an audit report, adjust future dedicated gas tax fund payments or other payments the Ministry may make to the municipality under any other program.

## **8.4 Reporting**

Accuracy in the calculation and reporting of municipal transit ridership and dedicated gas tax funds and any related interest is paramount. When calculating ridership, municipalities must use one of the acceptable best practices identified in the 2008 Ontario Ridership Data Collection Review Report, published jointly by CUTA and iTrans Consultants (retained by CUTA).

A municipality will be accountable to use dedicated gas tax funds and any related interest towards public transportation expenditures that meet the Program eligibility requirements. Each municipality will be required to report on how dedicated gas tax funds and any related

interest are spent on an annual basis, including the provision of its Canadian Content Policy declaration form(s), in accordance with the Canadian Content Policy, for any public transportation vehicle funded with dedicated gas tax funds. The Canadian Content Policy has been amended effective September 21, 2017 to be aligned with government procurement commitments under the Comprehensive Economic Trade Agreement (CETA) between Canada and the European Union (EU). As of September 21, 2017, municipalities are to comply with the amended policy for all transit procurements.

For the purpose of the above reporting, municipalities will be required to use the reporting forms that have been developed in consultation with municipal public transportation stakeholders, and submit these reporting forms to the Ministry prior to April 30, 2024.

Municipalities are strongly advised to carefully verify all data before submitting their reporting forms, to ensure that all information provided is accurate. Municipalities are also encouraged to contact the Ministry if they require any guidance or assistance in completing these reports.

## **9. COMMUNICATIONS**

Unless the Ministry otherwise approves in writing, a municipality receiving dedicated gas tax funds will be required to acknowledge the support of the Ministry in a form and manner as directed by the Ministry.

A municipality will be required to give a minimum of thirty (30) days written notice to the Ministry regarding any planned local dedicated gas tax funding communication or recognition event, or both. The municipality will also be required to provide the Ministry with detailed information regarding such communication or event, or both.

The Ministry and a municipality receiving dedicated gas tax funds will, at all times, remain independent of each other and will not represent themselves to be the agent, joint venturer, partner or employee of the other. Neither the municipality nor the Ministry will be allowed to make representations or take actions that could establish or imply any apparent relationship of agency, joint venture, partnership or employment. In addition, neither the municipality nor the Ministry will be bound in any manner whatsoever by any agreements, warranties or representations made by any of them to any other person or entity, with respect to any other action of the other.

If the municipality publishes any material of any kind, written or oral, relating to public transportation services provided or acquired with dedicated gas tax funds, the municipality will indicate in the material that the views expressed in the material are the views of the municipality and do not necessarily reflect those of the Ministry.

A municipality receiving gas tax funding must comply with the requirements for the installation and maintenance of visual identity signage set out in Appendix A.

## **10. CONFLICT OF INTEREST**

A municipality and its subcontractors and any of their respective personnel must use dedicated gas tax funds and provide and acquire services and assets with such funds without an actual, potential, or perceived conflict of interest.

A conflict of interest includes any circumstances where a municipality or any person who has the capacity to influence the municipality's decisions has outside commitments, relationships or financial interests that could, or could be seen to, interfere with the municipality's objective, unbiased, and impartial judgment relating to the provision or acquisition of services or assets provided or acquired with dedicated gas tax funds, the use of such funds, or both.

A municipality will disclose to the Ministry, without delay, any situation that a reasonable person would interpret as an actual, potential, or perceived conflict of interest, and comply with any terms and conditions that the Ministry may prescribe as a result of the disclosure.

## **11. FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT**

All applications submitted to the Ministry are subject to the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F. 31, as amended ("FIPPA"). The FIPPA provides every person with a right of access to information in the custody or under the control of the Ministry, subject to a limited set of exemptions.

Municipalities are advised that the names of municipalities receiving dedicated gas tax funds, the amount of funds provided, and the purpose for which dedicated gas tax funds are provided, is information the Ministry makes available to the public.

## **12. LIABILITIES AND INDEMNITIES**

A municipality receiving dedicated gas tax funds must agree that it is responsible for anything that may arise, directly or indirectly, in connection with the Program, including, without limitation, any activity under it such as the provision and acquisition of services and assets with dedicated gas tax funds. The Ministry's involvement under the Program is for the sole purpose of, and is limited to, the provision of dedicated gas tax funds.

Furthermore, a municipality receiving dedicated gas tax funds must agree to indemnify and hold harmless the indemnified parties from and against any and all losses or proceedings, by whomever made, sustained, incurred, brought, or prosecuted, in any way arising out of, or in connection with anything done or omitted to be done by the municipality or any municipality on behalf of which the municipality receives dedicated gas tax funds, or any of their respective personnel, the Program, any activity under it, or the letter of agreement, unless the loss or proceeding is solely caused by the negligence or willful misconduct of the indemnified parties. A municipality receiving dedicated gas tax funds is responsible for its own insurance and must carry, at its own costs and expense, and require the same from its subcontractors and any municipality on behalf of which it receives dedicated gas tax funds, all the necessary and

appropriate insurance that a prudent municipality in similar circumstances would maintain in order to protect itself and the Ministry and support the indemnification, as set out above, provided to the Ministry. For greater certainty, the municipality is not covered by the Province of Ontario's insurance program and no protection will be afforded to the municipality by the Government of Ontario for any losses or proceedings that may arise out of the Program or letter of agreement.

For greater certainty, the rights and remedies of the Ministry under a letter of agreement are cumulative and are in addition to, and not in substitution for, any of its rights and remedies provided by law or in equity.

### **13. COMPLIANCE WITH THE LAW**

A municipality receiving dedicated gas tax funds must comply with all federal and provincial laws and regulations, all municipal by-laws, and any other orders, rules and by-laws related to any aspect of the services or assets provided or acquired with the dedicated gas tax funds and the dedicated gas tax funds.

For greater clarity, by receiving dedicated gas tax funds, a municipality may become subject to legislation applicable to organizations that receive funding from the Government of Ontario, including the *Public Sector Salary Disclosure Act, 1996*, S.O. 1996, c. 1, Sched. A and the *Auditor General Act*, R.S.O. 1990, c. A.35.

### **14. WHERE TO REQUEST OR PROVIDE INFORMATION**

All forms, agreements, supporting documentation as well as any questions regarding the Program are to be directed to the Strategic Investments Office of the Ministry of Transportation at [MTO-PGT@ontario.ca](mailto:MTO-PGT@ontario.ca).

## **APPENDIX A: VISUAL IDENTITY SIGNAGE REQUIREMENTS**

### **1. Purpose of Schedule**

This Appendix describes the responsibilities and obligations of a municipality receiving dedicated gas tax funds for the installation and maintenance of visual identity signage under the Program.

### **2. Visual Identity Signage**

The municipality will install and maintain the exterior and interior visual identity signage on each public transportation vehicles for which dedicated gas tax funds were provided.

External visual identity signage must be located immediately to the left of the front passenger entrance doors of the vehicle. Internal visual identity signage should be placed on an interior wall in a location and height that will be convenient for passengers to read.

Recognition stickers approximate size — 10" x 3.4".

**Authority:** Item , General Issues Committee  
Report FCS24XXX  
CM: TBD, 2024  
Ward: City Wide

**Bill No.**

**CITY OF HAMILTON**  
**BY-LAW NO. \_\_\_\_\_**

**To Authorize the Signing of an Agreement between the City of Hamilton and the Ministry of Transportation Related to Funding Provided Under the Dedicated Gas Tax Funds for Public Transportation Program.**

**WHEREAS** the Council of the City of Hamilton deems it advisable to enter into an agreement with His Majesty the King in right of Ontario, as represented by the Minister of Transportation related to funding provided by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The Mayor and General Manager, Finance and Corporate Services, are authorized and directed to sign the Letter of Agreement between the City of Hamilton and His Majesty the King in right of Ontario, as represented by the Minister of Transportation which is attached Schedule A and forms part of this By-law.
2. This By-law may be cited for all purposes as the 2023/2024 City of Hamilton / Ministry of Transportation Gas Tax Funding Agreement Bylaw.
3. This By-law is deemed to have come into force on \_\_\_\_\_, 2024.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Andrea Horwath  
MAYOR

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Janet Pilon  
CLERK (Acting)



**TRANSIT AREA RATING REVIEW SUB-COMMITTEE  
REPORT 24-001**

10:00 a.m.  
Tuesday, April 11, 2024  
Council Chambers  
Hamilton City Hall  
71 Main Street West

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**Present:** Councillors C. Cassar (Chair), T. McMeekin (Vice-Chair), B. Clark,  
T. Hwang, M. Tadeson, A. Wilson

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**THE TRANSIT AREA RATING REVIEW SUB-COMMITTEE PRESENTS REPORT 24-001 AND RESPECTFULLY RECOMMENDS:**

**1. Transit Area Rating Review Sub-Committee Terms of Reference (Item 11.1)**

That the Terms of Reference for the Transit Area Rating Review Sub-Committee, be received.

**2. HSR's (re)Designed Network (Added Item 12.1)**

That Finance and Public Works staff be directed to report back to the Transit Area Rating Review Sub-Committee in Q4 2024 with preliminary estimates based on the four scenarios outlined in the HSR's (re)Design the HSR presentation respecting Urban, Rural and Area Rating Tax impact as part of the 2025 tax policy.

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 2)**

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

**6. DELEGATION REQUESTS**

- 6.2 Ian Borsuk, Environment Hamilton, respecting Item 8.1, Overview - Transit Area Rating (for today's meeting)



The Agenda for the April 11, 2024, Transit Area Rating Review Sub-Committee meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

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

**(i) February 25, 2020 (Item 4.1)**

The Minutes of the February 25, 2020, meeting of the Transit Area Rating Review Sub-Committee were approved, as presented.

**(d) COMMUNICATIONS (Item 5)**

**(i)** The following Communication Items were approved, as follows:

- (1) Correspondence from Maple Leaf Foods respecting Request for Increased Funding to Transit to Better Service Needs of their Facility and the Surrounding Business Park (referred from GIC Report 20-002) (Item 5.1)

Recommendation: Be received.

- (2) Correspondence from Bimbo Canada respecting Support for Improved Transit Funding in the City (referred from GIC Report 20-002) (Item 5.2)

Recommendation: Be received.

- (3) Correspondence from Mohawk College respecting Expansion of City Transit Services and Alternatives to the Current Area Rating System (referred from GIC Report 20-002) (Item 5.3)

Recommendation: Be received.

- (4) Correspondence from the Hamilton Chamber of Commerce, respecting Item 8.1, Overview - Transit Area Rating (Item 5.4)

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

**(e) DELEGATION REQUESTS (Item 6)**

- (i) The Delegation Requests were approved as follows:
  - (i) Karl Andrus, Hamilton Transit Riders Union, respecting Item 8.1, Overview - Transit Area Rating (for today's meeting) (Item 6.1)
  - (ii) Ian Borsuk, Environment Hamilton, respecting Item 8.1, Overview - Transit Area Rating (for today's meeting) (Added Item 6.2)

**(f) DELEGATIONS (Item 7)**

- (i) The following Delegations addressed Committee respecting Item 8.1 - Overview Transit Area Rating:
  - (i) Karl Andrus, Hamilton Transit Riders Union (Item 7.1)
  - (ii) Ian Borsuk, Environment Hamilton, (Item 7.2)
- (ii) The following Delegations respecting Item 8.1 – Overview Transit Area Rating, were received and referred to the consideration of Item 8.1:
  - (i) Karl Andrus, Hamilton Transit Riders Union (Item 7.1)
  - (ii) Ian Borsuk, Environment Hamilton, (Item 7.2)

**(g) STAFF PRESENTATIONS (Item 8)****(i) Overview - Transit Area Rating (Item 8.1)**

Kirk Weaver, Manager of Budgets and Fiscal Policy, and Gloria Rojas, Senior Tax Policy Advisor, addressed Committee respecting Overview – Transit Area Rating, with the aid of a PowerPoint presentation.

The presentation from Kirk Weaver, Manager of Budgets and Fiscal Policy, and Gloria Rojas, Senior Tax Policy Advisor, respecting Overview – Transit Area Rating, was received.

**(ii) (re)Design the HSR (Item 8.2)**

Maureen Cosyn Heath, Director of Transit, addressed Committee respecting (re)Design the HSR, with the aid of a PowerPoint presentation.

**Transit Area Rating Review Sub-Committee  
Report 24-001**

**April 11, 2024  
Page 4 of 4**

The presentation from Maureen Cosyn Heath, Director of Transit, respecting (re)Design the HSR, was received.

For further disposition of this matter, refer to Item 2.

**(h) ADJOURNMENT (Item 16)**

There being no further business, the Transit Area Rating Review Sub-Committee meeting adjourned at 12:14 p.m.

Respectfully submitted,

Councillor C. Cassar, Chair,  
Transit Area Rating Review Sub-  
Committee

Carrie McIntosh  
Legislative Coordinator  
Office of the City Clerk



## **FACILITY NAMING SUB-COMMITTEE REPORT 24-001**

**10:00 a.m.**

**Friday April 19, 2024**

Council Chambers, City Hall, 2<sup>nd</sup> Floor  
71 Main Street West, Hamilton, Ontario

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**Present:** Councillors C. Cassar (Chair), T. Jackson and A. Wilson

**Also Present:** Councillor C. Kroetsch

**Absent with Regrets:** Councillor M. Francis - Personal

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### **THE FACILITY NAMING SUB-COMMITTEE PRESENTS REPORT 24-001 AND RESPECTFULLY RECOMMENDS:**

#### **1. Re-Naming of the Former St. Mark's Church (PED24076) (Ward 2) (Item 10.1)**

That the St. Mark's Church located at 115 Hunter Street West, Hamilton, be renamed Magnolia Hall.

#### **FOR INFORMATION:**

#### **(a) CHANGES TO THE AGENDA (Item 2)**

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

#### **5. COMMUNICATIONS**

- 5.1 Correspondence from Janice Brown respecting Item 10.1, Report PED24076, Re-naming of the Former St. Mark's Church

Recommendation: Be received and referred to the consideration of item 10.1

The agenda for the April 19, 2024, Facility Naming Sub-Committee was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

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

**(i) May 11, 2023 (Item 4.1)**

The Minutes of the May 11, 2023, meeting of the Facility Naming Sub-Committee were approved, as presented.

**(d) COMMUNICATIONS (Item 5)**

**(i) Correspondence from Janice Brown respecting Item 10.1, Report PED24076, Re-naming of the Former St. Mark's Church (Added Item 5.1)**

The Correspondence from Janice Brown respecting Item 10.1, Report PED24076, Re-naming of the Former St. Mark's Church, was received and referred to the consideration of Item 10.1.

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

**(e) ADJOURNMENT (Item 15)**

There being no further business, the Facility Naming Sub-Committee adjourned at 10:20 a.m.

Respectfully submitted,

Councillor C. Cassar  
Chair, Facility Naming Sub-Committee

Matt Gauthier  
Legislative Coordinator  
Office of the City Clerk



## **OPEN FOR BUSINESS SUB-COMMITTEE REPORT 24-002**

**12:00 p.m.**

**Monday April 8, 2024**

Council Chambers, City Hall, 2<sup>nd</sup> Floor  
71 Main Street West, Hamilton, Ontario

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**Present:** Councillors T. Hwang (Chair), C. Cassar (Vice-Chair) and M. Wilson

**Also in Attendance:** Greg Dunnett, Hamilton Chamber of Commerce  
Matteo Patricelli, Flamborough Chamber of Commerce  
Kyle Slote, Hamilton-Burlington Society of Architects  
Amanda Stringer, Realtors Association of Hamilton-Burlington  
Brenda Wilson, Stoney Creek Chamber of Commerce

**Absent with Regrets:** Terri Johns, West End Home Builders' Association  
Nadine Ubl, Business Improvement Area Sub-Committee

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### **THE OPEN FOR BUSINESS SUB-COMMITTEE PRESENTS REPORT 24-002 AND RESPECTFULLY RECOMMENDS:**

**1. Construction Management Plan Guidelines (PED24070) (Item 8.2)**

That Report PED24070, respecting Construction Management Plan Guidelines, be received.

**2. Light Rail Transit Corridor Business Update (PED24074) (City Wide) (Outstanding Business List Item) (Item 9.1)**

That Report PED24074, respecting Light Rail Transit Corridor Business Update, be received.

### **FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

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

**8. STAFF PRESENTATIONS**

8.1 Stakeholder Cybersecurity Incident Update – Presentation

8.2 Construction Management Plan Guidelines (PED24070) (Item 8.2) – Presentation

The agenda for the April 8, 2024, Open for Business Sub-Committee was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

**(c) STAFF PRESENTATIONS (Item 8)**

**(i) Stakeholder Cybersecurity Incident Update (Item 8.1)**

Anita Fabac, Director Planning/Chief Planner, Alan Shaw, Director, Building Division/Chief Building Official and Binu Korah, Director, Development Planning, addressed Committee respecting the Stakeholder Cybersecurity Incident Update, with the aid of a PowerPoint presentation.

The presentation from Anita Fabac, Director Planning/Chief Planner, Alan Shaw, Director, Building Division/Chief Building Official and Binu Korah, Director, Development Engineering, respecting the Stakeholder Cybersecurity Incident Update, was received.

**(ii) Construction Management Plan Guidelines (PED24070) (City Wide) (Item 8.2)**

Binu Korah, Director, Development Engineering, addressed Committee respecting Report PED24070, Construction Management Plan Guidelines, with the aid of a PowerPoint presentation.

The presentation from Binu Korah, Director, Development Planning, respecting Report PED24070, Construction Management Plan Guidelines, was received.

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

**(d) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

**(i) Amendments to the Outstanding Business List**

The following amendments to the Open for Business Sub-Committee's Outstanding Business List, were approved:

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

- (i) Working with Small Businesses along the Light Rail Transit (LRT) Corridor and Terminal Points (Item 13.1(a)(a))**  
Added: October 26, 2024 (Open for Business Report 24-002, Item 2)  
Addressed as Item 9.1 on today's agenda.

**(e) ADJOURNMENT (Item 15)**

There being no further business, the Open for Business Sub-Committee adjourned at 1:10 p.m.

Respectfully submitted,



Councillor T. Hwang  
Chair, Open for Business Sub-Committee

Matt Gauthier  
Legislative Coordinator  
Office of the City Clerk





**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
**Information Technology Division**  
**and**  
**HEALTHY AND SAFE COMMUNITIES DEPARTMENT**  
**Hamilton Fire Department**

<b>TO:</b>	Chair and Members General Issues Committee
<b>COMMITTEE DATE:</b>	May 1, 2024
<b>SUBJECT/REPORT NO:</b>	Next Generation 911 Service Delivery - 2023-2024 Provincial Funding (FCS20082(d)/HSC20045(d)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Alex Panicker (905) 546-2424 Ext. 6723 Mike Rember (905) 546-2424 Ext. 3376
<b>SUBMITTED BY:</b>  <b>SIGNATURE:</b>	Mike Zegarac General Manager, Finance and Corporate Services Corporate Services Department  
<b>SUBMITTED BY:</b>  <b>SIGNATURE:</b>	Angela Burden General Manager, Healthy and Safe Communities Healthy and Safe Communities Department  

### RECOMMENDATION

- a) That the \$4,106,751 in Ministry of the Solicitor General transitional support funding be applied to the Next Generation 9-1-1 technology component (project #3502157101).
- b) That the budget of project 3502157101 - Next Generation 9-1-1 be increased by \$2,181,751.

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**SUBJECT: Next Generation 911 Service Delivery - 2023-2024 Provincial Funding (FCS20082(d)/HSC20045(d)) (City Wide) - Page 2 of 5**

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**EXECUTIVE SUMMARY**

This report builds on the March 22, 2023, recommendation report - Next Generation 9-1-1 Service Delivery (FCS20082(b)/HSC20045(b)) where the General Manager, Finance and Corporate Services obtained authorization to sign documents and accept funding to support the transition to NG9-1-1.

The City of Hamilton previously received \$4,325,000 of the 2022/2023 provincial funding to support Next Generation 9-1-1 (NG9-1-1) projects. Recently, the City applied for 2023/2024 provincial funding and was successful in qualifying for a maximum of \$4,106,751 (\$2,235,179 for Hamilton Police Service and \$1,871,572 for Hamilton Fire Department).

In the 2023 Budget, the City of Hamilton increased the NG9-1-1 project budget from \$6M to \$7.76M. In the 2024 Budget a further increase of \$1.925M was approved. The expectation was that this increase would be offset by provincial funding. The increase requested within this report of \$2.18M is the remainder of the 2023/2024 provincial allocation and has no levy impact.

The 2023/2024 provincial funding offered to the City has very strict criteria and item-based limits, staff are recommending that the \$4,106,751 in Ministry of the Solicitor General transitional support funding be applied to the Next Generation 9-1-1 project (#3502157101) technology component. This will bring the project budget to \$11.866M. This increase is not intended to, and will not, result in net new costs to taxpayers but rather, will enable staff to utilize and allocate the entire provincial reimbursement funding to offset the NG9-1-1 project costs.

City staff are also recommending that Council continue to support future-year applications to the province as these funding opportunities become available.

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The increased provincial funding will bring the total project budget to \$11.866M, with \$8.4M being funded by the province and the remaining \$3.4M sourced from a previously approved property tax levy allocation.

As of February 16, 2024, the project has incurred expenditures totalling \$6.8M, and had an additional \$1.5M committed through purchase orders.

**Staffing:** Not applicable

**Legal:** Not applicable

**SUBJECT: Next Generation 911 Service Delivery - 2023-2024 Provincial Funding (FCS20082(d)/HSC20045(d)) (City Wide) - Page 3 of 5**

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**HISTORICAL BACKGROUND**

On June 1, 2017, the Canadian Radio-television and Telecommunications Commission (CRTC) mandated that all telephone companies update their networks to provide Next Generation 9-1-1 service capability (NG9-1-1) for Canadians. The deadline for transition to NG9-1-1 is March 4, 2025. At that point, the existing Enhanced 911 (E911) is expected to be decommissioned.

In 2022, the province of Ontario announced funding of \$208M that would be made available to Public Safety Answering Points (PSAPs), otherwise referred to as emergency service dispatch centres, to incorporate NG9-1-1 service capable technology. This funding was to be distributed over a period of no less than 3 application year cycles.

For the 2022/2023 financial year the province allocated \$80M of funding. At that time, the Hamilton Fire Department and Hamilton Police Service were successful in getting a combined total of \$4.325M.

**Historical References:**

- 2023 - March 22, IT Recommendation Report (Next Generation 9-1-1 Service Delivery (FCS20082(b)/HSC20045(b))) presented at GIC to approve the NG9-1-1 call handling system procurement and delegate the ability to execute the contract and enter into funding agreements to accept funding from the province of Ontario
- 2023 - May 31 Recommendation report (Next Generation 9-1-1 Messaging Service Delivery Project Update (FCS20082(c) / HSC20045(c) / PW22087(a))) – budget approval for facility improvements to support NG9-1-1: \$4.325M from Tax supported Capital Levy and \$2.499M from unallocated capital levy reserve; Facility consultant single source and Facility SLA update.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The migration to Next Generation 9-1-1 is mandated and legislated by the CRTC Telecom Regulatory Policy: CRTC 2017-182.

Failure to meet the Canadian Radio-television and Telecommunications Commission platform migration to NG9-1-1 by March 4, 2025, will result in disruption (failure) of 9-1-1 services provided by the City of Hamilton.

City of Hamilton (Hamilton Fire Department and Hamilton Police Service) is planning to go-live on the NG9-1-1 platform in Q2 of 2024, well ahead of the CRTC deadlines.

**SUBJECT: Next Generation 911 Service Delivery - 2023-2024 Provincial Funding (FCS20082(d)/HSC20045(d)) (City Wide) - Page 4 of 5**

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## RELEVANT CONSULTATION

Consultation for this report took place as follows:

- Corporate Services, General Manager
- Corporate Services, Corporate/Capital Finance teams
- Corporate Services, Information Technology Services
- Public Works, Strategic Planning and Capital Compliance
- Hamilton Police Service
- Hamilton Fire Department

## ANALYSIS AND RATIONALE FOR RECOMMENDATION

The transition to NG9-1-1 is a multiyear endeavour. The change over to new computer-based technology for critical 9-1-1 call handling systems requires the supporting technology hardware and software infrastructure to be upgraded and updated to provide reliable and fault-tolerant community access to 9-1-1 services.

The 2024 capital budget process increased the NG9-1-1 project budget to \$9.68M, this accounted for anticipated expenses within the project. The increase utilized \$1.925M of the 2023/2024 provincial allocation of \$4.106M. This report recommends that the remaining provincial allocation of \$2.18M be added to the project budget.

The provincial allocation is intended to help expedite the transition to NG9-1-1 to ensure compliance with CRTC mandates. The City of Hamilton has used these funds, among other things, to dedicate additional staff, enhance cybersecurity, as well as to improve network resiliency, consistent with criteria allowed by the provincial allocation.

Some of the added expenditures covered by these funds and their approximate costs are as follows:

#	Item/description	Cost
1	Additional dedicated staffing	\$750,000
2	Improved network resiliency	\$700,000
3	Cybersecurity enhancements	\$150,000
	<b>Total</b>	<b>\$1,600,000</b>

Allocating the entire 2023/2024 provincial funding to the existing NG9-1-1 project budget will allow staff to cover the added expenditures, offset the cost of NG9-1-1 technology elements/upgrades, and also preserve the existing Council approved project budget for other necessary critical collateral expenditures.

**SUBJECT: Next Generation 911 Service Delivery - 2023-2024 Provincial Funding  
(FCS20082(d)/HSC20045(d)) (City Wide) - Page 5 of 5**

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While the provincial funding offsets the costs for jurisdictions to transition to new NG9-1-1 compatible technology platforms, it is not intended to, nor will it, completely cover those expenses. Additionally, it does not fund collateral infrastructure element updates necessary to support the new NG9-1-1 platform.

Examples of items and associated costs that are not covered through the provincial funding include: Geographical Information System (GIS) mapping and civic addressing, external conduits, Uninterruptible Power Supply (UPS) systems, etc. Also, funds spent outside the current April 1<sup>st</sup>, 2023, to March 31<sup>st</sup>, 2024, funding window do not qualify for funding/reimbursement.

**ALTERNATIVES FOR CONSIDERATION**

N/A

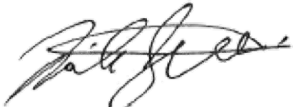


**APPENDICES AND SCHEDULES ATTACHED**

N/A



## 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**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	May 1, 2024
<b>SUBJECT/REPORT NO:</b>	Second floor addition to new Waterdown Station for 911 Call Centre (FCS20082(e) / HSC20045(e) / PW22087(b)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Tran Trang (905) 546-2424 Ext. 6151 Mike Rember (905) 546-2424 Ext. 3376 Robyn Ellis (905) 546-2424 Ext. 2616
<b>SUBMITTED BY:</b>	Mike Zegarac General Manager, Finance and Corporate Services Corporate Services Department
<b>SIGNATURE:</b>	
<b>SUBMITTED BY:</b>	Angela Burden General Manager, Healthy and Safe Communities Healthy and Safe Communities Department
<b>SIGNATURE:</b>	
<b>SUBMITTED BY:</b>	Carlyle Khan General Manager, Public Works Public Works Department
<b>SIGNATURE:</b>	

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**SUBJECT: Second floor addition to new Waterdown Station for 911 Call Centre  
(FCS20082(e) / HSC20045(e) / PW22087(b)) (City Wide) - Page 2 of 11**

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**Discussion of this Confidential Report in closed session is subject to the following requirement(s) of the City of Hamilton's Procedural By-law and the Ontario Municipal Act, 2001:**

- A proposed or pending acquisition or disposition of land for City or a local board purpose

**RATIONALE FOR CONFIDENTIALITY**

Appendix "A" to Report FCS20082(e) / HSC20045(e) / PW22087(b) is being considered in Closed Session as it contains information regarding a land acquisition by the City.

**RATIONALE FOR MAINTAINING CONFIDENTIALITY**

Appendix "A" to Report FCS20082(e) / HSC20045(e) / PW22087(b) is to remain confidential as it was provided to the City in confidence.

**RECOMMENDATIONS (CLOSED SESSION)**

None

**RECOMMENDATION (OPEN SESSION)**

- That the second-floor addition onto new Waterdown Station for a 911 Call Centre be approved with a budget totalling \$22,551,445, including new construction, dispatcher consoles, furniture, UPS, design fees, permits, tax, fees, infrastructure fit-up, per Appendix "A" to Report (FCS20082(e) / HSC20045(e) / PW22087(b)) and to be funded from tax supported debt; and,
- That the estimated annual debt repayment of \$2.2M be referred to the 2025 budget process for consideration; and,
- That the General Manager, Public Works Department 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,
- That the incremental Operating Impact of Capital cost of \$300,000 for operating the larger facility footprint be referred to the 2026 capital budget process; and,
- That the additional 1.0 temporary full-time equivalent (FTE), be approved for the duration of the project (up to 48 months), in Corporate Facilities and Energy Management, required to provide oversight to deliver the overall increase in large capital project delivery volume, be approved, with no impact to the tax levy; and,

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**SUBJECT: Second floor addition to new Waterdown Station for 911 Call Centre  
(FCS20082(e) / HSC20045(e) / PW22087(b)) (City Wide) - Page 3 of 11**

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- (f) That the General Manager, Finance and Corporate Services, be authorized and directed to negotiate and confirm the terms for the placement and issuance of all debenture issue(s), in either a public or private market and / or bank loan agreements and debenture issue(s), in and / or variable interest rate bank loan agreement and debenture issue(s), in an amount not to exceed \$22,551,445 Canadian currency; and,
- (g) That the General Manager, Finance and Corporate Services, be authorized to engage the services of all required professionals to secure the terms and issuance of the debenture issue(s) described in recommendation (f) including, but not limited to, external legal counsel and fiscal agents; and,
- (h) That the General Manager, Finance and Corporate Services, be authorized and directed, on behalf of the City of Hamilton, to enter into and / or execute, all agreements and necessary ancillary documents to secure the terms and issuance of the debenture issue(s) described in recommendation (f), on terms satisfactory to the General Manager, Finance and Corporate Services and in a form satisfactory to the City Solicitor.

## **EXECUTIVE SUMMARY**

As communicated through reports FCS20082(a) / HSC20045(a) / PW22087 and FCS20082(c) / HSC20045(c) / PW22087(a), a long-term 911 facility need still exists within the City of Hamilton. The prior report also advised of a future GIC report once a long-term facility direction is confirmed for a primary Public Safety Answering Point (PSAP) for the Hamilton Police Service (HPS). The need for primary and backup Public Safety Answering Points (PSAPs) is mandated by the Canadian Radio-television and Telecommunications Commission (CRTC) Telecom Regulatory Policy: CRTC 2017-182.

This Report, (FCS20082(e) / HSC20045(e) / PW22087(b)), presents a long-term 911 call centre facility option by adding a second floor 911 call centre and mechanical penthouse onto the existing Council-approved project of the upcoming construction of the new Waterdown Fire and Police Station. As the Hamilton Police Service (HPS) Central Station, at 155 King William, approaches end of life, that location will only be viable as a temporary backup 911 call centre location.

The following is the rationale for the report recommendations of adding a permanent 911 call centre onto the new Waterdown Fire & Police Station:

- Advantages of moving to two-site model
- Synergies of shared call centre between Hamilton Police Service (HPS) & Hamilton Fire Department (HFD)

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**SUBJECT: Second floor addition to new Waterdown Station for 911 Call Centre  
(FCS20082(e) / HSC20045(e) / PW22087(b)) (City Wide) - Page 4 of 11**

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- Aging infrastructure at Hamilton Police Service (HPS) Central Station
- Efficiencies of constructing now while shovels are in the ground
- No additional land cost required (vertical addition)
- Ensuring adequate project oversight without adding levy impact

Report FCS20082(a) / HSC20045(a) / PW22087 had previously provided an estimated, unapproved facilities capital renovation and construction budget of \$24M. The short-term solution for the Hamilton Police Service (HPS) to serve NG9-1-1 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 because NG9-1-1 renovations at Stoney Creek City Hall were found to be no longer feasible at that site, therefore the location of the short-term technology solution pivoted to meet the legislated timelines.

The total incremental project budget of adding the 911 call centre to the second floor of the new Waterdown Fire and Police Station is \$22,551,445.

**Alternatives for Consideration – See Page 10**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The capital project incremental costs are recommended to be financed from tax supported external debt. Assuming an interest rate of 5.5% and a term of fifteen years, an issuance of \$22.551M will result in annual repayments of \$2.2M resulting in an average residential property tax impact of 0.2% beginning in 2025.

The capital project incremental cost of \$22.551M includes not only construction, but also technology, Uninterrupted Power Supplies (UPS), dispatcher consoles, furniture costs, and soft costs. Moving costs associated with relocation and consolidation of Hamilton Police Service (HPS) and Hamilton Fire Department (HFD) individual call centres to the new shared Waterdown call centre location is also budgeted for. No additional land acquisition was required to fulfil the second floor call centre addition and mechanical penthouse. Additionally, land costs were previously funded by DC and other strategies, and recently updated through separate Confidential Report to GIC PED22092(a) respecting the land acquisition. Details of these costs, including Confidential land costs, are outlined in Confidential Appendix “B” to report (FCS20082(e) / HSC20045(e) / PW22087(b)). Incremental project capital costs which can be made publicly available are outlined at a high level in Table 1 below:

Table 1: Incremental Project Capital Costs:

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**SUBJECT: Second floor addition to new Waterdown Station for 911 Call Centre  
(FCS20082(e) / HSC20045(e) / PW22087(b)) (City Wide) - Page 5 of 11**

	<b>Original Waterdown Station Scope, Class D Estimate, based on Council-approved budget in 2 Project IDs: HPS 3762041002 HFD 7401841801</b>	<b>Revised Estimate to include Second Floor Comms Centre &amp; mechanical penthouse</b>	<b>Incremental Cost of Second Floor Comms Centre &amp; mechanical penthouse</b>
<b>Construction (including contingency)</b>	\$18,840,000	\$32,072,000	\$13,232,000
<b>Soft costs, fees, internal Costs, Furniture, Contingencies, stormwater management</b>	\$4,553,800	\$11,500,500	\$6,946,700
<b>Technology Costs, including contingency</b>	N/A	\$2,000,000	\$2,000,000
<b>Fire vehicles</b>	\$1,549,000	\$1,549,000	\$0
<b>HST</b>	\$538,748	\$911,493	\$372,745
<b>Subtotal</b>	<b>\$25,481,548</b>	<b>\$48,032,993</b>	<b>\$22,551,445</b>

Operating Impacts from Capital, as communicated through this Report (FCS20082(e) / HSC20045(e) / PW22087(b)) are expected to be \$300,000 annually for the incremental cost of operating the larger facility footprint beginning in 2026. This value is inclusive of all incremental Facilities costs, for example (but not limited to): utilities, life safety & HVAC & electrical systems maintenance, Uninterrupted Power Supply (UPS) maintenance, cleaning, as well as basic general repairs. It does not include IT, Hamilton Fire Department or Hamilton Police Services operating costs since those costs would be transferred from current operations at other sites. Operating cost increases due to the larger facility footprint will not be realized until at least 2026.

Prior reports respecting Council-approved Waterdown Fire and Police Station already approved Operating Impacts from Capital (OIC) of \$1.4M for HFD and Facilities (including 15 FTEs) and \$0.935M (including 0.5FTE) for HPS and Facilities. These approvals are highlighted in annual reporting accompanying the City's Capital and Operating budgets.

**Staffing:** An in-year approval of 1.0 FTE in Corporate Facilities and Energy Management at a Level 7 Senior Project Manager is requested to provide adequate oversight to deliver the overall City-wide increase in large capital project delivery volume. There is no impact to the tax levy from this staffing increase because all staffing costs for Corporate Facilities and Energy Management capital delivery staff (including all internal and external costs) are already budgeted within each capital project. Project

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**SUBJECT: Second floor addition to new Waterdown Station for 911 Call Centre  
(FCS20082(e) / HSC20045(e) / PW22087(b)) (City Wide) - Page 6 of 11**

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length will exceed 2 years, which is the maximum timeframe permitted for temporary contracts.

**Legal:** N/A

## **HISTORICAL BACKGROUND**

July 22, 2022, Corporate Facilities and Energy Management Division (a newly renamed Division) was tasked with identifying a minimum of two suitable locations to accommodate the new NG9-1-1 call handling 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 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 centre. However, as of March 2023, the project evolved. Updates regarding technology assets opened 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 such as, hospitals, police facilities and telephone exchanges that need to remain operational following a disaster.

Upon review of this information, an interim solution was approved by Council as part of Report FCS20082(c) / HSC20045(c) / PW22087(a), whereby 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 would remain as their backup. This project is tracking on schedule to meet legislated timelines. Please refer to Appendix "E" to Report FCS20082(e) / HSC20045(e) / PW22087(b)) for the NG9-1-1 Project Schedule.

The temporary NG9-1-1 solution was previously presented to Council as an interim solution to meet legislated timelines and reflected an adjusted budget to a significantly lower estimated cost. However, a long-term NG9-1-1 facility need still exists within the City of Hamilton and staff had identified in the previous report that a future GIC report would be submitted once long-term facility direction is confirmed for a primary Public Safety Answering Point (PSAP) for the Hamilton Police Service (HPS). This Report (FCS20082(e) / HSC20045(e) / PW22087(b)) provides that long-term facility direction.

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The Waterdown Fire and Police Station capital project was Council-approved in prior years as two separate Project IDs: HPS 3762041002 and HFD 7401841801. The updated project budget as presented and Council approved as part of Report PED22092 / PW22043 is still accurate for the original scope of a shared, single story Fire and Police Station in Waterdown. However, the construction of the facility requires approval of additional funding to add on a 911 call centre via a second story and mechanical penthouse. Land costs were previously funded by DC and other strategies, and recently updated recently through separate Confidential Report to GIC PED22092(a) respecting the land acquisition.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

This project does not impact the migration to NG9-1-1 which is mandated and legislated through the Canadian Radio-television and Telecommunications Commission (CRTC) Telecom Regulatory Policy: CRTC 2017-182.

That said, it does represent a more permanent location for a two-site model for NG9-1-1 which presents improvements and best practices over the existing three-site model.

### **RELEVANT CONSULTATION**

Consultation for this report took place as follows:

- Corporate Services:
  - Financial Planning, Administration and Policy Division
  - Information Technology Services
- Healthy & 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 Service (HPS)
- Hamilton Fire Department (HFD)

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The following is the rationale for the recommendations:

#### **Advantages of moving to two-site model:**

There are advantages of moving to a two-site Public Safety Answering Point (PSAP) model, in contrast to the current three-site model. This was previously communicated through reports FCS20082(a) / HSC20045(a) / PW22087 and FCS20082(c) / HSC20045(c) / PW22087(a).

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The project team had at that time recommended a two-site model. However, finding two optimal sites that could be shared between Hamilton Police Service and Hamilton Fire Department and implementing NG9-1-1 prior to the legislated deadline was not considered feasible. An interim three-site model was developed and executed to ensure that the Hamilton Fire Department and Hamilton Police Service could be NG9-1-1 compliant. The goal still was to identify and develop a two-site model that would satisfy the technology, business continuity and long-term needs of the City of Hamilton Public Safety Answering Points (PSAPs). The current three-site model has been architected to enable a lift-and-shift of key technology components to create a two-site model.

The existing three-site model has two sites with local PSAPs that have supporting technology co-located and one remote PSAP relying on the supporting technology at the other two sites. There is risk of connection failure between the remote PSAP and the technology supporting it.

911 systems provide critical services and PSAPs should be engineered to reduce risks from single points of failure. To achieve this, current best practices include having the PSAPs co-located with the technology (servers, routers, Bell connections and other equipment) supporting them, and also having proper geodiversity between sites.

To continue with the existing three-site model as a long-term solution while reducing connection failure risks, additional local supporting technology will have to be added to the remote PSAP site, this will incur cost and increase complexity of the systems. In addition, the infrastructure needed to support this technology will ideally have to be re-engineered to minimize single points of failure.

The primary and backup PSAP sites for Hamilton Fire Department are considered too close to each other and could be impacted by any large-scale environmental incident that affects that general area. The new Waterdown site as one of their locations will improve geodiversity.

Moving to a 2-site model will simplify the complexity, increase geodiversity, and reduce connection risks.

**Synergies of shared call centre between HPS & HFD:**

A two-site model would enable both Hamilton Police Service and Hamilton Fire Department to share expensive equipment, associated maintenance, capitalize on redundant and diverse networks as well as protect the equipment with adequate infrastructure (power, security systems, building infrastructure that is appropriately rated, etc.). There are additional service delivery advantages of using a shared building to deliver a 911 call centre, including synergies with respect to shared spaces, training and program delivery.

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**Aging at HPS Central Station:**

Central Police Station, located at 155 King William, is the current location of one of HPS' 911 call centres, was constructed in 1976, and is approaching its fifty-year service life in 2026. A detailed site investigation was completed in 2022 and major mechanical upgrades were identified resulting in a Facility Condition Index reflecting a poor condition. As Central Station approaches end of life, that location is only viable as a temporary secondary 911 call centre (PSAP) location.

**Efficiencies of constructing now while shovels are in the ground:**

Construction outlined in Report (FCS20082(e) / HSC20045(e) / PW22087(b)) and Appendix "A" to Report (FCS20082(e) / HSC20045(e) / PW22087(b)) shall be procured through competitive procurement (Prequalification then Request for Tender). It is that more efficient and cost effective to tender and construct the additional story with the new Waterdown Station than to construct a new call centre as part of a separate project. Please refer to "D" to Report (FCS20082(e) / HSC20045(e) / PW22087(b)) for the project schedule comparison with and without the addition of the second-floor scope.

**No additional land cost required (vertical addition):**

The additional building footprint required for a new call centre at the new Waterdown Station would be accommodated entirely vertically by the addition of a 2<sup>nd</sup> floor addition, with an upper-level mechanical penthouse. This means that no additional land costs are required to add the call centre at this site. Please refer to Appendix "C" to Report (FCS20082(e) / HSC20045(e) / PW22087(b)) to review preliminary floor plans proposed for the expanded facility.

**Ensuring for adequate project oversight without adding levy impact:**

With the Council-approved award of the Transit Maintenance Storage Facility project, staff from Corporate Facilities and Energy Management have been seconded to oversee this significant capital project and investment without backfill. The Senior Project Manager, whose team is overseeing several of the large capital projects, sits in a temporary role. As the section continues to increase the number of Council-approved large capital projects for delivery, meanwhile continuing to deliver the infrastructure renewal and compliance programs it is necessary to allocate resources to achieve appropriate project oversight, reporting and accountabilities. Furthermore, delivery of this project, as well as other large capital projects will exceed a 2-year temporary contract delivery timeline. Increase in large project volume is a longer-term trend based on Council-approved 10-year capital plans.

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There is no impact to the tax levy from this staffing increase because all staffing costs (including all internal and external costs) required for project delivery are already covered within capital budgets.

**2023 Annual Repayment Limit (ARL):**

The recommended financing strategy for tax supported debt aligns with the updated ARL and the Council Approved Tax & Rate Limit. As shown in Appendix “B” to Report (FCS20082(e) / HSC20045(e) / PW22087(b)), the City has \$174.6M available to commit to payments related to debt and financial obligations before the statutory limit is breached and corresponds to approximately \$1.8B of additional borrowing capacity (assuming a 15-year term and 5.5% interest rate).

**ALTERNATIVES FOR CONSIDERATION**

One alternative to adding a second-floor call centre to the Waterdown Fire and Police Station would be to proceed with the Council-approved scope and budget of a single-story station in Waterdown and to plan to include a long-term 911 call centre in a future HPS headquarters. That option would increase the wait time for the centre by several years because the timeline for a new Police headquarters is unknown. The total capital cost for this option would be expected to increase in coming years due to inflation and any rises in the construction price index. The impact of this alternative would include the following:

- Delay or preclude moving to a two-site 911 call centre model
- Delay or preclude the synergies of a new, shared Fire/Police 911 call centre
- Preclude realizing synergies of constructing while shovels are in the ground at the new Waterdown Station
- Preclude the savings of land costs

A prior Council Report in 2023, Report FCS20082(c) / HSC20045(c) / PW22087(a), identified preliminary estimates for delivering facilities for NG9-1-1, which originally exceeded \$24M. The majority of the original budget number was dedicated to renovations at Stoney Creek City Hall, which was deemed as no longer a feasible option. The interim NG9-1-1 solution presented in that report reflects an adjusted budget. However, a long-term NG911 facility need still exists within the City of Hamilton for a primary Public Safety Answering Point (PSAP).

With respect to matching project delivery oversight with the increase in large capital project volume, alternatives to consider may include adding additional management staff dedicated to large capital projects (e.g. Project Director). Those options would have an incrementally higher cost impact to capital projects, meanwhile it has been observed that Senior Project Management staff can provide effective oversight. It is not

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possible to provide improved project delivery oversight though outsourcing alone, since the management and reporting responsibilities still fall to internal staff.

**APPENDICES AND SCHEDULES ATTACHED**

Confidential Appendix “A” to Report (FCS20082(e) / HSC20045(e) / PW22087(b)) – Incremental Project Costing Estimates

Appendix “B” to Report (FCS20082(e) / HSC20045(e) / PW22087(b)) – Annual Repayment Limit

Appendix “C” to Report (FCS20082(e) / HSC20045(e) / PW22087(b)) - Preliminary Floor Plans

Appendix “D” to Report FCS20082(e) / HSC20045(e) / PW22087(b)) - Waterdown Station Project Schedule comparison with and without second floor addition

Appendix “E” to Report FCS20082(e) / HSC20045(e) / PW22087(b)) - NG9-1-1 Project Schedule

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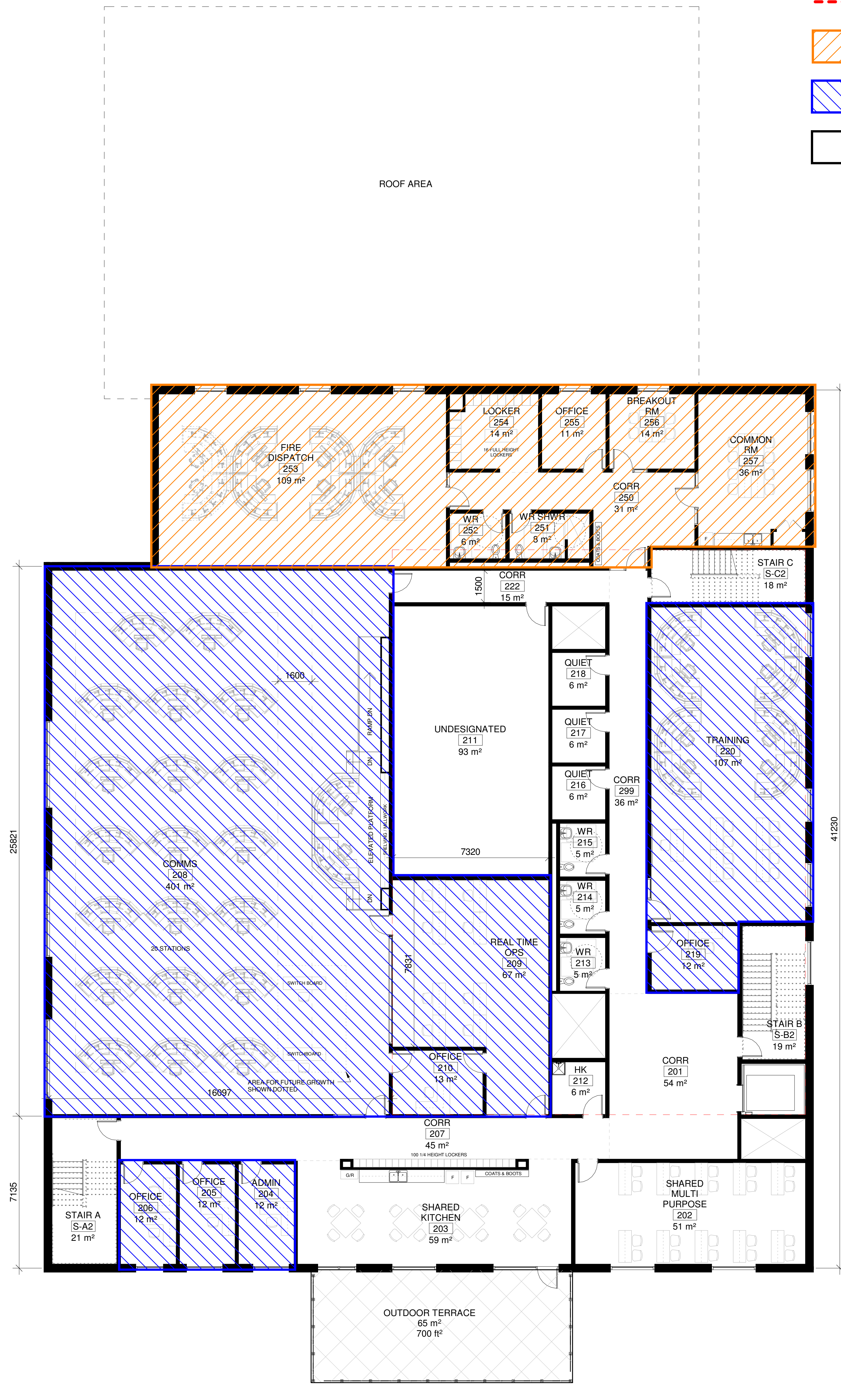
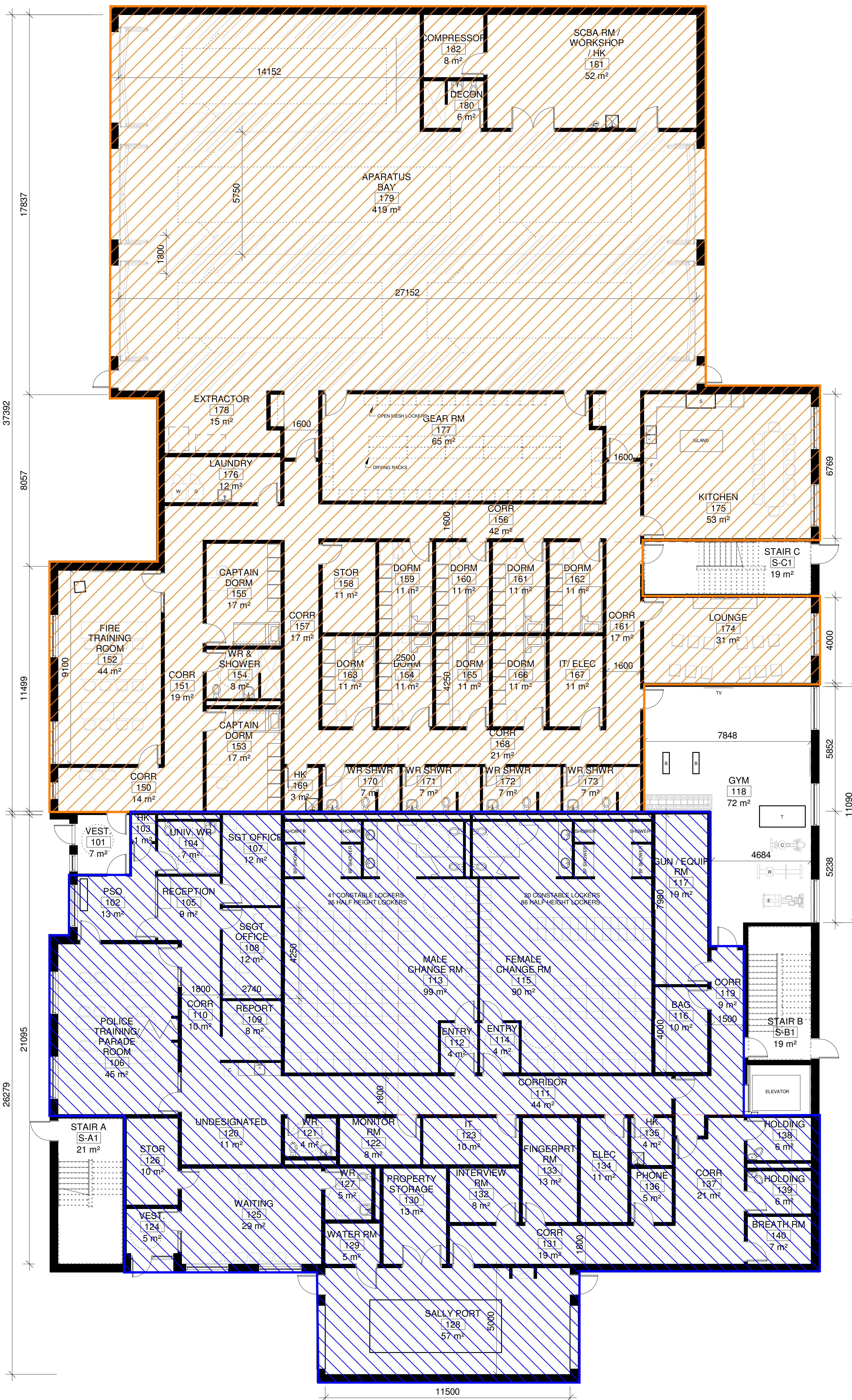


<b>City of Hamilton Treasurer's Updated 2023 Annual Repayment Limit</b>	
2023 Annual Repayment Limit - <i>effective January 1, 2023, as prepared by the Ministry of Municipal Affairs and Housing on March 9, 2023, based on 2021 Financial Information Return</i>	\$304,645,973
Annual debt service charges on City Municipal debt approved to-date 2023 and prior years but not yet issued (\$955.624 M @ 5.5% for 15-year term)	-\$95,204,658
Annual debt service charges on City Municipal debt in respect of NG911 debt to be approved (\$22.551 M @ 5.5% for 15-year term)	-\$2,246,701
Annual debt service charges on City Municipal debt in respect of ICIP Transit debt approved but not yet issued (\$236.1957 M @ 5.5% for 15-year term)	-\$23,531,135
Annual debt service charges on City Municipal debt in respect of West Harbour debt approved but not yet issued (\$56.6 M @ 5.5% for 15-year term)	-\$5,636,740
Annual debt service charges on City Housing Hamilton debt approved but not yet issued and guaranteed by City of Hamilton (\$102.337 M @ 5% for 30-year term)	-\$6,657,151
Annual debt service charges on Municipal and Tax Supported Development Charges debt approved but not yet issued - Police Station 40 (\$11.585 M @ 5.5% for 15-year term)	-\$1,154,163
Annual debt service charges on Municipal and Tax Supported Development Charges debt approved but not yet issued - Stadium Precinct (\$18.054 M @ 5.5% for 15-year term)	-\$1,798,641
Annual debt service charges on debentures discharged in 2021-2023	\$5,643,144
Adjustment for annual debt service charges on outstanding City Housing Hamilton mortgages and City of Hamilton Tangible Capital Leases	\$539,146
<b>Updated 2023 Annual Repayment Limit</b> - <i>a calculation by the Treasurer representing an estimate of the maximum amount available to commit to annual debt service charges</i>	\$174,599,075
Debenture amount at 5.5% interest rate for 15-year term (amortized) corresponding to the annual debt service charges of \$174,599,075	\$1,752,552,344



- - - Red dotted line denotes outline of penthouse above.
- Orange hatched area denotes Fire Areas
- Blue hatched area denotes Police Areas
- Non-hatched areas denotes shared areas

Areas:  
 Level 1: 21 800 sq.ft. (2 025 sq.m)  
 Level 2: 15 700 sq.ft. (1 460 sq.m)  
 Penthouse: 5 920 sq.ft. (550 sq.m)  
**Total = 43 420 sq.ft. (4 035 sq.m.)**



2	Issued for RFP	2024-02-09
1	Issued for Schematic Design	2023-11-01
No.	Revision	Date

Orientation Seal

All dimensions to be checked and verified on the job by the Contractor. Any discrepancies are to be reported to the Consultant prior to action. Only the latest approved drawings to be used for construction in conformance with all applicable codes, by-laws and regulations. All drawings remain the property of the Consultant.

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 salterpilon.com t: 705-737-3530

Project Information  
**Waterdown Fire & Police Station**  
 20 Parkside Drive, Flamborough, Ontario  
 For City of Hamilton  
 Drawing Title **Floor Plan**

Date	2024-02-09	Project No	23013	Drawing No	A201
Drawn by	MB				
Scale	1 : 100				

BIM 360://23013 Waterdown Fire Police Station/23013 WFPS - Revit Arch R20.rvt  
 2024-02-04 4:41:54 PM





Waterdown Fire & Police Station Project Timeline														
Project Schedule - Scope A														
Phase of Work	Duration													
	Q3 2023	Q4 2023	Q1 2024	Q2 2024	Q3 2024	Q4 2024	Q1 2025	Q2 2025	Q3 2025	Q4 2025	Q1 2026	Q2 2026	Q3 2026	Q4 2026
	J A S	O N D	J F M	A M J	J A S	O N D	J F M	A M J	J A S	O N D	J F M	A M J	J A S	O N D
Schematic Design														
Council Budget Approval														
Design Development														
Construction Documents														
Site Plan Approval														
Building Permit														
CM Procurement Prep														
CM RFQ														
CM RFT														
CM Onboard														
Construction Tender														
Pre Construction														
Construction (22 months)														
Move in/Fit out/Training														
Substantial Performance														

☒ Submission Date/Target

Waterdown Fire & Police Station Project Timeline																
Project Schedule - Scope B																
Phase of Work	Duration															
	Q3 2023	Q4 2023	Q1 2024	Q2 2024	Q3 2024	Q4 2024	Q1 2025	Q2 2025	Q3 2025	Q4 2025	Q1 2026	Q2 2026	Q3 2026	Q4 2026	Q1 2027	Q2 2027
	J A S	O N D	J F M	A M J	J A S	O N D	J F M	A M J	J A S	O N D	J F M	A M J	J A S	O N D	J F M	A M J
Schematic Design																
Council Budget Approval																
Design Development																
Construction Documents																
Site Plan Approval																
Building Permit																
CM Procurement Prep																
CM RFQ																
CM RFT																
CM Onboard																
Construction Tender																
Pre Construction																
Construction (26 months)																
Move in/Fit out/Training																
Substantial Performance																

☒ Submission Date/Target

Task	2023			2024			
	Q4			Q1			
	O	N	D	J	F	M	A
Detailed Design - Phase 2 scope							
Building Permit Submission - Phase 2 scope							
GC prequal							
Tender for Construction - Phase 2							
Phase 1 - King W. - 2nd Flr Training - Teknion desks set up, pwr & data run & moves							
Dispatch Staff Moves to temporary Primary (Stone Church) <b>End of March 2024</b>							★
Phase 1 - King W. - 2nd Flr Training Room & 1st Flr Desk Consoles set up <b>April 2024</b>							
Phase 1 - King W. - 1st Flr Dispatch desk mods by Evans, pwr & data run by HPS IT <b>April 2024</b>							
Stone Church - Primary Dispatch Location <b>March 27 – April 15, 2024</b>							
Dispatch Staff Moves back to King W. - Stone Church returns to back up <b>April 15, 2024</b>							★
RFP Console Desks <b>(AWARDED Nov '23)</b>							
RFP Phase 1 - review, order, deliver and install 10 desks for KW training and 1st flr areas							
RFP Phase 2 - design and order desks for Stone Church suite							
Renovation Mobilization - <b>SEPTEMBER 2024</b>							
Phase 2 Renovation - Upper Sherman - <b>SEPT '24 - Feb '25</b>							
Phase 2 Renovation - Stone Church 2nd Flr Suite - <b>SEPT '24 - APR '25</b>							
Staff Moves - King W. to Stone Church <b>May 2025</b>							
Substantial Performance - <b>August 2025</b>							

**WE ARE HERE**

# CITY OF HAMILTON

## MOTION

General Issues Committee: May 1, 2024

**MOVED BY COUNCILLOR J.P. DANKO.....**

**SECONDED BY COUNCILLOR.....**

**Councillor Ward Office Budgets 2023 Operating Surplus**

WHEREAS, at its meeting on February 15, 2024, Council approved a total ward office budget of \$6,246,535, which includes both employee-related and discretionary funds

WHEREAS, employee-related funds may be utilized for general ward office expenses at the discretion of the ward Councillor.

THEREFORE, LET IT BE RESOLVED:

- (a) That any surplus operating funds at 2023 year-end in the ward office budgets be transferred to the corresponding ward minor maintenance account; and,
- (b) That, for 2024 and future years, any surplus operating funds remaining from both the employee-related and discretionary budgets for ward offices be allocated to the respective ward minor maintenance account