



City of Hamilton

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REVISED

Meeting #: 24-015
Date: September 5, 2024
Time: 9:30 a.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

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

1. CEREMONIAL ACTIVITIES

2. APPROVAL OF AGENDA

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

3. DECLARATIONS OF INTEREST

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 July 11, 2024

4.2 August 21, 2024 (Special - Development Charges Hearing)

5. COMMUNICATIONS

6. DELEGATION REQUESTS

*6.1 Michelle Diplock, West End Home Builders' Association, respecting Development Agreement Surety Bonds (for today's meeting)

7. DELEGATIONS

8. STAFF PRESENTATIONS

9. CONSENT ITEMS

- 9.1 Annual Employee Absence Report 2023 (HUR24005) (City Wide)
- 9.2 Community Benefits Charges Reserve Status Report as of December 31, 2023 (FCS24007) (City Wide)
- 9.3 Development Charges Reserves Status Report as of December 31, 2023 (FCS24043) (City Wide)

10. DISCUSSION ITEMS

- 10.1 Development Agreement Surety Bonds (FCS21056(b)) (City Wide) (Outstanding Business List Item)

11. MOTIONS

- 11.1 Fencing at 42 Mary Street (Ontario Aboriginal Housing Services) (Ward 2)
- 11.2 Financial Support for CityHousing Hamilton Capital Projects (Ward 2)

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

- 13.1 Amendments to the Outstanding Business List
 - 13.1.a Items Requiring a New Due Date
 - 13.1.a.a Feasibility of a Bring Your Own Device Policy
 - Added: March 23, 2023
 - Current Due Date: January 1, 2024
 - New Due Date: March 31, 2025 (Q1 2025)
 - 13.1.b Items Considered Complete and to be Removed
 - 13.1.b.a Development Agreement Surety Bonds (FCS21056(a)) (City Wide) (Outstanding Business List Item) - REVISED
 - Added: August 17, 2024
 - Addressed as Item 10.1 on today's agenda

13.1.b.b 2024 Development Charges Background Study and By-law Update - Open House Feedback (FCS23103(a))

Added March 27, 2024

Addressed as Item 6.1 and 6.1(a) on the April 4, 2024 (Special) agenda.

14. PRIVATE AND CONFIDENTIAL

15. ADJOURNMENT



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 24-013

9:30 a.m.

July 11, 2024

Council Chambers
Hamilton City Hall

Present: Councillors T. Hwang (Chair), M. Spadafora, C. Kroetsch, M. Tadeson, and A. Wilson

Absent with

Regrets: Councillors J. Beattie, B. Clark, and M. Wilson – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Parkland Dedication Reserve Status Report as of December 31, 2023 (FCS24006) (City Wide) (Item 9.1)

(Spadafora/A. Wilson)

That Report FCS24006, respecting Parkland Dedication Reserve Status Report as of December 31, 2023, be received.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

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

2. Proposed Amendments to By-law 12-094 – To Transition to the Canadian Overnight Repo Rate Average (CORRA) (FCS11079(b)) (City Wide) (Item 10.1)

(A. Wilson/Spadafora)

That the draft By-law "To Amend By-law No. 12-094, being a By-law to authorize the borrowing of monies by way of bank loans in the principal amounts of \$38,000,000 and \$14,740,000", attached as Appendix "A" to Report FCS11079(b),

which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted by Council.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

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

3. Extension of Contract C12-13-21 Professional and Consultant Services Roster (FCS24038) (City Wide) (Item 10.2)

(Spadafora/A. Wilson)

- (a) That Council approve a six-month extension of Contract C12-13-21, Professional and Consultant Services Roster, ending June 30, 2025, with the option to further extend an additional six months, ending December 31, 2025 at the discretion of the City Manager, the General Manager, Public Works Department and the General Manager, Planning and Economic Development Department;
- (b) That the Director of Procurement be authorized to negotiate a 2% increase in hourly rates and enter into and execute any amending agreement or documents required to give effect thereto with Rostered Candidates, in a form satisfactory to the City Solicitor; and
- (c) That any cost increase associated with amendments to the existing agreements be included in the 2025 budget.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

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

4. Grants Sub-Committee Report 24-003 (July 3, 2024) (Item 10.3)

(Spadafora/Tadeson)

- (a) **City Enrichment Fund – Digital Pilot Program (GRA24003) (City Wide) (Item 5.1)**

- (i) That the two-year Digital Pilot Program of the City Enrichment Fund, launched in 2022, with the objective to support organizations, events and activities that increase efforts to achieve digital equity, promote digital inclusion and spur greater adoption of broadband amongst underserved populations, be established within the City Enrichment Fund as a permanent component of the program;
- (ii) That funding for this initiative be referred to the 2025 budget cycle in the amount of \$100,000; and,
- (iii) That the item respecting the City Enrichment Fund - Digital Pilot Program be removed from the outstanding business list.

(b) City Enrichment Fund 2025 Program Updates and Improvements (GRA24004) (City Wide) (Item 7.1)

- (i) That a multi-year funding process, which focuses on returning programs, be established within the City Enrichment Fund as a 3-year pilot, with the ability to evaluate the success of this process thereafter;
- (ii) That the City Enrichment Fund adopt a sector based funding approach that supports funding models that are responsive to the unique needs of each program area, beginning with the 2025 funding cycle;
- (iii) That the Director of Government Relations and Community Engagement (or their delegate or as may be appointed by the City Manager to administer the City Enrichment Fund) be delegated the authority to create and amend all City Enrichment Fund forms, guidelines and policies program areas, including but not limited to, development and amendment of application forms, declarations, reporting requirements, auditing practices, determining eligibility criteria and funding streams, and shall report changes annually to the Grants Sub-Committee;
- (iv) That the Director be delegated the authority to execute any and all agreements, including any amendments and/or ancillary documents on behalf of the City in relation to the approved grants under the City Enrichment Fund, provided the documents comply with: all City policies and procedures, approved budgets and is a form satisfactory to the City Solicitor, and;
- (v) That Item (c) on the Grants Sub-Committee Outstanding Business List respecting "That staff be directed to review the (CEF) fund's current overall funding guidelines, program stream guidelines, related funding caps and report back to the Grants Sub-Committee with recommendations to ensure the fund is evolving with the needs of community" in advance of the 2025 intake" be identified as completed and removed from the outstanding business list.

**(c) City Enrichment Fund – Appeals Process (GRA24002(a)) (City Wide)
(Item 7.2)**

- (i) That, the 2024 City Enrichment Fund Bridge Funding Process (as outlined in the attached **Appendix “A” to Grants Sub-Committee Report 24-003**), be approved;
- (ii) That, the 2024 City Enrichment Fund Appeals Process (as outlined in the attached **Appendix “B” to Grants Sub-Committee Report 24-003**), be approved, and that staff be directed to report back on the permanency of an appeals process to the Grants Sub-Committee in advance of the 2025 recommendations;
- (iii) That the Director of Government Relations and Community Engagement ((or their delegate or as appointed by the City Manager) (the “Director”) be delegated the authority to approve and execute any and all agreements, amendments and/or ancillary documents on behalf of the City in relation to the one-time 2024 Bridge funding process outlined in Appendix “A” attached to **Grants Sub-Committee Report 24-003**, and one-time 2024 Appeal funding process outlined in Appendix “B” attached to **Grants Sub-Committee Report 24-003**, provided the documents comply with: all City policies and procedures, and is in a form satisfactory to the City Solicitor;
- (iv) That, the City Enrichment Fund Bridge Funding Process be funded one-time from the City Enrichment Fund Reserve #112230, and where additional funds are required from first from the Tax Stabilization Reserve 110046, up to a total combined maximum of \$418,016, be approved; and,
- (v) That, the City Enrichment Fund Appeals Process be funded one-time from the Tax Stabilization Reserve (110046), up to a total maximum of \$50,000, be approved.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

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

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised there were no changes to the agenda:

(Spadafora/Kroetsch)

That the agenda for the July 11, 2024 Audit, Finance and Administration Committee meeting, be approved, as presented.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

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

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) Approval of Minute of Previous Meetings (Item 4.1)

(Spadafora/Kroetsch)

That the Minutes of June 20, 2024, be approved, as presented.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

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

(d) DELEGATIONS (Item 7)

(i) Bozica Sajatovic, respecting partial payment of taxes without an extension agreement in tax arrears certificate cancellation (approved June 20, 2024) (Item 7.1)

Bozica Sajatovic, addressed Committee respecting partial payment of taxes without an extension agreement in tax arrears certificate cancellation, with the aid of a presentation.

(Spadafora/Tadeson)

That the delegation from Bozica Sajatovic, respecting partial payment of taxes without an extension agreement in tax arrears certificate cancellation, be received.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

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

(e) ADJOURNMENT (Item 15)

(Spadafora/Tadeson)

That, there being no further business, the Audit, Finance and Administration Committee, be adjourned at 10:06 a.m.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

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

Respectfully submitted,

Councillor Tammy Hwang, Chair
Audit, Finance and Administration
Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk



AUDIT, FINANCE & ADMINISTRATION COMMITTEE DEVELOPMENT CHARGES HEARING

MINUTES 24-014

11:00 a.m.

August 21, 2024

Room 264, 2nd Floor (Hybrid)

Hamilton City Hall

Present: Councillors B. Clark (Acting Chair), M. Spadafora (virtually), J. Beattie, M. Tadeson, and A. Wilson

Absent with

Regrets: Councillors T. Hwang and C. Kroetsch – City Business, and M. Wilson – Personal

The hearing was called to order.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

There were no changes to the agenda.

(Tadeson/Beattie)

That the agenda for the August 21, 2024 Audit, Finance and Administration Committee Development Charges Hearing, be approved, as presented.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) DEVELOPMENT CHARGES HEARING (Item 3)

(i) Development Charges Complaint – OneSchool Global (441 Old Brock Road, Hamilton) (Item 3.1)

The parties presented their opening statements.

The parties presented their closing statements.

(Beattie/A. Wilson)

That the Audit, Finance and Administration Committee retire to deliberate at 1:50 p.m.

CARRIED

(A. Wilson/Beattie)

That the Audit, Finance and Administration Committee reconvene the hearing at 3:27 p.m.

CARRIED

The Audit, Finance and Administration Committee reconvened the hearing following private deliberations at 3:27 p.m.

Having heard and considered the evidence and submissions of the parties, respecting Development Charges Complaint – OneSchool Global (441 Old Brock Road, Hamilton), the *Development Charges Act, 1997* and By-Law No. 24-072 Being a By-Law Respecting Development Charges on Lands within the City of Hamilton, the Audit, Finance and Administration Committee found on behalf of the Complainant that an error was made in the application of the Development Charges By-Law and, as a result, no development charges are applicable.

For further information respecting the outcome of this matter, refer to the Notice of Decision.

(d) ADJOURNMENT (Item 5)

(A. Wilson/Tadeson)

There being no further business, the Audit, Finance and Administration Committee Development Charges Hearing, adjourned at 3:28 p.m.

CARRIED

**Audit, Finance and Administration Committee
Development Charges Hearing
Minutes 24-014**

**August 21, 2024
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Respectfully submitted,

Councillor Brad Clark, Acting Chair
Audit, Finance and Administration
Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk

Salamone, Salvatore

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

Submitted on Wed, 08/28/2024 - 16:46

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee
Audit, Finance & Administration 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
Michelle Diplock
West End Home Builders' Association
1112 Rymal Rd E
Hamilton, Ontario. L8W 3N7
michelle@westendhba.ca

Preferred Pronoun
she/her


Reason(s) for delegation request
Delegation regarding item 10.1 Development Agreement Surety Bonds (FCS21056(b)) (City Wide)

Will you be requesting funds from the City?
No

Will you be submitting a formal presentation?
Yes



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	September 5, 2024
SUBJECT/REPORT NO:	Annual Employee Absence Report 2023 (HUR24005) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Yakov Sluchenkov (905) 546-2424 Ext. 2655 Heather McNicol (905) 546-2424 Ext. 2635 Iva Peressini (905) 546-2424 Ext. 7404
SUBMITTED BY:	Lora Fontana Executive Director Human Resources
SIGNATURE:	

COUNCIL DIRECTION

This report includes information about City's occupational claims experience, including lost time injury rate, severity, areas experiencing higher numbers of incidents and strategies to reduce incidents in those areas. This report also provides an overview of non-occupational illness and injury data, including an analysis of Short-Term Disability (STD) absences, Long-Term Disability (LTD) absences, and work accommodation activity. The reporting period includes January to December 2023, with relevant comparisons from 2019 through 2023.

INFORMATION

1.0 Occupational Injury Measures

The tables and graphs below provide an overview of the City's Workplace Safety and Insurance Board (WSIB) claims experience over the past five years. Lost time injury measures include claims approved by the WSIB or where approval is pending and excludes claims denied by the WSIB or abandoned by the employee. In addition, claims from Hamilton Police Services and Hamilton Public Library have been excluded.

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

SUBJECT: Annual Employee Absence Report 2023 (HUR24005) (City Wide)**Page 2 of 19**

In this report, the frequency of occupational injuries is expressed through the lost time injury rate and severity is demonstrated through the average days lost per injury.

Human Resources continues to collaborate with operating departments to ensure that appropriate preventative measures and mitigation strategies are implemented with respect to the health, safety and wellness of employees. Initiatives include policy and procedure development, training, targeted implementation of advanced tools, equipment, education and preventive measures aimed at reducing frequency and severity of injuries over time.

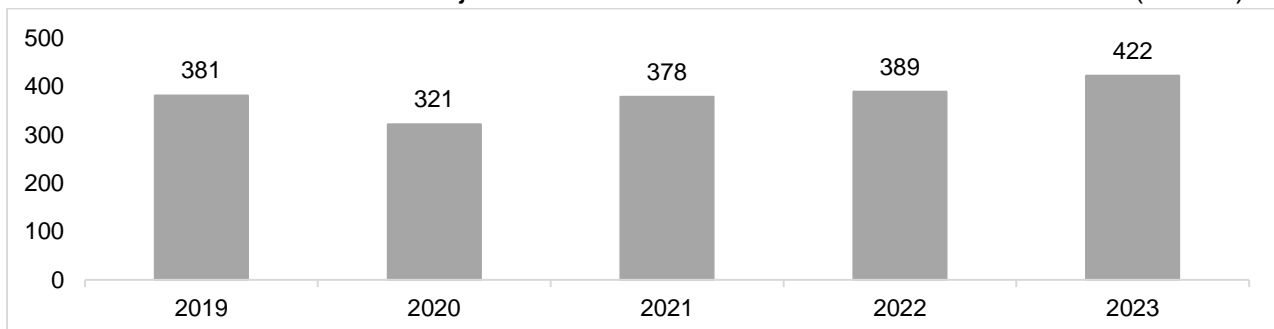
Table 1: Lost time injury count, Lost time injury rate, Average days lost per injury and WSIB Costs 2019 – 2023

Year	Average eligible employee headcount	Lost time injury count	Lost time injury rate	Average days lost per injury*	WSIB costs
2019	8,304	381	6.15	26.14	\$9,927,740
2020	8,183	321	5.34	17.21	\$9,354,472
2021	8,380	378	6.03	17.37	\$10,409,980
2022	8,433	389	6.01	9.02	\$10,022,612
2023	8,774	422	6.39	7.29	\$12,504,215

*A day lost is counted as one regardless of the length of the workday.

Graph 1: Lost time injury counts from 2019 to 2023

The number of actual lost time injuries increased from 389 in 2022 to 422 in 2023 (+8.5%).



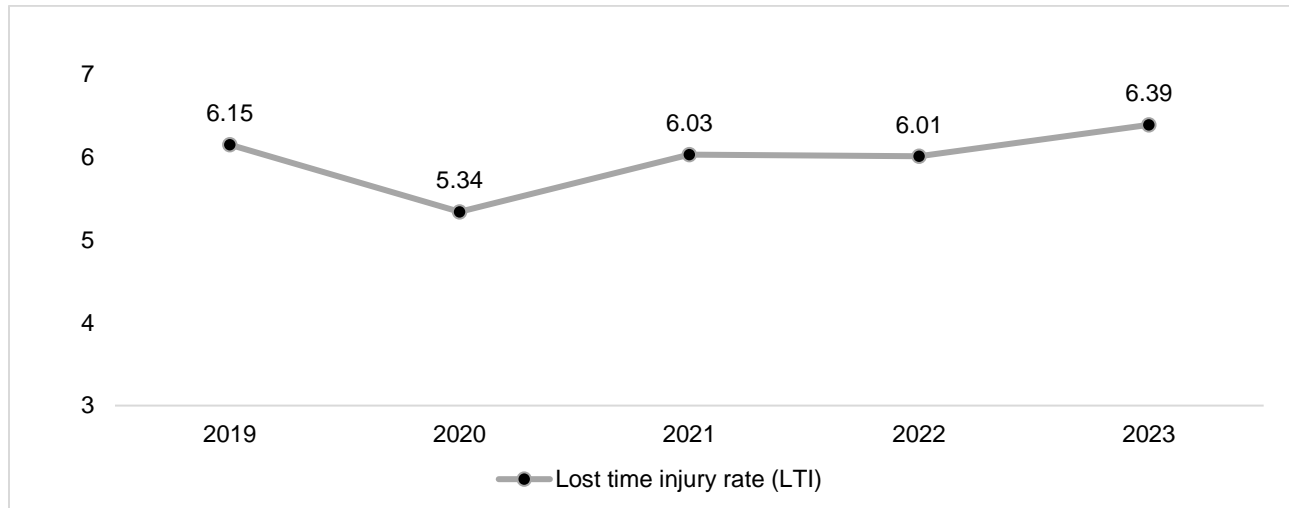
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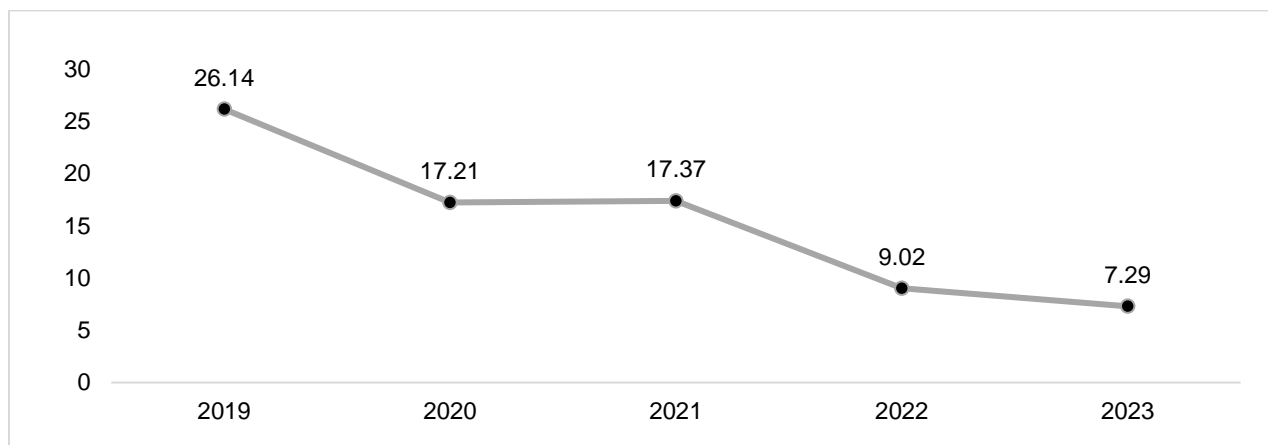
OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Annual Employee Absence Report 2023 (HUR24005) (City Wide)**Page 3 of 19****Graph 2: Lost time injury rate from 2019 to 2023**

The lost time injury rate increased to 6.39 in 2023 when compared to prior years.

**Graph 3: Average days lost per occupational injury and illness (severity) from 2019 to 2023**

Average days lost per injury claim provides an indication of the severity of the injury. The average lost days per injury claim has continued to decline over the last several years indicating early and safe return to work interventions managed through Human Resources are resulting in positive outcomes, including shorter absences from work, for employees. Average days lost can fluctuate as claims are processed by WSIB. Some serious injuries will result in lost time that will impact results over the course of multiple years.



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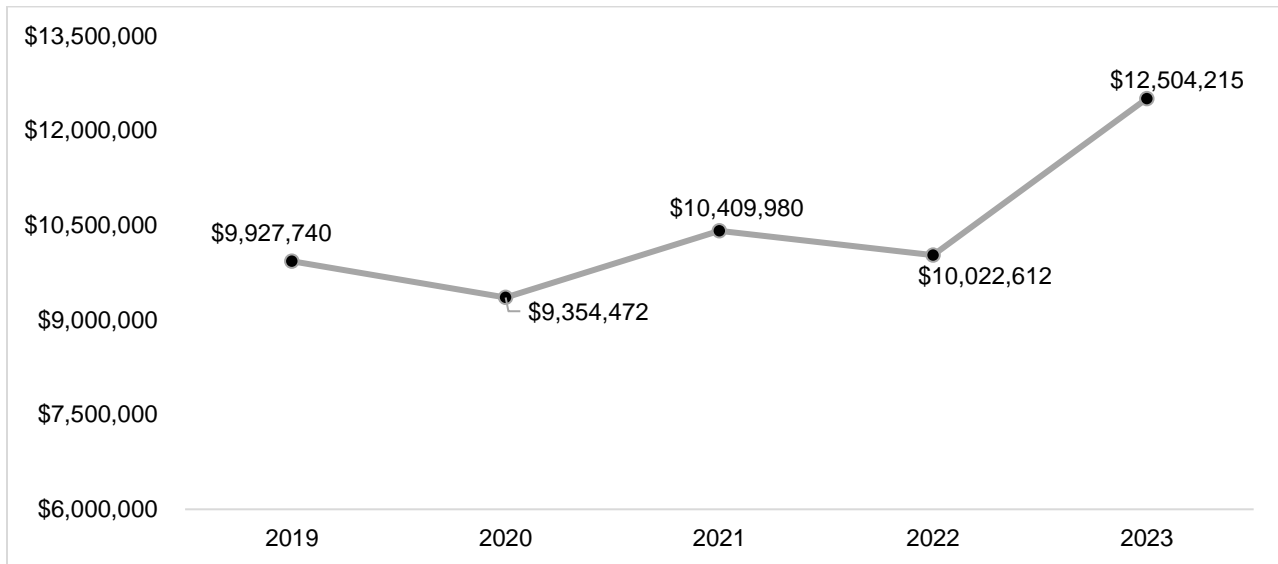
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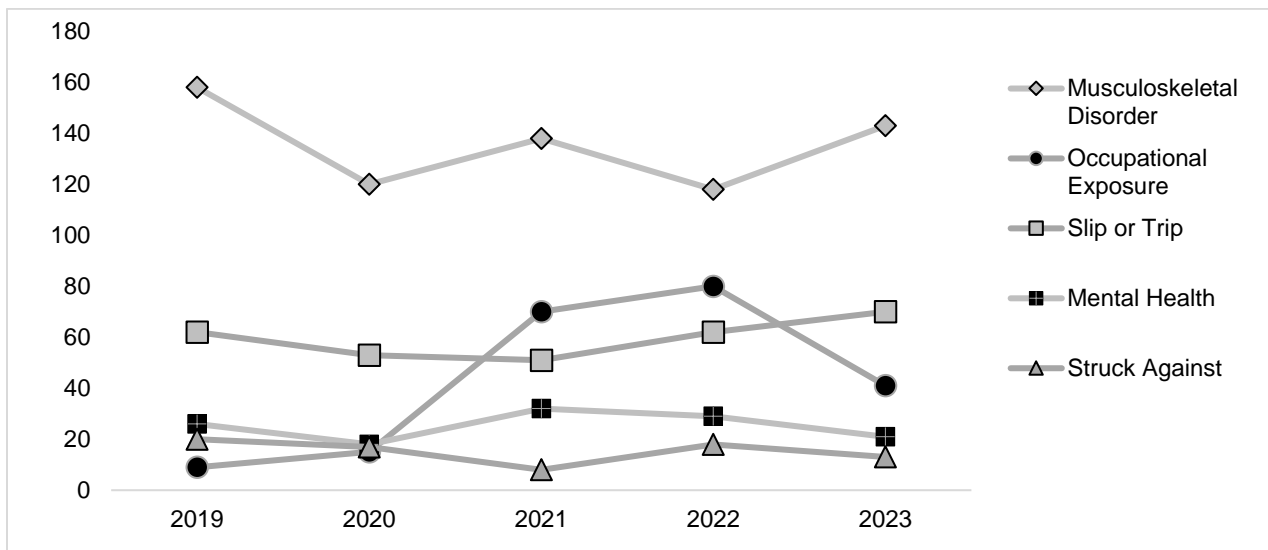
SUBJECT: Annual Employee Absence Report 2023 (HUR24005) (City Wide)
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Graph 4: WSIB costs for occupational injuries and illnesses from 2019 to 2023

Costs related to all WSIB claims increased in 2023 when compared to 2022. These costs include health care and employee wages paid which increased because of progression through wage grids and cost of living increases. Costs reported exclude physician, administration fees applied by the WSIB and bridge benefits paid to employees while their claim is pending.



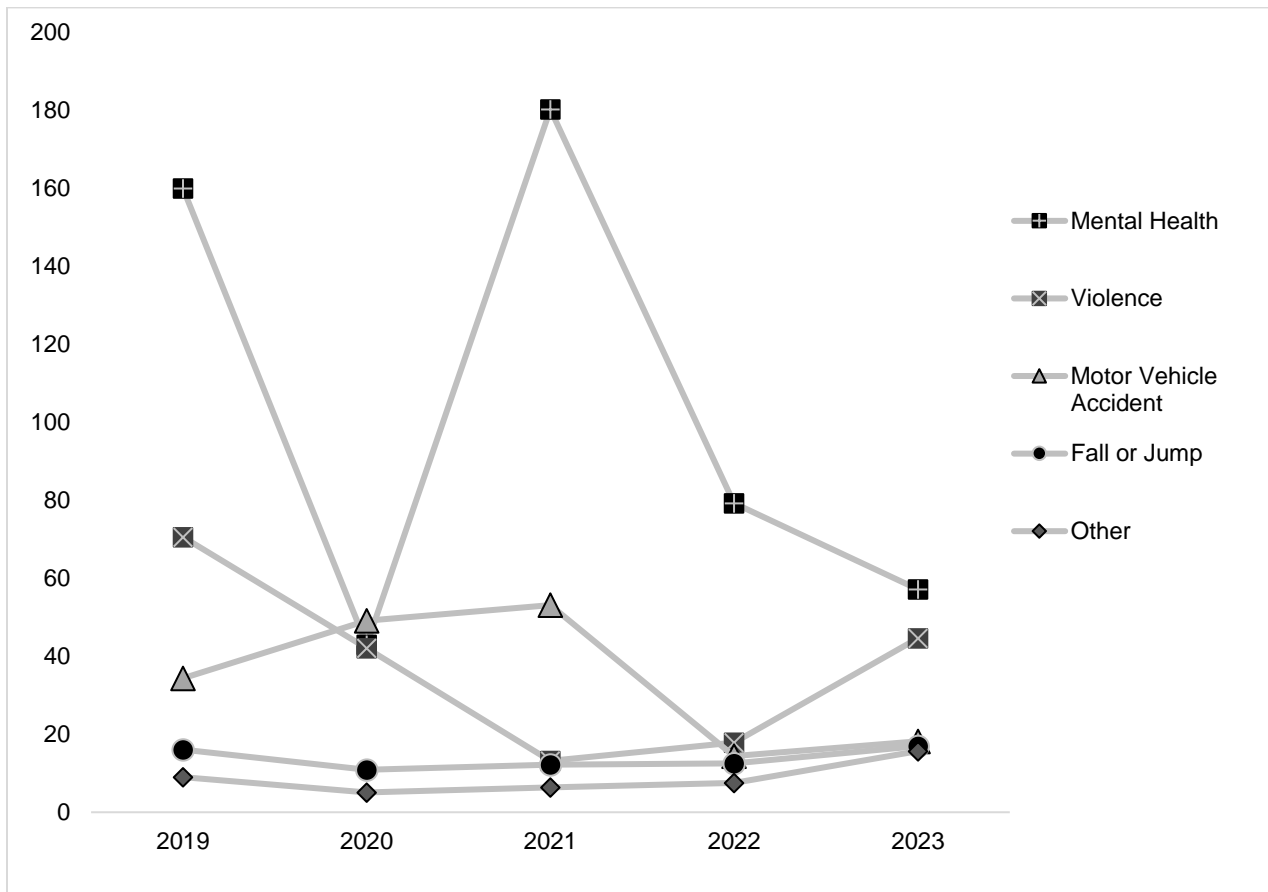
Graph 5: Top five injury type trend from 2019 to 2023



SUBJECT: Annual Employee Absence Report 2023 (HUR24005) (City Wide)

When viewed over the longer term, musculoskeletal disorders continue to be the most common type of injury experienced by employees. Much of our injury prevention work has focused on reducing the risks associated with ergonomic hazards and poor body mechanics.

Graph 6: Trend for average days lost by injury type from 2019 to 2023



Graph 6 illustrates injuries other than musculoskeletal disorders occur less frequently, but often result in longer periods away from work and a prolonged return to work. These types of injuries include mental health claims, incidents of violence, and motor vehicle accidents. Preventing injuries of this nature is a priority for the organization as demonstrated by the recent approval at Council of the Workplace Mental Health and Wellbeing Strategy (2023 to 2026).

Overall Lost Time Injuries by Department 2019 to 2023

The tables below include departmental statistics related to lost time injury rate and average days lost per new injury.

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SUBJECT: Annual Employee Absence Report 2023 (HUR24005) (City Wide)**Page 6 of 19****Table 3: Lost time injury rate from 2019 to 2023**

	Lost time injury rate				
	2019	2020	2021	2022	2023
City Housing Hamilton	7.77	2.24	2.96	4.35	3.62
City Manager's Office	0.00	0.86	0.89	0	0.81
Healthy and Safe Communities	8.81	7.38	8.72	8.67	7.81
Corporate Services	0.47	0.46	0.46	0	0.85
Planning & Economic Development	1.50	2.05	1.68	2.29	1.17
Public Works	5.73	5.33	5.48	5.44	7.70
Corporation Total	6.15	5.34	6.03	6.01	6.39

Table 4: Average days lost per new injury (severity) from 2019 to 2023

	Average days lost per new injury*				
	2019	2020	2021	2022	2023
City Housing Hamilton	11.20	4.00	5.25	6.50	24.2
City Manager's Office	0	0	25.00	0	65
Healthy and Safe Communities	27.56	11.07	14.77	6.75	5.16
Corporate Services	73.50	5.00	5.50	0	2.5
Planning & Economic Development	15.70	14.83	14.22	9.77	13
Public Works	24.92	27.33	22.86	13.30	9.53
Corporation Total	26.14	17.21	17.37	9.02	7.56

*Calculated as of February 13, 2024. Data can fluctuate as claims are processed by WSIB.

1.1 Operational Areas of Focus

As per previous Council direction, this report provides updates from specific operational divisions that account for a larger proportion of lost time injuries and includes strategies and initiatives established to address occupational injuries.

Table 5: Lost time injury count from 2019 to 2023 by division

	Lost time injury count				
	2019	2020	2021	2022	2023
Hamilton Fire Department	37	33	50	30	51
Hamilton Paramedic Services	102	77	86	88	73
Hamilton Street Railway	82	63	77	76	109
Long-term Care Homes	63	62	89	111	74

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SUBJECT: Annual Employee Absence Report 2023 (HUR24005) (City Wide)**Page 7 of 19**

Injury trend analysis from 2019 to 2023 for these divisions is available in Appendix B.

Hamilton Fire Department

In 2023, Hamilton Fire Department saw the overall number of lost time accidents increase from 30 in 2022 to 51. This increase can be attributed in part to the significant rise (45%) in overall incident responses in 2023 over 2022. The continued high number of structure fire responses (302) in 2023 has also contributed to musculoskeletal disorder, slip/trips and struck by injuries being the highest contributors of the overall loss time injuries. In an effort to reduce overall lost time injuries, Hamilton Fire Department's leadership, in concert with Health, Safety and Wellness, continues to focus on providing training and prevention reviews related to staff.

Hamilton Paramedic Services (HPS)

In 2023 HPS continued to train new and existing staff on new lifting equipment to further reduce musculoskeletal injuries:

- The Doty belt – assists staff with difficult and awkward lifts,
- The Elk lifting device – automated lifting device to reduce strains and sprains from manual lifts further reducing any harm to the patient, and
- New and improved Stryker Stretcher, 8% lighter in weight, replaced all existing stretchers: accessible battery location under the cot, versatility of head and foot end of cot to retract or extend, ergonomically designed transport handle which has been proven to reduce workplace injuries.

In addition, efforts continued with the Joint Occupational Health and Safety Committee (JOHSC) to improve communication to staff regarding education and preventative measures for the following:

- trips, slips, and falls in slippery conditions,
- proper mask wearing and importance of Personal Protective Equipment,
- tick removal and bed bug precautions and considerations,
- hazard flag reporting, occupational health and safety concern form reporting (including near misses),
- reviewing employee injury statistics to assess the effectiveness of equipment and communications, and
- the JOHSC worked collaboratively with Ministry of Labour, Immigration, Training and Skills Development and Long-term care/Retirement homes to ensure proper process in place for those with a 'no lift policy'.

The Professional Development team annually fit tests all staff with various mask products to ensure proper fit which reduces risk of infectious disease transmission.

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The Powered Air Purifying Respirator (PAPR) was purchased and is currently being used by 13 staff. This respirator safeguards employees that cannot get a proper seal with an N95 against contaminated air.

HPS launched a new supervisor position with a focus on employee wellness delivering the following accomplishments:

- administration of a wellness survey to frontline staff to assess their knowledge and gain feedback,
- enhanced well-being education for all staff in each education session,
- introduction of Employee Family Assistance Program enhancements to all staff following the contract renewal with Homewood Health (October 1, 2023),
- new resource called Mental Health Resources along the Continuum,
- upgraded the PeerConnect App which offers customization, access to resources and programs, and personalized peer support team,
- expanded peer support team to 22 people for the next two-year term,
- expanded return to work process to include a focus on wellness,
- active member of Ontario Association of Paramedic Chiefs psychological wellness committee working on Psychological Wellness Guide for paramedics in Ontario, and
- active peer support team assisting and bridging staff to supports.

Hamilton Street Railway (HSR)

HSR leadership, Human Resources, front-line staff, and their representatives continue to collaborate to address workplace ergonomic hazards, mental health issues and incidents of violence through the Joint Health and Safety Committee and other forums.

In 2023, HSR implemented a monthly safety poster campaign for safe vehicle operations and general injury prevention (e.g., walk-way safety, environmental issues, etc.). A three-day refresher training course was introduced for Operators which includes Non-Violence Crisis Intervention (NVCI) Training.

HSR leadership continues to be focused on ergonomics (e.g., proper seating postures and seat adjustments) and the importance of stretch and rest breaks throughout the shift. In addition, staff are encouraged to make lifestyle and wellness choices that will improve overall physical and mental health.

The modified duty program was improved in 2023 with HSR leadership offering modified duties immediately after an injury to the affected employee. The enhanced program results in employees returning to the workplace sooner following an injury, thereby reducing the duration of absence, improving return to work outcomes and promoting recovery.

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SUBJECT: Annual Employee Absence Report 2023 (HUR24005) (City Wide)**Page 9 of 19****Long-term Care Homes**

Work-related occupational exposure illnesses declined significantly from 71 in 2022 to 29 COVID-19 cases at our long-term care facilities in 2023. COVID-19 outbreaks are part of the new normal across the health care sector, including our two long-term care homes. Proper hand hygiene and protective equipment audits are taking place to ensure policies and procedures continue to be followed. Any gaps identified are addressed, which includes re-education. Previous work completed to increase protection against the spread of COVID-19 and other infectious diseases included the installation of a new air purifying system which continues to have positive outcomes for employees.

To address musculoskeletal injuries, annual training for proper lifting techniques was provided to all staff who perform these tasks (e.g., nursing staff and personal support workers). Additional patient transfer equipment such as lifts and slings were added to reduce incidents. The Resident Lift and Transfer policy is reviewed annually, and recent amendments better outline the required assistance to be provided by staff with less opportunity for discretion by personal support workers keeping within their scope of practice. Preventative maintenance was improved on all the medication and treatment carts to ensure they move freely thereby reducing the force to move them throughout the workplace. Physical Demands Analysis were completed for three positions in the Homes.

To assist in preventing violence related incidents, management improved the tracking and response to violent incidents. Incidents are reviewed and follow up is conducted by Nurse Leaders. Employees are provided with mandatory training on dementia and responsive behaviours to create safer interactions with residents. Behavioural Support Ontario resources are available on-site to assess individual residents and identify triggers to develop care plans. Employees use care plans to help them better manage their responses to resident behaviours. There is a thorough review by the Director of Nursing, Administrator and Medical Director before accepting residents with high-risk responsive behaviours to our wait list or empty beds. If the Homes do not have the resources or skills to safely manage the resident's behavioural health needs, a refusal letter is provided to the candidate and Home and Community Care Support Services.

To prevent slips, trips and falls, the Homes increased walkway and parking lot snow shoveling, installed additional salt containers throughout the parking lot and advised contractors to come closer to the end of night shift for snow clearing.

The Wellness Committee supports the Homes with monthly updates to the Wellness Board, as well as other activities to engage employees and support their mental health and well-being. Employees are being engaged through a variety of activities that foster connection and support at work. For example, Kindness Month included activities geared towards staff appreciation, sharing Employee Family and Assistance program information and creating opportunities for connection through a book exchange.

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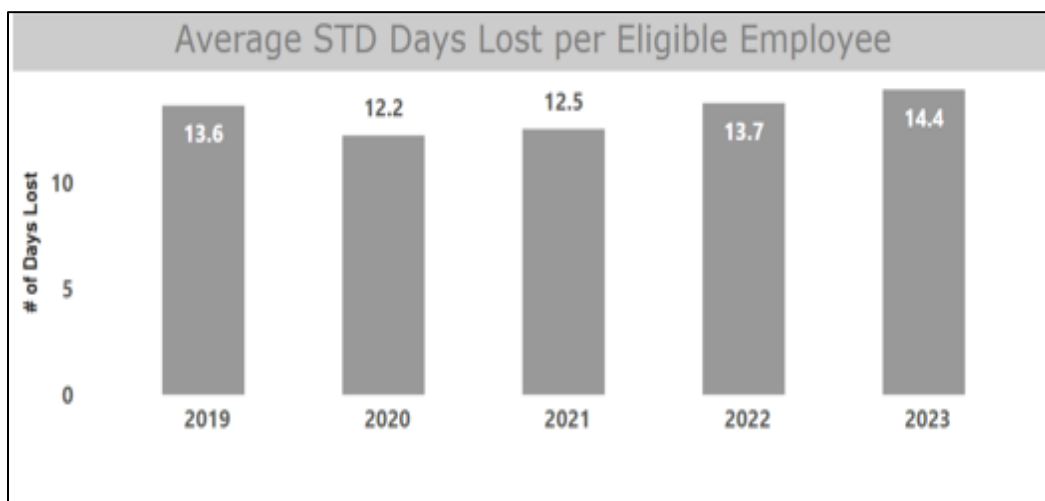
Finally, the Homes were awarded the three-year accreditation award from the Commission on Accreditation of Rehabilitation Facilities (CARF) Canada. Receiving CARF Accreditation shows that the Homes meet elevated standards of care, quality, and service and demonstrates a commitment to continuously improve services, manage risk, and distinguished service delivery.

2.0 Short-Term Disability Absence Summary (excluding Fire, Police & Library)

The tables and graphs below provide an overview of the City's Short-Term Disability (STD) absence experience over the past five years both City-wide and by department. Also included is an analysis of absence duration and occurrences for the year 2023 only. Information provided excludes absence data from Hamilton Police Services, Fire and Hamilton Public Library. STD absence data at the divisional level can be found in Appendix C.

In this report, the average STD days lost per eligible employee is based on a standard 7-hour shift. The data is presented in this way to account for varying shift schedules across the City, which allows for comparison by department and division.

Human Resources continues to collaborate with operating departments to manage employee absences and provide support to employees who are absent from work. When an employee absence occurs, Human Resources ensures the absence is administered according to the terms and conditions of relevant collective agreements and City policies. Human Resources maintains communication with the absent employee and provides necessary support. When an employee is ready to return to work, by collaborating with healthcare providers and leveraging workplace resources, Human Resources provides individual accommodation plans to assist employees successfully return to the workplace.

Graph 7: Average STD days lost per eligible employee

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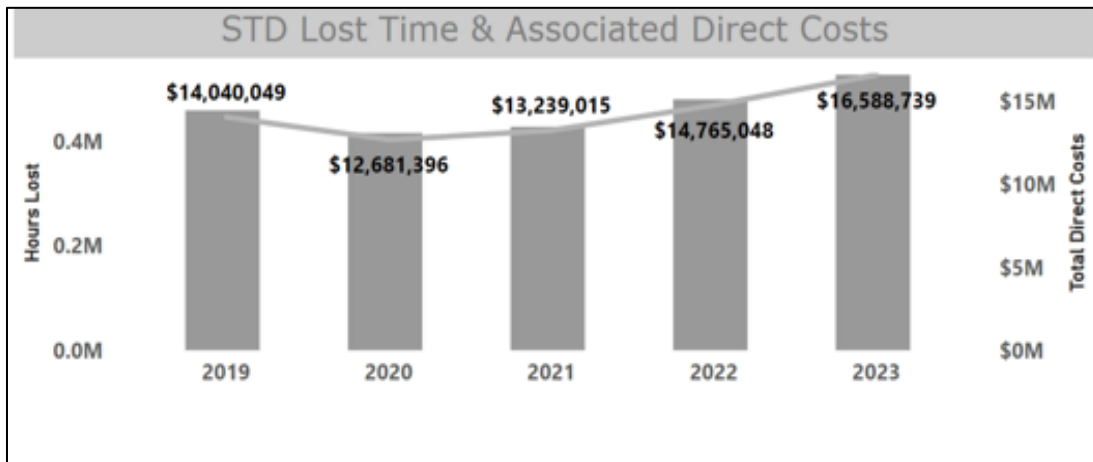
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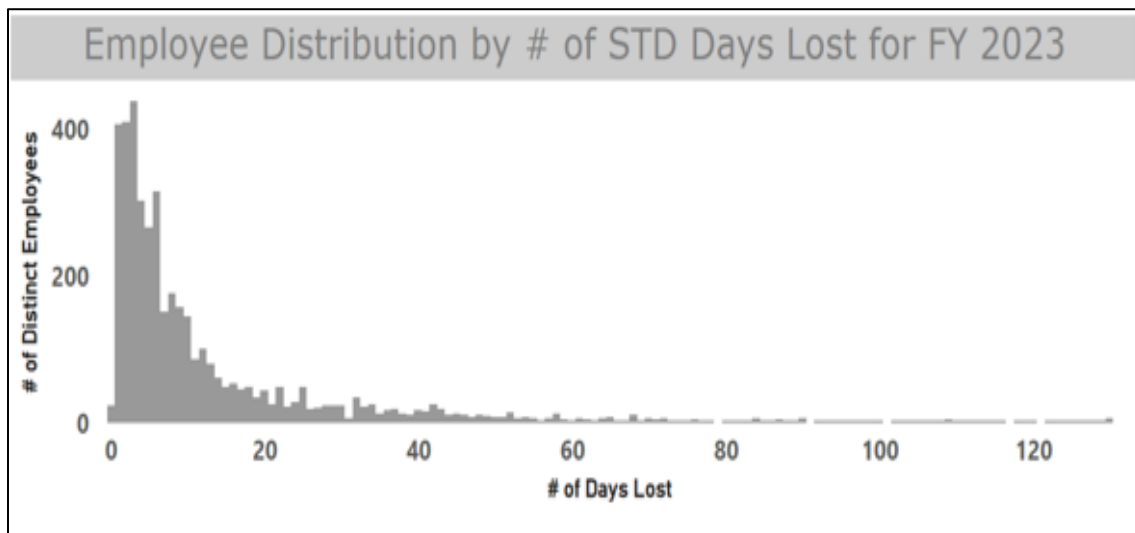
The average number of STD days lost per eligible employee in 2023 was 14.4 days. This is an 5.1% increase in STD days lost compared to 2022. One factor that has likely contributed to the increase in STD days lost is the ending of separate COVID-19 related sick absence coding in 2023. As such, the 2023 average STD days lost now includes COVID-19 absences.

Graph 8: STD lost time and associated direct costs



As Graph 8 illustrates, the total direct cost of STD absences in 2023 was \$16,588,739, which is a 12.4 % increase from \$14,765,048 in 2022. The increase can be attributed to the rise in average lost days per employee in 2023, increases in employee wages ((progression through wage grids and cost of living increases) during the same period and the inclusion of COVID-19 absences in the STD data.

Graph 9: Employee distribution by number of STD says lost for 2023



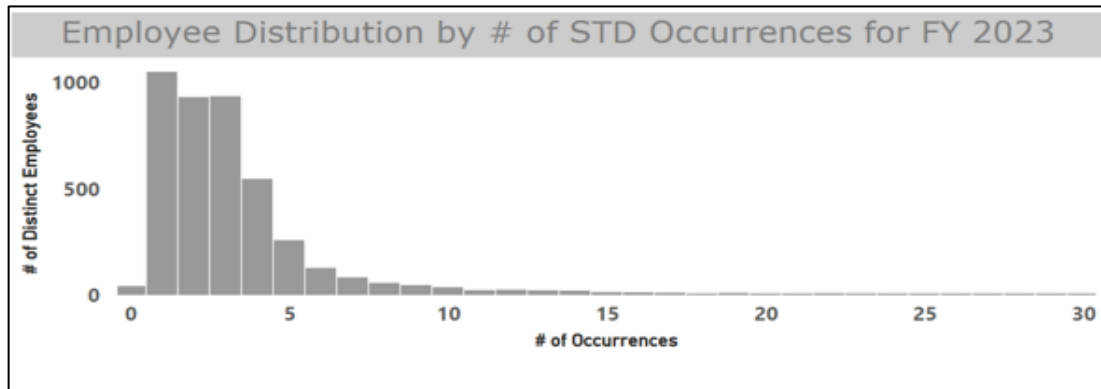
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Graph 9 illustrates that most STD absences are between one to seven days in duration. This outcome is expected, in part due to the influence of two factors: the requirement to provide a doctor's note on the fourth day of absence and the requirement to provide a completed STD claim form on the sixth or eighth day of absence, as per collective agreement requirements. Employees may opt to return to work prior to documentation being required by Human Resources.

Graph 10: Employee absence distribution by number of STD occurrences for 2023

An absence occurrence refers to any instance when an employee is not present at their scheduled shift due to an STD absence. Each occurrence is recorded in the Human Resource's Time and Attendance tracking system. As illustrated above in Graph 10, most employees incurred three or fewer absence occurrences in 2023. This trend is likely explained by collective agreement provisions that incorporate a reduction in compensation on the fourth and subsequent occurrences in a calendar year.

Table 6: Absence summary by department

The table below provides departmental statistics on average STD days lost per eligible employee.

	Average STD Days Lost Per Eligible Employee				
	2019	2020	2021	2022	2023
City Wide Data (excluding Fire, Police, Library)	13.6	12.2	12.5	13.7	14.4
City Housing Hamilton	11.7	12.1	13.6	12.2	15.0
City Manager's Office	8.0	5.4	1.1	5.7	5.5
Healthy and Safe Communities	14.7	14.0	14.3	15.3	16.4
Corporate Services	10.1	5.9	5.4	6.0	7.4
Planning & Economic Development	11.1	8.5	7.8	8.8	9.4
Public Works	14.6	13.5	14.4	15.9	15.9

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SUBJECT: Annual Employee Absence Report 2023 (HUR24005) (City Wide)**Page 13 of 19****3.0 Long-Term Disability Absences (LTD)**

LTD absences are non-occupational illnesses or injuries that extend beyond 130 days and are managed by a third-party (Manulife).

Table 7 below shows 75 new LTD claims were received by Manulife in 2023, representing an increase of 5 claims or 7.1% when compared to 2022. The 2023 new LTD claim rate is trending above 2022 but equal with 2019 volumes.

The incident rate for new LTD claims approved during the 2023 reporting period decreased slightly from 14.87 in 2022 to 14.01 per 1000 insured employees in 2023. This number indicates that a stable number of employees required long-term disability income protection when comparing 2023 to 2022 rates.

Table 7: Long-Term Disability claims data from 2019 to 2023

Data	2019	2020	2021	2022	2023
New LTD Claims	75	98	54	70	75
LTD Active Claims at the end of Q4 by Year	197	229	224	211	220
Incident rate for new claims per 1000 employees	14.70	20.63	11.47	14.87	14.01
LTD Costs (monthly benefit payments, administrative fees, legal fees, vacation payouts and severances)	\$7,203,994	\$8,381,638	\$7,944,549	\$8,778,436	\$9,188,641

Table 8: LTD claims received by diagnosis from 2021 to 2023

Claim Type	2021			2022			2023				
	MH	MSK	CAN	MH	MSK	CAN	MH	MSK	CAN		
City of Hamilton	48%	15%	17%	39%	27%	11%	41%	24%	8%		
Industry Comparator	42%	25%	10%	46%	25%	9%	38%	26%	10%		
MH = Mental Health			MSK = Musculoskeletal			CAN = Cancer					
*Claim type for new claims received in year											

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Mental health continues to be the most frequent diagnostic category representing 41% of all Long-Term Disability claims received by Manulife in 2023. This percentage is slightly above the industry comparison group (N=38%). The City's Long-Term Disability claims arising from musculoskeletal and cancer claims are trending slightly below the industry average in 2023.

4.0 Mitigation Strategies and Measures

Human Resources is dedicated to fostering a safe, supportive and inclusive work environment for all employees. In addition to strategies and initiatives at the departmental and divisional level, Human Resources undertakes absence prevention and mitigation initiatives across the organization.

Absence mitigation strategies and measures, particularly with respect to mental health and wellbeing, are provided later in this Report.

Workplace Accommodation Activity

Human Resources continues to manage comprehensive programs that ensure employees who have experienced illness or injury can reintegrate into the workplace on a safe and timely basis. The team coordinates necessary accommodations and creates structured plans for returning to work. In addition to these efforts, the team ensures that the City's practices meet legal requirements under the Human Rights Code regarding the duty to accommodate. The focus on accommodation efforts reflects the City's dedication to building a resilient and adaptable workforce.

Table 9: Overview of workplace accommodation activity from 2019 to 2023

In 2023, Human Resources assisted 587 employees successfully return to full-time hours and regular work duties through the accommodation process. When adjusted for those employees who classify as totally disabled, and those who retired or resigned their employment, this represents a 94.5% success rate in finding suitable accommodations for eligible employees.

Accommodation outcomes	2019	2020	2021	2022	2023
Return to work full duties own position	495	459	498	606	587
Permanent accommodation own position	3	7	1	3	3
Permanent accommodation new position	6	3	3	14	10
Accommodation no longer available or not suitable	10	16	6	9	21

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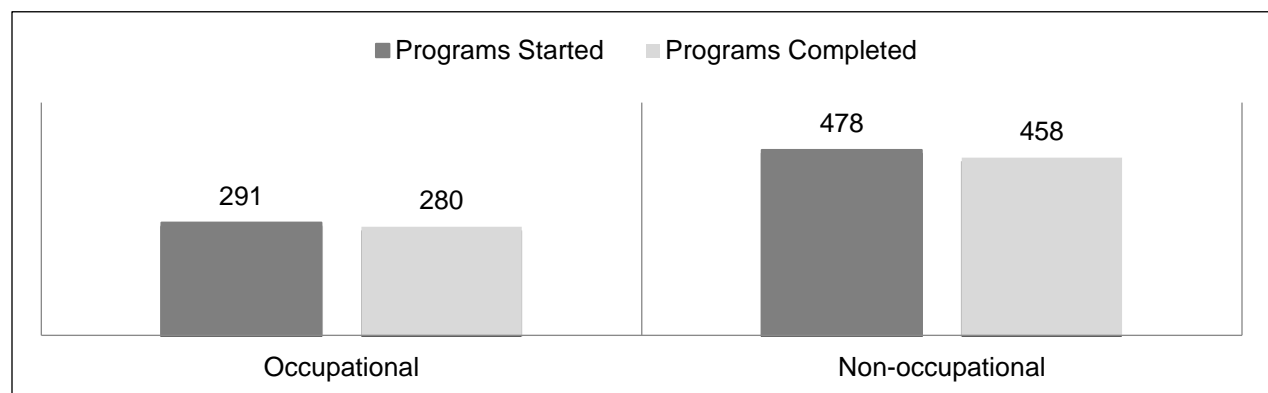
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Recurrence or employee is totally disabled	43	42	59	63	67
Other (e.g., retired, maternity leave, resigned)	31	22	37	56	29
Total cases closed	588	549	601	751	717

Graph 11: Workplace accommodation programs started and completed in 2023

In 2023, Human Resources received a total of 769 requests for accommodation by employees needing assistance in staying at work or returning to work: 291 accommodations arising from occupational claims and 478 accommodations arising from non-occupational claims.

**Absence Prevention Activities**

Human Resources works closely with departments and divisions to develop, implement and maintain absence prevention initiatives across the organization. A few highlights of these initiatives from 2023 include:

- Continued support for people leaders and employees applying workplace health and safety precautions when returning to the office and addressing COVID-19 response protocols.
- Extensive collaboration with Corporate Security to create and implement training and procedures for employees to respond to threats using lockdown, hold and secure and shelter in place protocols. In addition, employee emergency guidelines were updated to include personal safety, elevator safety and de-escalation tips.
- Critical Incident Peer Support (CIPS) Team responded to 19 events that affected the workplace. The CIPS Team is comprised of City employees who support others through critical incident stress management response. Interventions are designed to reduce emotional and physiological symptoms.

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- Development of a new RZone Respectful Work Environments Policy that sets expectations for appropriate behaviour from members of the public, including reporting and response procedures.
- 961 employees were trained in the Workplace Hazardous Materials Information System (WHMIS) training program. The program includes hazard classification system for workplace chemical safety symbols, labelling and information sheets in our workplaces.
- 534 people leaders completed online required leader health and safety awareness training for supervisors; 2,361 front-line staff completed the mandatory online training for workers. The training ensures leaders and employees are aware of their rights and duties under the Occupational Health and Safety Act.
- 192 supervisors completed the leader learning program that enables supervisors to understand their responsibilities under the Occupational Health & Safety Act and how to apply them in the workplace.
- 98 employees received training on non-violent crisis intervention techniques.
- 24 employees participated in the Chronic Pain Self-Management workshop delivered by Human Resources. It is a free six-week program for employees who live with ongoing physical or mental health pain. Each week participants learn new ways to live with chronic pain and improve the quality of their lives on and off the job.
- Six influenza clinics were held with 325 vaccines administered.
- The Workplace Mental Health and Wellbeing Strategy (2023 - 2026) was developed and approved at Council.
- Employees and their families have access to LifeSpeak, a web-based program with expert-led online videos, tip sheets, podcasts, web chat and more that deal with a wide variety of health, family, eldercare, personal growth and development, and work-life balance topics. Over the course of the year employees accessed 5,246 of these resources. It's free, confidential, and available 24/7 from home or work on a computer or phone.
- Homewood Health was the successful proponent of a Request for Proposal to deliver Employee Family Assistance Program (EFAP) services (commencing October 1, 2023) to all employees and their dependant family members. EFAP is a free and confidential service offering access to a variety of professionals who are available to help 24 hours a day, 7 days a week. It includes short-term counselling along with health and wellness services and resources for everyday challenges and life demands we all face. EFAP offers enhanced services through Pathfinder which includes tailored

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personalized care plans and service recommendations based on the employee's unique presenting concerns.

Employees received an information package highlighting the services, benefits and details about how to access the resources. Table 10 shows the service utilization rate over the last five years.

Table 10: Employee Family Assistance Program service utilization rate from 2019 to 2023

	Percentage				
	2019	2020	2021	2022	2023
Service utilization rate	14.65	13.63	14.27	12.38	12.03
Municipal sector average	15.80	15.63	10.79	12.63	11.53

- EFAP counselling cases over the last five years show that mental health continues to be the most significant reason that employees are engaging in this service.

Table 11: Reasons for EFAP counselling cases from 2019 to 2023

Reason	Percentage				
	2019	2020	2021	2022	2023
Mental Health	55.0	58.4	57.5	48.8*	52.6
Marital/Relationships	17.6	16.3	15.9	21.3	18.2
Family Concerns	9.3	8.0	9.8	9.9	7.4
Work	9.0	8.2	8.1	10.1	10.8
Crisis/Trauma	2.8	4.8	4.6	6.3	5.2
Addiction	2.9	1.7	1.7	1.5	3.0
Health	2.6	1.8	1.3	1.2	1.2

*Counselling with professional and new self-directed online program for depression and anxiety starting 2022

- Life Smart Coaching is a service that employees and dependents have access to as part of EFAP. The table below indicates that legal advisory services, particularly regarding family, divorce and/or custody, continue to be the most significant area of coaching offered followed by relationship, stress and burnout solutions.

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SUBJECT: Annual Employee Absence Report 2023 (HUR24005) (City Wide)**Page 18 of 19****Table 12: Reasons for EFAP Life Smart Coaching from 2019 to 2023**

Reason	Percentage				
	2019	2020	2021	2022	2023
Legal	50.8	54.0	43.2	42.9	37.7
Relationship solutions	11.9	2.8	7.8	10.6	11.9
Burnout and stress	-	2.8	8.9	7.6	11.9
Nutrition	7.9	9.1	16.7	9.4	8.8
Child/eldercare	7.3	8.0	4.1	6.5	7.5
Financial	7.9	5.7	3.6	7.1	7.5
Career coaching	7.9	8.0	8.9	5.3	6.9
Grief and loss	4.0	4.5	3.1	8.8	5.0

- Positive mental health and wellbeing are kept top of mind for employees through regular communications (e.g. newsletters, Howi updates, etc.) that include curated content that aligns with national mental health and wellbeing awareness events, service provider campaigns, tools and resources. Campaigns are focused on priority topics for employees.
- Mental Health@Work Certificate Training for Leaders is delivered to employees through Queen's University and Morneau Shepell. Over the course of three modules, participants explore the business case for mental health in the workplace while improving their understanding of relevant legal, ethical and business concerns. To date, 604 leaders were certified through the program since commencing in 2014.
- The Working Mind training by the Mental Health Commission of Canada helps employees and leaders better understand mental illness and poor mental health, stigma and stigma's effect on individuals and the workplace. 259 people leaders and 677 frontline staff completed the training.
- Positions with frequent absences or workplace injuries continue to be evaluated for the completion of Physical and Cognitive Demands Analysis. This analysis helps clearly define the physical and cognitive requirements of positions and supports the identification of appropriate modified duties.
- The Return-to-Work Services team within Human Resources continues to engage third-party providers such as occupational physicians, psychologists, occupational therapists, and ergonomists to aid in claims management and to help facilitate early and safe return to work. Partnering with these providers can help speed up an

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employee's recovery, reduce the risk of re-injury, and ensure necessary accommodations are in place to support the employee's return to work.

- Fire Management, Paramedic Services Management and Return to Work Services continue to proactively review opportunities for increased availability for early and safe return to work opportunities. This process is assisted by a dedicated RTW Specialist assigned to both Fire and Paramedic Services divisions.

APPENDICES AND SCHEDULES ATTACHED

Appendix A to Report HUR24005 – Definitions

Appendix B to Report HUR24005 – Injury trend analysis from 2019 to 2023 for operational areas of focus

Appendix C to Report HUR24005 – Absence summary by departments

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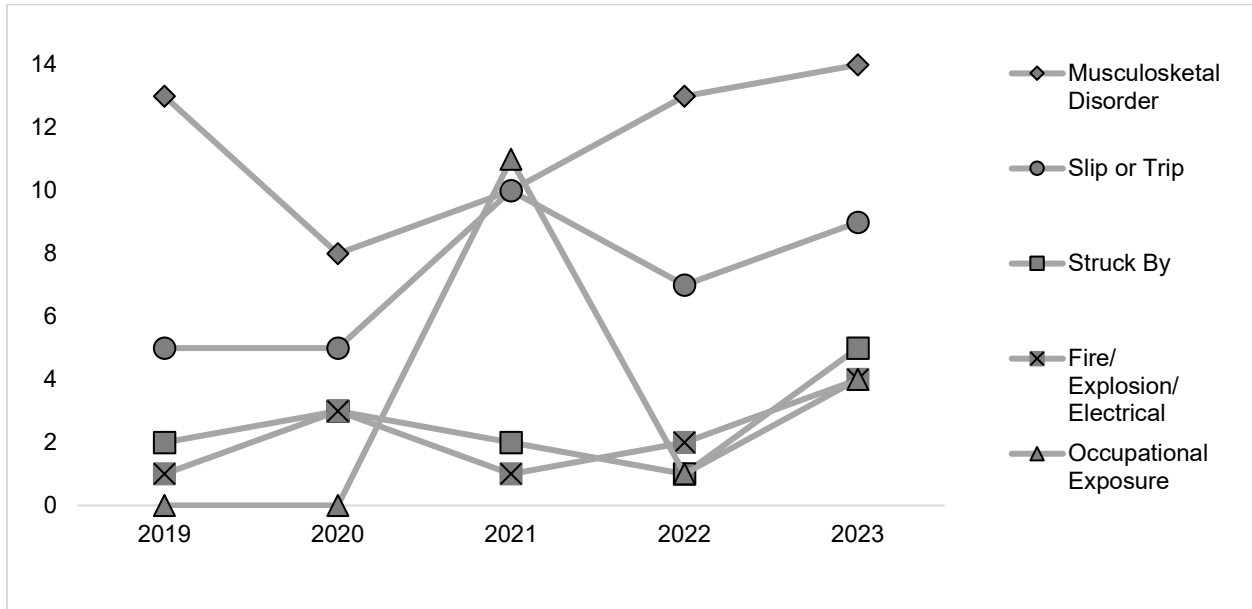
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Definitions

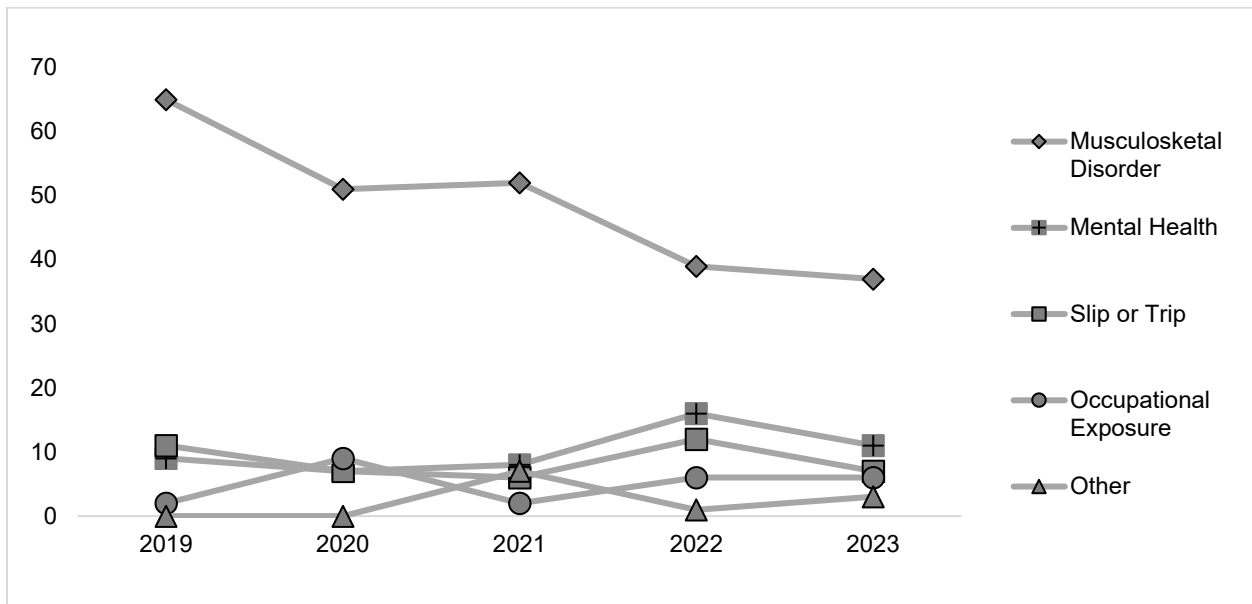
Eligible employee headcount	The total number of individuals employed by the City of Hamilton eligible for Workplace Safety and Insurance Board benefits, including and not limited to permanent, temporary and contract employees, volunteers, students, and excludes elected officials and third-party contractors.
Eligible employee	A full-time employee who meets the conditions of their collective agreement or employment contract eligibility for payment through the Income Protection Plan as a result of non-occupational illness injury.
Income Protection Plan (IPP)	Provides eligible employees with an income if they cannot perform their normal duties due to illness or non-occupational injury during both the STD and LTD period.
Long Term Disability (LTD) absences	Non-occupational Illnesses or injuries that extend beyond a 6-month qualifying period (i.e. 130 days), when an employee continues to be totally disabled beyond their STD absence. LTD absences are currently managed by Manulife Financial.
Lost time injury rate	Number of allowed lost-time injuries/illnesses per 100 derived full-time equivalent (FTE) workers for the injury year specified. This calculation accounts for differences in hours worked amongst employees (including part-time and full-time) to get a more accurate indicator of hours worked and exposure to risk.
Service utilization rate	Total new cases divided by members covered (weighted) times 100.
Short Term Disability (STD) absences	Absences arising from non-occupational illnesses or injuries of less than 1 day up to 130 days and do not include COVID-19-related absences
STD days lost – Short Term Disability (STD) absences	Standardized as a 7-hour shift

Injury trend analysis from 2019 to 2023 for operational areas of focus

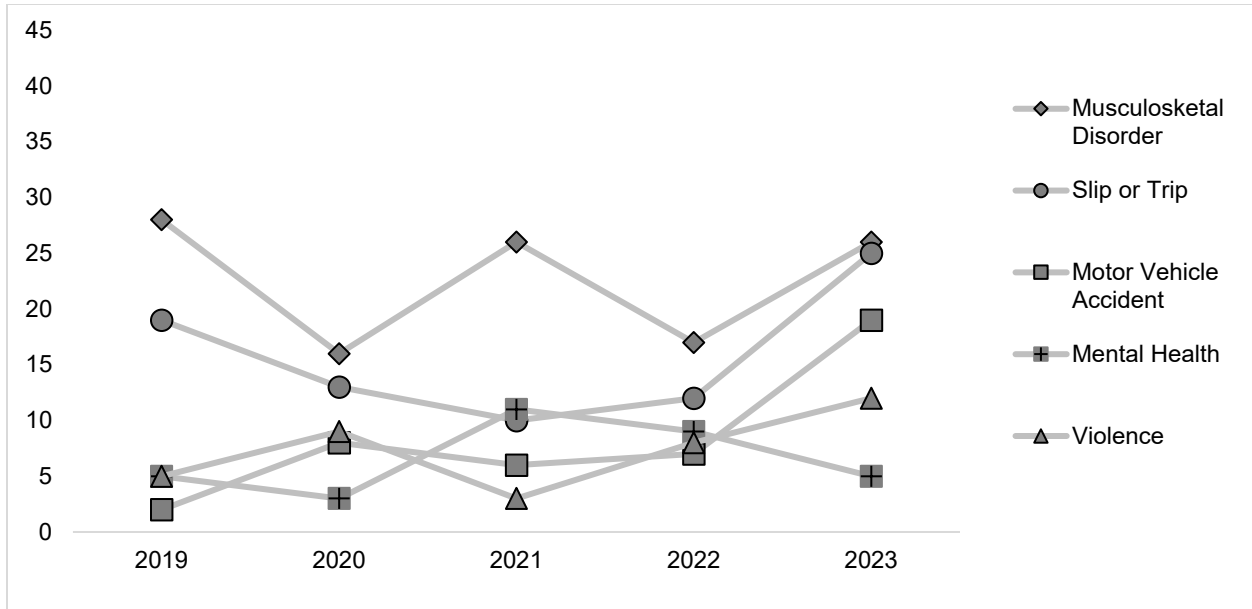
Graph 1: Top five injury type trend in the Hamilton Fire Department from 2019 to 2023



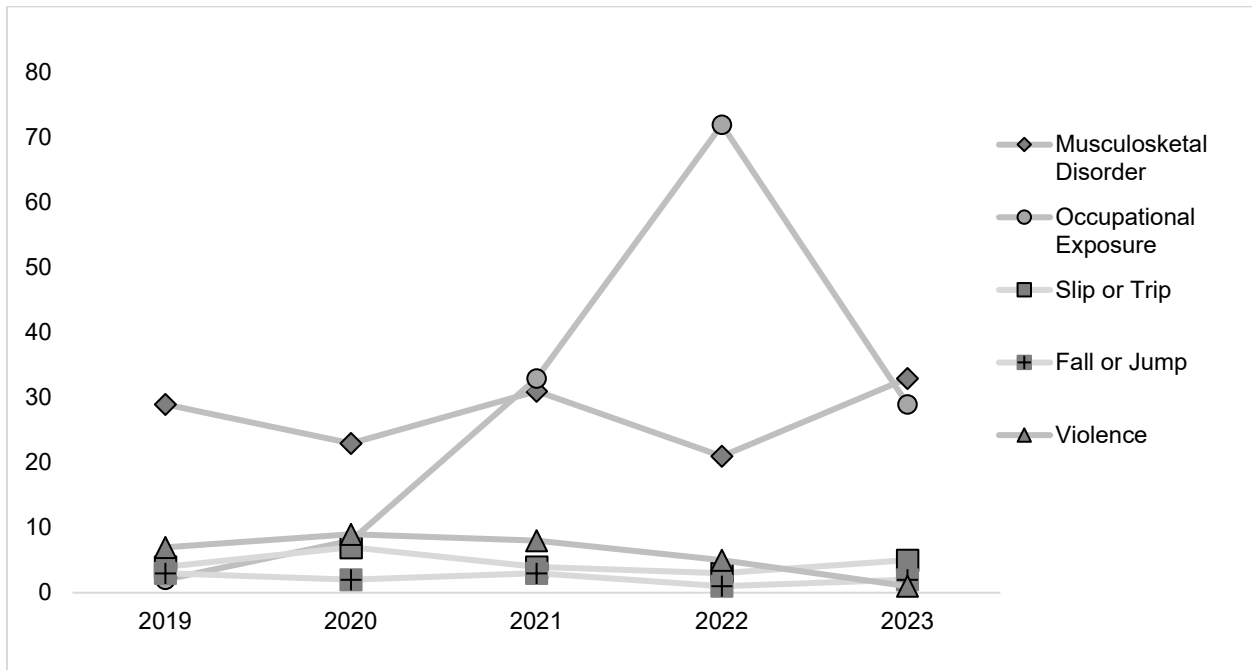
Graph 2: Top five injury type trend in the Hamilton Paramedic Service from 2019 to 2023



Graph 3: Top five injury type trend in Hamilton Street Railway from 2019 to 2023



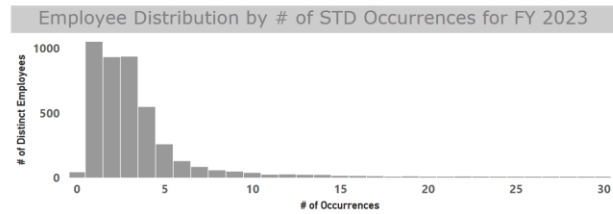
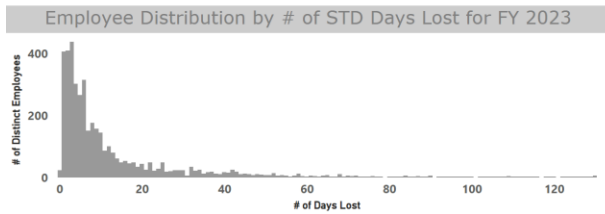
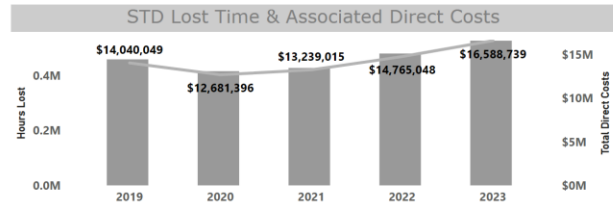
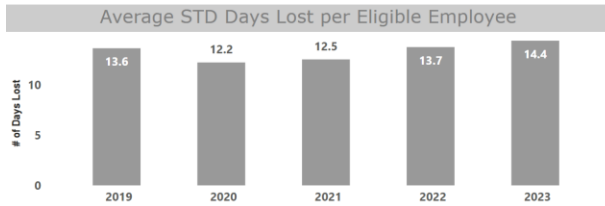
Graph 4: Top five injury type trend in Long-term Care Homes from 2019 to 2023



Absence Summary by Departments

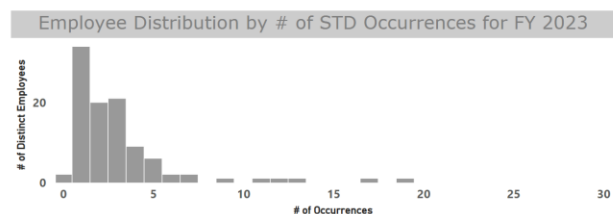
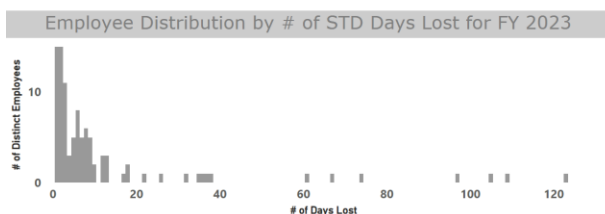
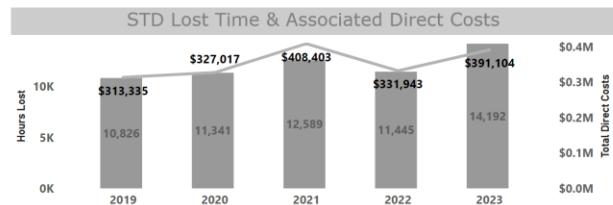
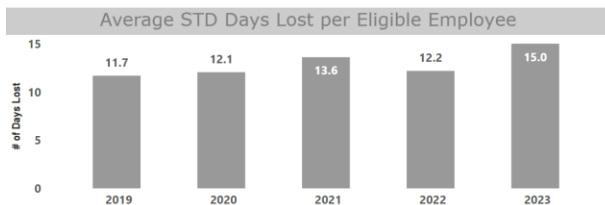
Hamilton Absence Summary Less Fire Department

Department:
 Division:
 Section:
 Year:



Hamilton Absence Summary

Department:
 Division:
 Section:
 Year:

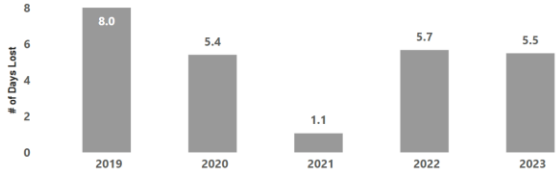




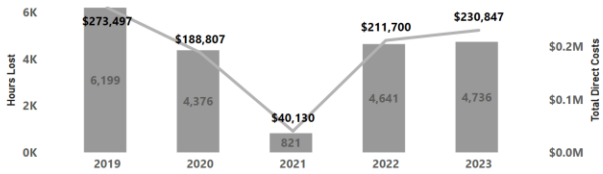
Absence Summary

Department:
 Division:
 Section:
 Year:

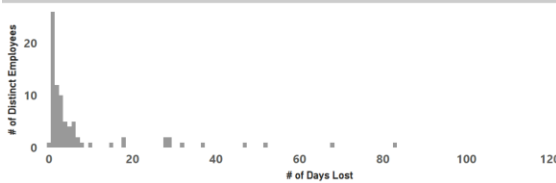
Average STD Days Lost per Eligible Employee



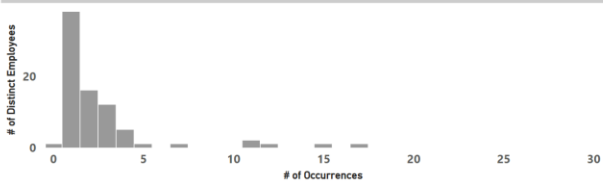
STD Lost Time & Associated Direct Costs



Employee Distribution by # of STD Days Lost for FY 2023



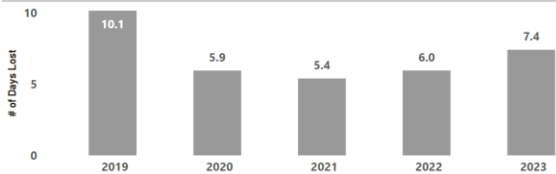
Employee Distribution by # of STD Occurrences for FY 2023



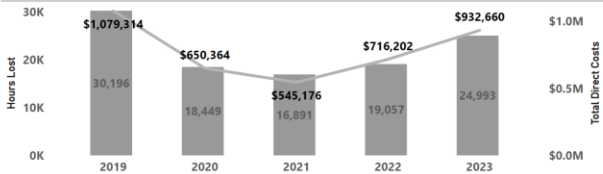
Absence Summary

Department:
 Division:
 Section:
 Year:

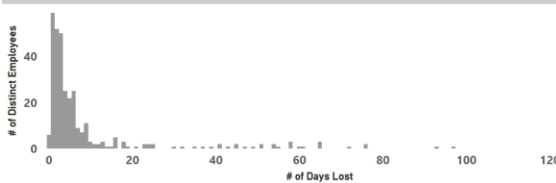
Average STD Days Lost per Eligible Employee



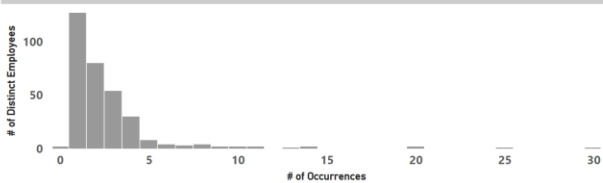
STD Lost Time & Associated Direct Costs



Employee Distribution by # of STD Days Lost for FY 2023



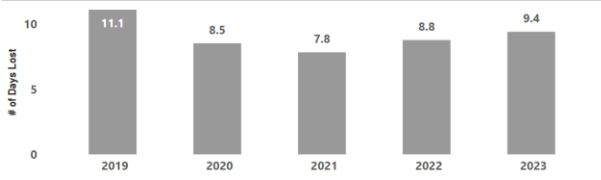
Employee Distribution by # of STD Occurrences for FY 2023



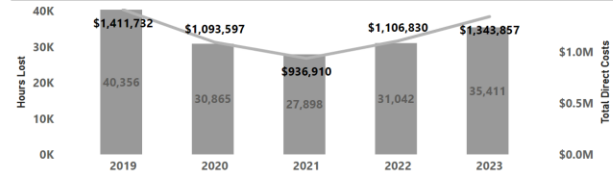
Hamilton Absence Summary

Department: Division: Section: Year:

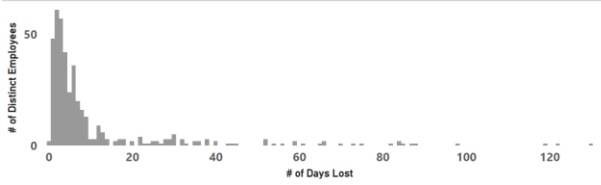
Average STD Days Lost per Eligible Employee



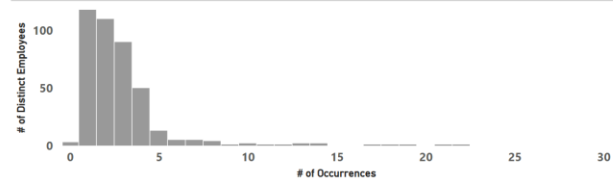
STD Lost Time & Associated Direct Costs



Employee Distribution by # of STD Days Lost for FY 2023



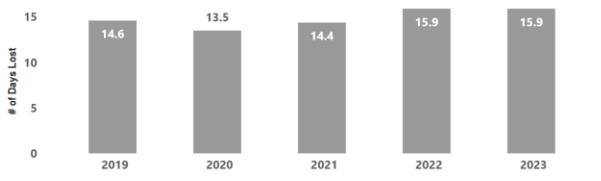
Employee Distribution by # of STD Occurrences for FY 2023



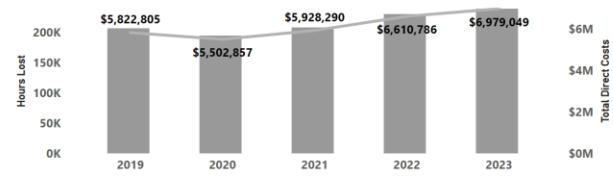
Hamilton Absence Summary

Department: Division: Section: Year:

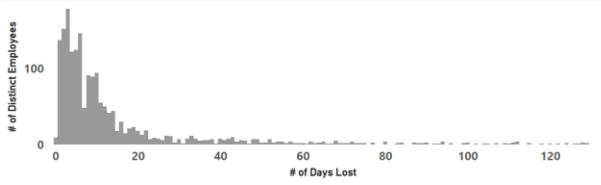
Average STD Days Lost per Eligible Employee



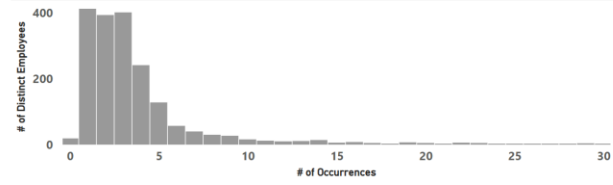
STD Lost Time & Associated Direct Costs



Employee Distribution by # of STD Days Lost for FY 2023



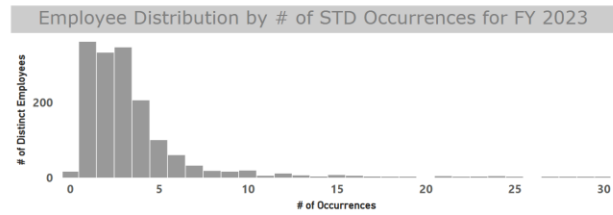
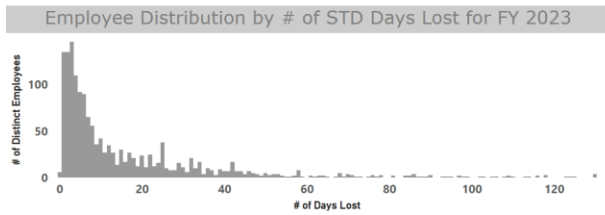
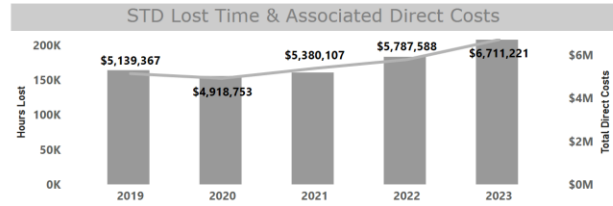
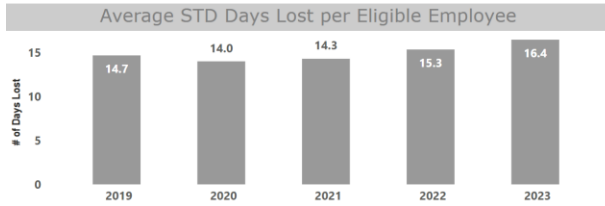
Employee Distribution by # of STD Occurrences for FY 2023





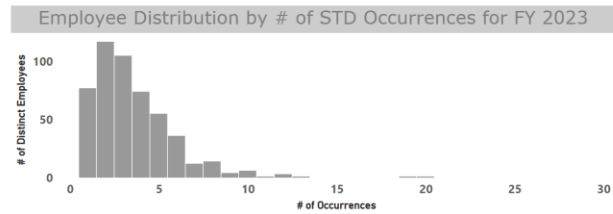
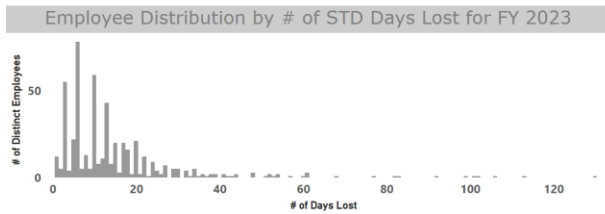
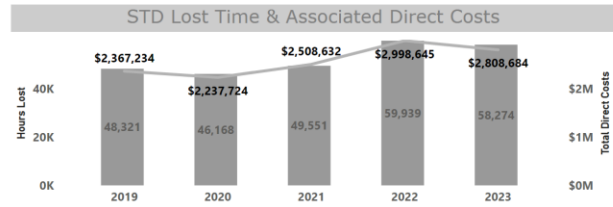
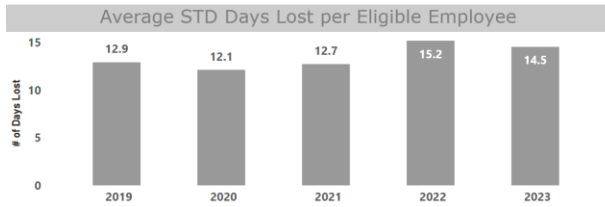
Absence Summary Less Fire Department

Department:
 Division:
 Section:
 Year:



Absence Summary Fire Department

Department:
 Division:
 Section:
 Year:

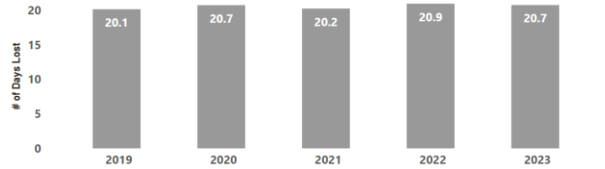


Absence Summary by Top 5 Divisions

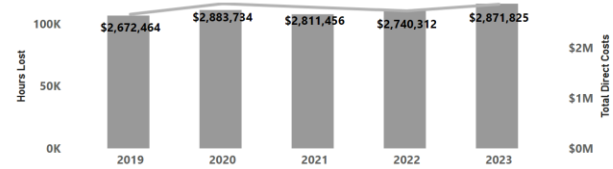
Drill through Divisional Absence Summary

Divisional Absence Summary Department Description: PublicWorks Division Description: Transit Section Description: All

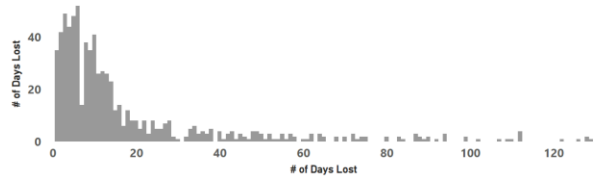
Average STD Days Lost per Eligible Employee



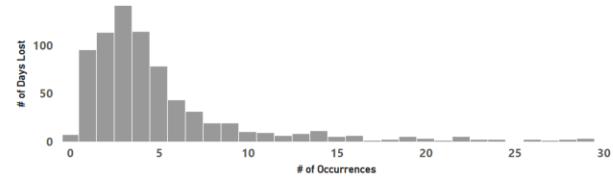
STD Lost Time & Associated Direct Costs



Employee Distribution by # of STD Days Lost for FY 2023



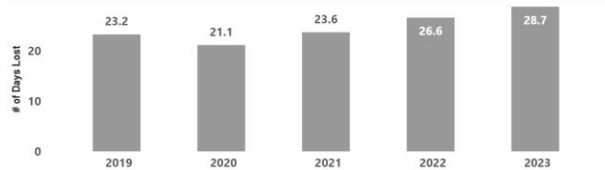
Employee Distribution by # of STD Occurrences for FY 2023



Drill through Divisional Absence Summary

Divisional Absence Summary Department Description: Healthy&SafeCommunities Division Description: HamiltonParamedicServices Section Description: All

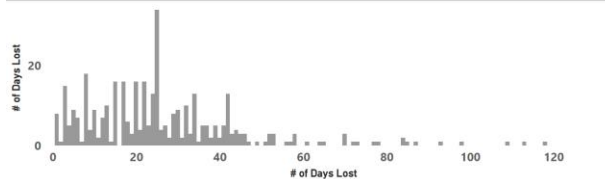
Average STD Days Lost per Eligible Employee



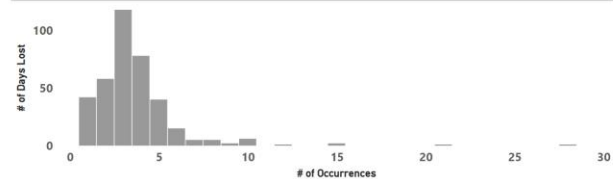
STD Lost Time & Associated Direct Costs



Employee Distribution by # of STD Days Lost for FY 2023



Employee Distribution by # of STD Occurrences for FY 2023



Hamilton **Drill through Divisional Absence Summary**

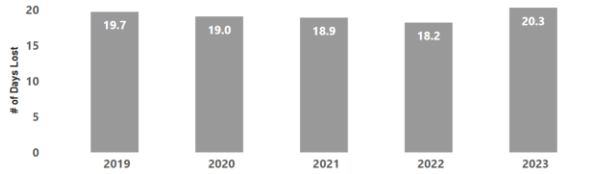
Divisional Absence Summary

Department Description
Healthy&SafeCommunities

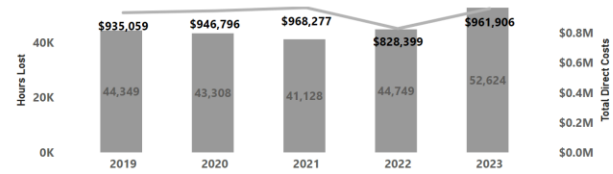
Division Description
Lodges

Section Description
All

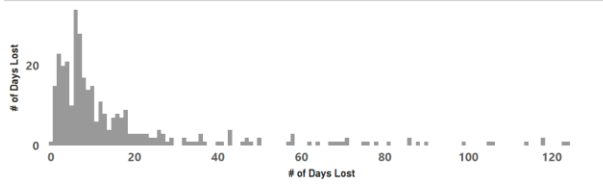
Average STD Days Lost per Eligible Employee



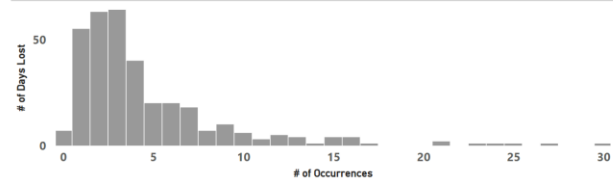
STD Lost Time & Associated Direct Costs



Employee Distribution by # of STD Days Lost for FY 2023



Employee Distribution by # of STD Occurrences for FY 2023



Hamilton **Drill through Divisional Absence Summary**

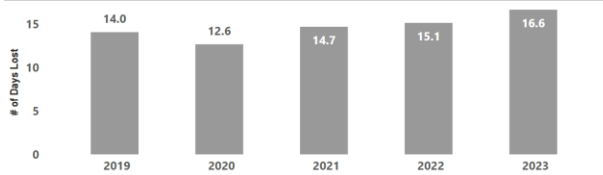
Divisional Absence Summary

Department Description
PublicWorks

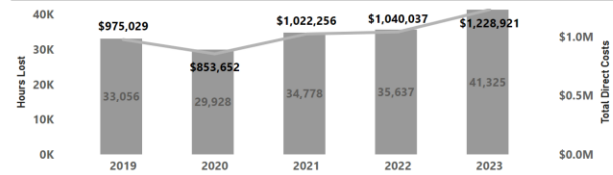
Division Description
Transportation

Section Description
All

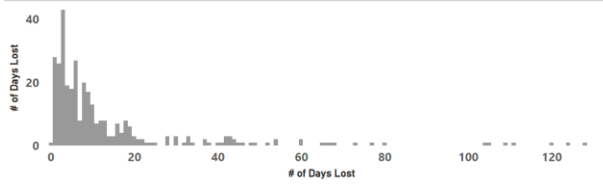
Average STD Days Lost per Eligible Employee



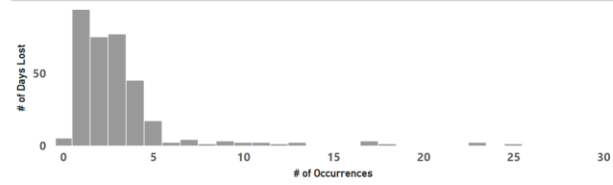
STD Lost Time & Associated Direct Costs



Employee Distribution by # of STD Days Lost for FY 2023



Employee Distribution by # of STD Occurrences for FY 2023



Hamilton **Drill through Divisional Absence Summary**

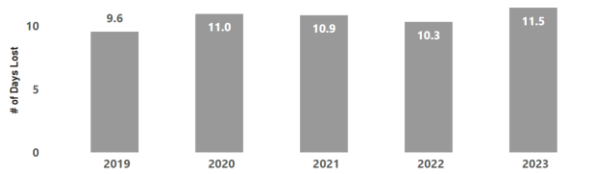
Divisional Absence Summary

Department Description
Healthy&SafeCommunities

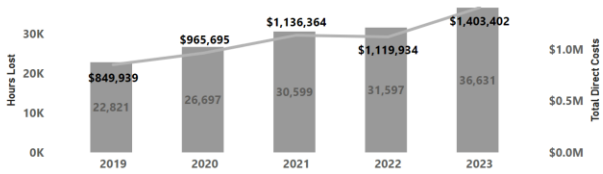
Division Description
MedicalOfficerofHealth

Section Description
All

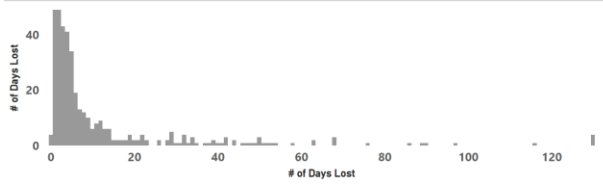
Average STD Days Lost per Eligible Employee



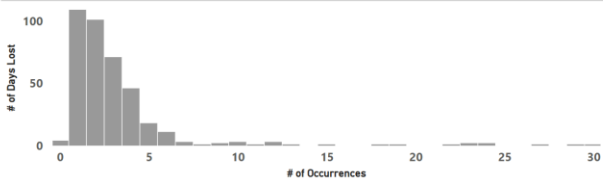
STD Lost Time & Associated Direct Costs



Employee Distribution by # of STD Days Lost for FY 2023



Employee Distribution by # of STD Occurrences for FY 2023

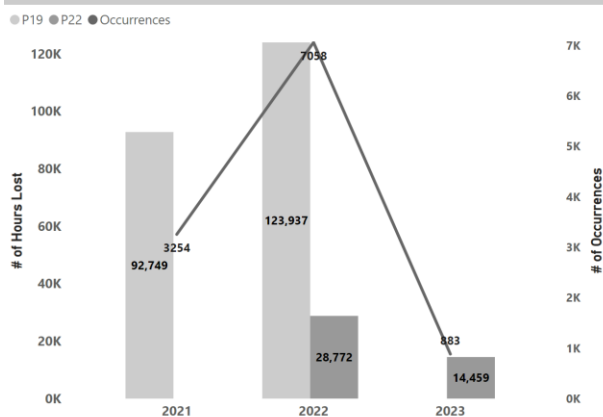


COVID Related Lost Hours and Occurrences

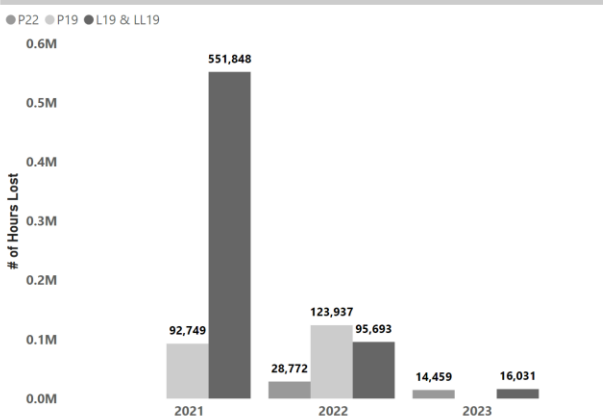
Hamilton **COVID-Related Lost Hours & Occurrences**

Department: Division: Section:

COVID-related Occurrences and Lost Hours




Paid and Unpaid COVID-Related Lost Hours





INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	September 5, 2024
SUBJECT/REPORT NO:	Community Benefits Charges Reserve Status Report as of December 31, 2023 (FCS24007) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Ailish Brooke (905) 546-2424 Ext. 6875
SUBMITTED BY:	Mike Zegarac General Manager, Finance and Corporate Services Corporate Services Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable

INFORMATION

Executive Summary

Report FCS24007 summarizes the changes in the Community Benefit Charges (CBC) special account for the year ended December 31, 2023 and serves as the “Special account, report” required in accordance with the *Planning Act, 1990*, as amended (“the Act”), which requires that an annual report of the CBC special account activity be provided to Council and made available to the public.

As of December 31, 2023, the balance of the CBC special account was \$17.84 M, which represents an increase of \$2.24 M from the beginning balance of \$15.60 M. Table 1 summarizes the 2023 activity.

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**SUBJECT: Community Benefits Charges Reserve Status Report as of
December 31, 2023 (FCS24007) (City Wide) – Page 2 of 5**

Analysis

Legislated Requirements

The CBC Reserve Fund (110500) and the CBC - DC Transition Reserve (110501) were established through staff Report FCS22015(b), Community Benefits Charge Strategy, which together form the special account as required by the Act. CBCs are collected and held in reserve under Section 37 of the Act in order “to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies.” CBC funds can be utilized to fund Airport and Parking Services, Studies and Cultural projects and services required to accommodate growth that are not eligible to be funded by Development Charges. The City’s Community Benefit Charges By-Law (By-Law 22-158) took effect on September 18, 2022. The year ended December 31, 2023 marks the first complete year that the CBC By-Law has been in effect.

The requirements of Regulation 509/20 to the Act dictate that the “Special account, report” include the following information for the preceding year:

- (a) Statements of the opening and closing balances of the special account and of the transactions relating to the account;
- (b) Statements identifying,
 - (i) facilities, services and matters acquired during the year with funds from the special account,
 - (ii) details of the amounts spent, and
 - (iii) for each facility, service or matter mentioned in subparagraph i, the manner in which any capital cost not funded from the special account was or will be funded
- (c) The amount of money borrowed from the special account and the purpose for which it was borrowed;
- (d) The amount of interest accrued on any money borrowed from the special account.

Special Account Report

The unaudited CBC special account balance was \$17.84 M at December 31, 2023, as outlined in Table 1 with comparison to account activity in 2022.

**SUBJECT: Community Benefits Charges Reserve Status Report as of
December 31, 2023 (FCS24007) (City Wide) – Page 3 of 5**

**Table 1
Community Benefits Charges Special Account Activity
For the year ended December 31, 2023
With Prior Year Comparison**

	2023	2022
Beginning Balance (Note 1)	\$15,602,401	\$ -
Revenues:		
Interest Earned (Note 2)	566,714	84,386
CBC Collections	2,007,551	179,200
Former DC Reserves Collections (Note 3)	<u>219,491</u>	<u>15,338,815</u>
Total Revenues	<u>2,793,756</u>	<u>15,602,401</u>
Expenditures:		
Children’s Museum Expansion – Phase 2	271,471	-
St. Mark’s Church Restoration	239,070	-
Comprehensive Zoning By-Law	41,616	-
Digital Open Data Infrastructure	4,506	-
IT Strategy	1,422	-
Heritage Designation Study	<u>36</u>	<u>-</u>
Total Expenditures	<u>558,121</u>	<u>-</u>
Ending Balance	<u>\$17,838,036</u>	<u>\$15,602,401</u>

Notes to Table 1:

- (1) CBC By-Law (By-Law 22-158) took effect on September 18, 2022.
- (2) Community Benefit Charges Reserve Status Report as of December 31, 2021 (Report FCS23054), classified interest earned in 2022 as a Transfer from Airport / Parking DC Reserves. This misclassification has been corrected for the purposes of Report FCS24007.
- (3) Collections / transfers related to the former Airport / Parking DC reserves. These collections will continue until all rates locked-in through site plan application or zoning by-law amendment have expired and all DC deferrals executed prior to September 18, 2022 have been paid.

The Act requires that details of funds borrowed from the CBC special account and interest accrued on borrowed funds to be disclosed. As of December 31, 2023, no funds have been borrowed from the CBC special account.

As per the requirements of Section 7(3)(iv) of Regulation 509/20 of the Act, municipalities are required to show which projects have been funded from the CBC special account, as well as, the manner in which any capital costs not funded from the special account have or will be funded. Appendix “A” to Report FCS24007 shows the

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**SUBJECT: Community Benefits Charges Reserve Status Report as of
December 31, 2023 (FCS24007) (City Wide) – Page 4 of 5**

total revenues allocated in 2023 and committed for each project which received funding from the CBC special account in 2023.

Council has the discretion to approve eligible expenditures from the CBC special account through Council reports, motions and the annual Tax Supported Capital Budget. The 2024 Tax Supported Capital Budget, approved on February 15, 2024, forecasted \$16.6 M between 2024 and 2023 to support the funding of various projects across the City Manager’s Office, Corporate Services Department, Planning and Economic Development Department and Public Works Department.

Each calendar year, municipalities are required to spend or allocate a minimum of 60 percent of the funds in the CBC special account at the beginning of the year. The balance of the special account on January 1, 2024 was \$17.84 M of which \$16.64 M has been spent and / or allocated and exceeds the 60 percent allocation requirement. Table 2 details the expenditures that have been committed to from the CBC special account.

**Table 2
2024 Community Benefit Charge Commitments**

Beginning Balance	\$17,838,036
Commitments	
Children’s Museum Expansion – Phase 2 7202041204	278,249
Comprehensive Zoning By-Law 8101655600	428,558
Digital Open Data Infrastructure 3381858503	2,909
IT Strategy 3502257200	14,330
Heritage Designation Study 8121255620	43,019
Digital Office: Smart City and Digital Transformation Program 338195901	2,830
2025 CBC Study 3622480002	275,000
2030 CBC Study 3622480001	315,000
Information Security Program 3502257203	8,489
City Wide Employment Survey 8141655600	366,924

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**SUBJECT: Community Benefits Charges Reserve Status Report as of
December 31, 2023 (FCS24007) (City Wide) – Page 5 of 5**

Beginning Balance		\$17,838,036
Commitments (Continued)		
Downtown & Waterfront Parking 4902845001	9,909,559	
Parking Payment Equipment 4901751700	14,461	
West Harbour Parking Garage 4412406103	1,901,241	
Transfer Station / CRC Expansion and Capital Replacement 5121594511	<u>3,355,276</u>	
Total Commitments	16,637,596	
Available Balance		<u>\$1,200,440</u>
Percentage of Beginning Balance Allocated		93%

The Community Benefit Charges Reserve forecast balances for future years will be presented as part of the Annual Reserve Report to the Audit, Finance and Administration Committee in 2024. Report FCS24007 is presented to satisfy statutory requirements for reporting historical use of the CBC special account.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to FCS24007 – Revenue Sources for Community Benefits Charges Funded Projects for the Year Ended December 31, 2023

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City of Hamilton

Revenue Sources for Community Benefits Charges Funded Projects for the Year Ended December 31, 2023

Project ID	Description	CBC Reserve Funding \$	Other Revenues \$	Federal and Provincial Funding \$	Current Budget Contributions \$	Other Reserves \$	Total Revenues \$
7202041204	Children's Museum Expansion – Phase 2	271,471	131,389	1,332,058	789,627	-	2,524,545
7201841803	St. Mark's Church Restoration	239,070	1,085,656	611,548	110,930	-	2,047,204
8101655600	Comprehensive Zoning By-Law	41,616	-	-	596,897	-	638,513
3381858503	Digital Open Data Infrastructure	4,506	-	-	44,000	-	48,506
3502257200	IT Strategy	1,422	-	-	245,000	-	246,422
8121255620	Heritage Designation Study	36	-	-	121,470	-	121,506



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	September 5, 2024
SUBJECT/REPORT NO:	Development Charges Reserves Status Report as of December 31, 2023 (FCS24043) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Kerry Meissner (905) 546-2424 Ext. 2790
SUBMITTED BY:	Mike Zegarac General Manager, Finance and Corporate Services Corporate Services Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable.

INFORMATION

EXECUTIVE SUMMARY

As per the requirements of the *Development Charges Act, 1997*, as amended (DC Act), an annual report of Development Charge (DC) reserves activity must be provided to Council. The DC Reserves Status Report is the "Treasurer's Statement" as outlined in the DC Act, as amended, which must be made available to the public and forwarded to the Ministry of Municipal Affairs and Housing, at their request.

The accounting balance of the DC Reserves as of December 31, 2023, is \$548.67 M, which has increased by \$81.55 M since December 31, 2022. The increase is primarily due to in-year collections exceeding in-year capital financing. The balance of \$548.67 M reflects Public Sector Accounting Board (PSAB) standards which requires that any DC funds remain in the DC reserves until the eligible capital project has expended the funds. A summary is provided in Table 1 (page 5) and details by DC Service are provided in Appendix "A" to Report FCS24043.

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

SUBJECT: Development Charges Reserves Status Report as of December 31, 2023 (FCS24043) (City Wide) - Page 2 of 9

There are a few DC services in Appendix “A” to Report FCS24043 which have negative balances. Per the City’s Development Charges Reserve Policy (Report FCS13035), as long as the consolidated reserve balance remains in excess of the outstanding DC Deferral Agreements (2023 - \$57.15 M), service specific DC Reserves may incur a negative balance with staff working on financing strategies to remedy said negative balance for the future. Municipalities require most growth infrastructure to be constructed prior to the development being completed (e.g., subdivision, industrial park) and, therefore, expenditures often precede the collection of Development Charges. Significant negative balances can usually be mitigated by financing large projects over longer periods of time through debt financing.

If all approved direct capital funding (\$161.17 M) were allocated to the approved projects and approved debt funding (\$650.19 M) were to be cash funded from the DC reserves, the 2023 DC reserves adjusted balance would be a deficit balance of \$262.61 M, which represents an increase of \$26.05 M from 2022. A summary is provided in Table 2 (page 6).

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The consolidated DC reserve balance as of December 31, 2023, reflects the application of Public Sector Accounting Board reporting requirements for obligatory reserve funds whereby funds collected remain in the DC reserves and are not transferred to capital projects until expenditures are incurred. The year-end consolidated DC reserve balance is \$548.67 M, as outlined in Appendix “A” to Report FCS24043. Summary information on the DC reserves is provided in Tables 1 and 2.

Staffing: None.

Legal: The DC Act requires the Treasurer to report annually on the opening and closing balances of the DC reserve funds and the transactions related to the funds. Report FCS24043 addresses this legal requirement.

HISTORICAL BACKGROUND

As per the requirements of the DC Act, an annual report of Development Charges reserves activity must be provided to Council. The DC Reserves Status Report is the “Treasurer’s Statement” as outlined in the DC Act, which must be made available to the public and forwarded to the Ministry of Municipal Affairs and Housing, at their request.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The DC Reserves Status Report is the “Treasurer’s Statement” as required in Section 43 of the DC Act, which must be made available to the public and sent to the Ministry of Municipal Affairs and Housing, if requested.

RELEVANT CONSULTATION

Staff from the City’s Planning and Economic Development Department have confirmed that the City is in compliance with s.s. 59.1(1) of the DC Act, as amended, which states that a “municipality shall not impose, directly or indirectly, a charge related to a development or a requirement to construct a service related to development, except as permitted by this Act or another Act.”

ANALYSIS

As per the requirements of the DC Act, an annual report of DC reserves activity must be provided to Council. The report must be made available to the public and provided to the Minister of Municipal Affairs and Housing, if requested.

Appendices “A”, “B”, “C” and “E” to Report FCS24043 contain the financial information required to meet the disclosure requirements as set out in Section 43 of the DC Act, as amended. Appendix “D” to Report FCS24043 is provided in addition to the legislated requirements as described below.

The 2023 year-end consolidated DC reserve balance is \$548.67 M, as outlined in Appendix “A” to Report FCS24043.

Appendix “A” to Report FCS24043 summarizes the 2023 activity for each DC reserve. DC revenues were collected through the authorization of Municipal DC By-law 19-142, as amended, which was passed by Council in June 2019 and was amended in March 2021. Collections under DC By-laws are deposited into DC reserves.

Appendix “B” to Report FCS24043 provides a summary of the development charge funding to capital projects and Appendix “C” to Report FCS24043 provides a summary of the development charge funding to capital projects by reserve.

The DC reserves balance as at December 31, 2023 reflects the application of PSAB reporting requirements for obligatory reserve funds.

PSAB reporting requirements require the City to only recognize DC revenue in capital projects once the expenses have been incurred. Therefore, the DC reserve balances are based on actual expenses, to date, and not the Council approved budgeted

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amounts. Table 2 shows the adjusted DC reserve balances if all Council approved budgeted amounts were to be cash funded.

Since project funding from DC reserves can only be allocated to capital projects after the expenses have been incurred, there is often a timing difference between when current budget contribution, other source funding and DC funding are allocated to projects. For this reason, the current year funding to each project often does not reflect the funding ratios identified in the DC background studies. Staff included Appendix "D" to Report FCS24043 to show the DC funded projects closed in the year and their final revenue funding from all sources. Appendix "D" to Report FCS24043 includes closed projects from October 1, 2022 to September 30, 2023. The projects planned to be closed during the period October 1, 2023 to December 31, 2023 have not yet been approved by Council as of the date of Report FCS24043. Accordingly, projects closed between October 1, 2023 and December 31, 2023 will be included in next year's Development Charges Reserves Status Report.

There are a few DC services in Appendix "A" to Report FCS24043 which have negative balances. This occurs either because capital infrastructure has been developed at a pace which exceeds the actual growth realized or expenses for growth related studies must be incurred prior to the growth occurring and debt financing is not an option. Where debt financing is an option, it would have been possible to avoid the negative balances but that would have resulted in additional debt financing costs which would ultimately be passed on to the developer through the calculation of the DC.

DC reserves are permitted to borrow from each other and, therefore, a negative balance in one service can be offset with a surplus balance in another service. In order to minimize the overall debt financing costs to be charged through the calculation of the DC, it is prudent to allow DC services to go into a deficit position with a controlled plan for the overall forecast of each service.

Table 1 provides a continuity of DC Reserves with a summary of inflows and outflows in 2023 resulting in a consolidated PSAB balance of \$548.67 M at December 31, 2023.

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**Table 1 – DC Reserve Continuity Schedule
(In Millions)**

Balance as of January 1, 2023 **\$ 467.13**

Funding Inflows

Interest	\$ 16.56
Collections	\$ 93.97
DC Exemption Funding	\$ 37.12
Internal Borrowing Repayment	\$ 0.48
Subtotal of Inflows	<u>\$ 148.13</u>

Funding Outflows

Other Transfers	\$ 0.14
External Debt Payments	\$ 6.94
Direct Capital Funding	\$ 59.51
Subtotal of Outflows	<u>\$ 66.59</u>

Balance as of December 31, 2023 **\$ 548.67**

Note: Variances in totals may exist due to rounding

DC collections in 2023 totalled \$93.97 M, a \$5.33 M decrease from 2022. Residential DC collections decreased from \$84.71 M in 2022 to \$76.50 M in 2023 and non-residential DC collections increased from \$14.59 M in 2022 to \$17.47 M in 2023.

Any DC exemptions authorized by Council through DC By-law 19-142 (e.g., reduced industrial rate) or through a Council meeting (e.g., exemptions for non-profits) are required to be recovered through other sources. Council has approved amounts in the Water, Wastewater, Stormwater Rate and Tax Budgets to enable staff to recover a portion of these exemptions. An 11-year (2013-2023) summary of the exemptions is included as Appendix “E” to Report FCS24043. Appendix “E” to Report FCS24043 shows that exemptions totalled \$50.59 M in 2022 and \$78.27 M in 2023, representing an increase of \$27.68 M.

The City’s backlog of unfunded DC exemptions is highlighted in Appendix “E” to Report FCS24043, as of December 31, 2023, where the City has \$69.63 M in unfunded discretionary DC exemptions. Through Report FCS23063(b), Council approved the transfer of \$0.6 M from the 2023 year-end surplus to fund 2023 discretionary exemptions. The 2024 Tax Budget (Report FCS24002) included an annual \$6.5 M

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funding strategy to address the remaining funding shortfall in historical discretionary Development Charges (DC) exemptions.

Table 2 provides the accounting DC reserve balance at December 31, 2023, the approved funding that has not yet been transferred to projects, the debt funding that has not yet been incurred and the adjusted DC reserve balances.

Table 2 – DC Adjusted Balance as at December 31, 2023

DC Service	Dec. 31/23 Balance (\$)	Adjustments		Adjusted Balance (\$)
		Direct Capital Funding (\$)	DC Debt (\$)	
Water Services	86,439,341	(24,158,401)	(118,244,000)	(55,963,060)
Wastewater Services	109,448,429	(1,221,617)	(18,558,000)	89,668,812
Linear Wastewater	58,805,601	(14,584,666)	(226,415,637)	(182,194,702)
Storm Water - Combined System	13,374,643	(1,306,484)	-	12,068,159
Storm Water - Separated System	60,045,558	(37,808,236)	(42,893,000)	(20,655,678)
Roads	115,831,929	(49,413,193)	(135,682,672)	(69,263,936)
Public Works & Rolling Stock	10,749,394	(698,194)	-	10,051,199
Transit Services	16,472,611	(273)	(37,998,000)	(21,525,663)
Fire Protection	6,245,269	(505,972)	(18,813,800)	(13,074,503)
Police Services	5,577,235	(102,539)	(15,005,000)	(9,530,304)
Ambulance Services	(394,014)	(280,760)	(4,743,000)	(5,417,774)
Outdoor Recreation	7,012,477	(4,624,201)	(24,875,000)	(22,486,725)
Indoor Recreation	33,564,410	(11,736,437)	(6,100,000)	15,727,973
Library Services	5,887,356	(1,378,735)	-	4,508,621
Admin Studies	(4,187,344)	(2,660,939)	(790,000)	(7,638,283)
Homes for the Aged	6,985,338	(6,393,213)	-	592,125
Health	925,170	-	-	925,170
Social & Child	1,054,965	-	-	1,054,965
Housing	13,634,165	(2,068,985)	-	11,565,180
Provincial Offences Act	(287,808)	-	-	(287,808)
Hamilton Conservation Authority	66,420	-	-	66,420
Waste Diversion	6,536,531	(2,223,301)	-	4,313,229
Dundas/Waterdown SAC	(5,271,305)	-	-	(5,271,305)
GO Transit	159,626	-	-	159,626
TOTAL	548,675,998	(161,166,148)	(650,118,109)	(262,608,260)

Note: The DC Reserve Policy (Report FCS13035) permits the General Manager of Finance and Corporate Services to change approved DC funding from debt funded to reserve funded in order to maintain the sustainability of the DC reserves. Table 2 reflects current estimates under this authority.

As seen in Table 2, if all approved direct capital funding (\$161.17 M) were allocated to the approved projects and approved debt funding (\$650.12 M) were to be cash funded from the DC reserves, the 2023 DC reserves adjusted balance would be a deficit balance of \$262.61 M, which represents an increase of \$26.05 M from 2022.

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Of note, the funding commitments (including debt) are only included in the Capital Budgets to the extent that current (and future) DC collections can be expected to fund the commitments. Should development activity vary from the existing development forecasts, staff would ensure that future years' collections can meet existing commitments or undertake a review to determine which growth projects can be deferred.

A new requirement for 2023 opening DC Reserve balances requires municipalities to spend or allocate at least 60 percent of the monies that are in a reserve fund relating to Water Supply services, Wastewater services and Services related to a highway. Table 3 demonstrates the City's satisfaction of this requirement) as each service area is well above the 60 percent threshold.

Table 3 – Summary of Capital Project Commitments Over the Next 10 Years as at December 31, 2023

Service	DC Reserve		DC Debt		Future DC		TOTAL	Closing Balance % of Service	
	Funding	Funding	Future Debt	Existing Debt	Reserve Funding	Commitments	Dec 2023	Allocated	
Roads	\$ 49,413,193	\$ 74,144,762	\$ 49,688,166	\$ 15,677,653	\$ 365,535,885	\$ 554,459,659	\$ 115,831,929	479%	
Wastewater Services	\$ 1,221,617	\$ 11,714,738	\$ 142,913,622	\$ -	\$ 7,971,890	\$ 163,821,866	\$ 109,448,429	150%	
Wastewater Linear Services	\$ 14,584,666	\$ 142,924,871	\$ 28,264,062	\$ 1,235,115	\$ 19,377,900	\$ 206,386,614	\$ 58,805,601	351%	
Water Services	\$ 24,158,401	\$ 74,641,525	\$ 74,578,322	\$ 265,415	\$ 53,406,000	\$ 227,049,663	\$ 86,439,341	263%	
TOTAL	\$ 89,377,877	\$ 303,425,895	\$ 295,444,172	\$ 17,178,184	\$ 446,291,675	\$ 1,151,717,802	\$ 370,525,301	311%	

Introduced in 2022, O. Reg 82/98 s.s. 12 (3) 2 to the DC Act requires municipalities to state "whether, as of the end of the year, the municipality expects to incur the amount of capital costs that were estimated, in the relevant development charge background study, to be incurred during the term of the applicable development charge by-law".

As per Table 6-7 of the 2019 DC Background Study, there was \$1.2 B in DC funding expected over the 2019-2023 period and adjusted for edits through the DC Update Study dated March 5, 2021, this amount is adjusted to \$1.3 B.

Staff first reviewed the amount of funds to be inflowed to the DC reserves over the 2019-2023 period. Inflows consist of DC collections, interest and City funding of discretionary exemptions of which \$0.71 B is forecasted to be received into the DC reserves, roughly 44% less than what the DC study forecasted would be spent on eligible capital projects. Therefore, since the City has not collected enough to support the expenses planned in the 2019 DC Background Study, it can generally be expected that the City will not fund to the level planned in the 2019 DC Background Study (as adjusted), although debt is often used to bridge timing differences.

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The DC funding for all services over the 2019-2023 period was reviewed and, aside from the exceptions noted below, all services are expected to incur +/- 15% of the estimated capital costs from the 2019 DC Background Study (as adjusted).

The following services have spent up to ~40% less than what was forecasted in the 2019 DC Study (as adjusted), which is explained by keeping spending in line with the pace of growth:

- Water Services (\$52.0 M, 26% less)
- Roads (Services related to a highway) (\$152.8 M, 41% less)
- Police Services (\$3.0 M, 16% less)
- Indoor Recreation Services (\$20.4 M, 38% less)
- Library Services (\$3.1 M, 29% less)
- Admin Studies (\$4.5 M, 30% less)

Public Works and Rolling Stock spent \$16.2 M (70%) less DCs in the 2019-2023 period versus the amount in the 2019 DC Background Study (as adjusted). This is largely a timing difference as the planned Water and Wastewater office / storage expansion (\$17 M in the 2019 DC Background Study) has yet to be programmed into the capital budget.

Housing Services has spent \$19.9 M (86%) less DCs in the 2019-2023 period versus the amount in the 2019 DC Background Study (as adjusted). Housing has experienced delays in getting projects approved and, therefore, they are not included in the capital budget forecast. While net costs estimated by the 2019 DC Study are still expected in the long run, to date, there has been minimal DC funding provided to housing projects.

Waste Diversion Services spent \$13.2 M (80%) less DCs in the 2019-2023 period versus the amount in the 2019 DC Background Study (as adjusted). The primary driver of this variance is the Material Recycling Facility Lifecycle Replacement and Upgrades project for which the 2019 DC Study estimated \$8.2 M of DC Financing. The project has experienced almost nil to date. This is because Waste Diversion Services is transitioning out of recycling in 2025 and does not know what the future of the facility is. Consequently, there has been no budget dedicated to replace or upgrade the facility.

Another requirement per O. Reg 82/98 Section 12 (3) 3. to the DC Act requires municipalities to state, regarding any service for which a development charge was collected during the year but in respect of which no money from a reserve fund was spent during the year, why there was no spending during the year. For the purpose of these comments, spending is defined as direct capital financing and payments covering external debt.

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Dundas / Waterdown Special Area Charge (SAC) had all spending completed by 2017 and, thus, the reserve represents that amount remaining to be recovered from previous spending. Accordingly, it did not see any spending.

Health Services and Social and Child Services have roughly \$1 M in reserve balances, respectively, as seen in Appendix "A" to Report FCS24043. These services do not collect substantial development charges, which is demonstrated in Appendix "A." Consequently, it is reasonable that there was no spending through these DC reserves this year.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS24043 – Development Charges Reserve Funds for the period of January 1, 2023 to December 31, 2023

Appendix "B" to Report FCS24043 – Revenue Sources for Development Charges Funded Projects for the year ended December 31, 2023

Appendix "C" to Report FCS24043 – Development Charges Project Funding by Reserve, December 31, 2023

Appendix "D" to Report FCS24043 – Development Charges Capital Projects' Closing Summary for the year ended December 31, 2023

Appendix "E" to Report FCS24043 – 11-Year Development Charges Exemption Summary, 11-Year History

**CITY OF HAMILTON
 Development Charges Reserve Funds
 For the period of January 1, 2023 to December 31, 2023**

Positive values indicate a cash balance, negative values indicate deficit balances or withdrawals

(Note 1)

	Service	Balance as at	Interest	Collections	External Debt	Other Transfers	Capital Financing	Balance as at
		Jan 1/23						Dec 31/23
		\$	\$	\$	\$	\$	\$	\$
	Water Services	74,939,322	2,629,110	8,544,129	(48,216)	2,611,090	(2,236,094)	86,439,341
	Wastewater Services	114,475,939	4,054,109	9,305,990	-	2,030,707	(20,418,316)	109,448,429
	Linear Wastewater	49,727,666	1,750,035	12,436,049	(215,275)	2,865,527	(7,758,401)	58,805,601
(Note 2)	Storm Water - Combined System	9,422,105	157,177	3,324,082	-	710,740	(239,461)	13,374,643
(Note 2)	Storm Water - Separated System	47,729,411	1,891,887	9,431,477	(193,636)	2,188,372	(1,001,953)	60,045,558
(Note 3)	Roads	81,748,784	2,982,632	27,818,922	(5,197,751)	15,210,317	(6,730,974)	115,831,929
	Public Works & Rolling Stock	8,468,954	300,107	1,467,558	-	982,720	(469,945)	10,749,394
	Transit Services	12,854,963	414,879	3,538,159	-	2,227,590	(2,562,980)	16,472,611
(Note 4)	Fire Protection	5,036,704	187,275	851,538	(576,518)	793,664	(47,394)	6,245,269
	Police Services	4,496,500	165,038	965,406	(277,121)	710,358	(482,945)	5,577,235
	Ambulance Services	(87,042)	(9,468)	198,696	(55,424)	89,693	(530,469)	(394,014)
	Outdoor Recreation	2,622,878	79,722	3,605,897	-	1,314,888	(610,908)	7,012,477
(Note 4)	Indoor Recreation	30,443,173	1,070,066	6,814,236	-	2,716,067	(7,479,133)	33,564,410
	Library Services	7,096,161	274,034	2,248,949	(140,746)	1,808,686	(5,399,727)	5,887,356
	Admin Studies	(4,083,154)	(151,812)	754,667	(30,589)	727,120	(1,403,576)	(4,187,344)
	Homes for the Aged	7,230,884	252,084	237,698	-	124,740	(860,069)	6,985,338
	Health	886,660	31,480	2,295	-	4,735	-	925,170
	Social & Child	987,787	35,022	21,896	-	10,260	-	1,054,965
	Housing	13,229,391	464,021	713,499	-	237,522	(1,010,269)	13,634,165
	Provincial Offences Act	(191,092)	(6,472)	71,717	(206,920)	44,958	-	(287,808)
	Hamilton Conservation Authority	44,725	1,812	19,883	-	-	-	66,420
	Waste Diversion	5,102,392	181,054	1,085,597	-	431,472	(263,984)	6,536,531
	Subtotal	472,183,111	16,753,794	93,458,339	(6,942,196)	37,841,226	(59,506,597)	553,787,676
	GO Transit							
(Note 5)	GO Transit	96,523	-	437,946	-	(374,842)	-	159,626
	Subtotal	96,523	-	437,946	-	(374,842)	-	159,626
	Special Area Charges							
	Dundas/Waterdown SAC	(5,151,554)	(190,988)	71,237	-	-	-	(5,271,305)
	Subtotal	(5,151,554)	(190,988)	71,237	-	-	-	(5,271,305)
	Grand Total	467,128,080	16,562,806	93,967,522	(6,942,196)	37,466,383	(59,506,597)	548,675,998

Variations in totals and between schedules may exist due to rounding

Note 1 Other Transfers includes all internal borrowing transactions, DC Exemption funding, and transfers to operating.

Note 2 Storm Water - Separated System and Storm Water - Combined System were previously categorized as "Storm Water."

Note 3 The service "Burlington Road" was previously presented distinct from "Roads". This distinction was an accounting exercise to help determine Collections for the Burlington Road project. However, the Burlington Road project is included in the DC study within the Roads service and therefore is appropriately merges with Roads and presented as one service.

Note 4 Borrowings from the DC Reserves for non-growth items:

\$6 million in non-growth funds related to the Mohawk Sports Park 4-pad Arena were borrowed from DC reserves 110320 and 110312 in 2005 to be repaid over 20 years with interest at 5.245%. The annual debt charges are recovered from the rental income from the Mohawk Sports Quad Pad Arena.

The following illustrates what the year end reserve balances would be without the borrowings and repayments.

	Reserve #	110320	110312
2023 year end balance		33,564,410	6,245,269
Borrowings		(4,000,000)	(2,000,000)
Repayments to date (principal)		3,634,886	1,817,443
Repayments to date (interest)		2,454,141	1,227,070
2023 year end balance adjusted for borrowings		<u>31,475,383</u>	<u>5,200,756</u>

Note 5 GO Transit balance represents legislatively deferred development charges that, once collected, will be remitted to Metrolinx.

CITY OF HAMILTON
Revenue Sources for Development Charges Funded Projects
for the year ended December 31, 2023

PROJECT ID	DESCRIPTION	DEV. CHARGES YTD	DEBT DEV. CHARGES YTD	SUBSIDIES	OTHER REVENUES	CURRENT BUDGET CONTRIBUTION	DEBENTURE FINANCING	RESERVE FINANCING	TOTAL REVENUES
		\$	\$	\$	\$	\$	\$	\$	\$
4401256126	Shaver Neighbourhood Pk Dev	48,300	0	0	0	0	0	(60,051)	(11,751)
4401756703	Mountain Brow Path	281,894	0	0	0	0	0	0	281,894
4401856812	Spencer Creek Estates (14)	18,598	0	0	0	0	0	(2,066)	16,532
4401856819	Waterfalls Viewing	17,243	0	0	0	0	0	0	17,243
4401956902	Paramount Subdivision	31,469	0	0	0	0	0	0	31,469
4402051601	Equipment Aquisitions - DC	67,139	0	0	0	0	0	0	67,139
4402056010	Highland Rd Pk-Central Pk Dev	282	0	0	0	0	0	0	282
4402056011	Valley Community Centre Park	51,264	0	0	0	250,000	0	0	301,264
4402151601	Equipmnt Acquisition(DC)Prgm	402,806	0	0	0	0	0	0	402,806
4402156111	LancasterHghts-Developer Build	49,540	0	0	0	0	0	(5,460)	44,079
4402156120	Cherry Beach Park	13,209	0	0	0	0	0	0	13,209
4402156121	TiffanyHillsPrkPthwytoSchool	247,286	0	0	0	0	0	0	247,286
4402156124	Mountain Drive Park Redevelopment	158,994	0	0	0	0	0	1,000,000	1,158,994
4402256110	Golf Links Park Ice Rink	63,683	0	0	0	0	0	0	63,683
4402256204	William Connell Phase 3	0	0	0	0	0	0	0	0
4402456103	Clear Skies Proposed Park - Sadielou Blv	9,298	0	0	0	0	0	0	9,298
4662020020	New Signal - Rymal @ Arrowhead	8,015	0	0	0	3,278	0	(5,263)	6,030
4662020023	New Signal-King@Kenilwrth Ramp	58,578	0	0	0	0	0	0	58,578
4662020028	New Signal-StoneChurch@Chesley	(3,609)	0	0	0	0	0	(2,391)	(6,000)
4662220225	Trrfic Signal - S Serv Rd	121,115	0	0	0	0	0	0	121,115
4662220228	Signal - Mud & First	18,420	0	0	0	0	0	0	18,420
4662220230	2070 Rymal Road East	110,133	0	0	0	0	0	0	110,133
4662220232	New Signal York & Olypic	171,952	0	0	0	0	0	0	171,952
5120090200	Diversion Container Replacement Progra	90,000	0	0	0	810,000	0	0	900,000
5120094300	Maintenace & Capital Improvements to th	4,274	0	0	0	84,500	0	0	88,774
5121594511	Transfer Stn & CRC Expansion	121,009	0	0	0	0	0	0	121,009
5121990200	Diversion Container Replcmnt	(842)	0	0	0	88,525	0	0	87,682
5122090200	Diversion Container Replcmnt	(42,219)	0	0	0	(78,888)	0	4,900	(116,207)
5122190200	DiversionContainerReplacePrgm	81,942	0	0	0	(99,637)	0	0	(17,695)
5122193000	Mtnce&Cap Imprve-RRC Prgm	9,821	0	0	0	0	0	0	9,821
5141196011	2011 Intnsificatn Infra Upgrad	126,328	0	0	0	0	0	0	126,328
5141380370	Upper Mount Albion - Highland	0	0	0	0	0	0	0	0
5141395354	PD18 Elevated Reservoir W14	12,800	0	0	0	0	0	0	12,800
5141495551	PD7 Elevated Reservoir W-23	47,674	0	0	0	0	0	0	47,674
5141595553	HD12A PS Upgrades (W-04)	22,606	0	0	0	750,000	0	0	772,606
5141695883	York & Valley HD016 WPS (W-26)	66,734	0	0	0	101,000	0	0	167,734
5141795850	Greenhill PS HD04B & HD05A	23,526	0	0	0	3,598,049	0	0	3,621,575
5141796752	PD16 Trunk - PS HD016 to Hwy 5	48,847	0	0	0	300,000	0	0	348,847
5141995951	PS HD019 Binbrook Capacity	137,586	0	0	0	0	0	0	137,586
5141996951	Binbrook Feeder via Fletcher	22,127	0	0	0	0	0	0	22,127
5142166110	Water Treatment Plant Upgrades	287,964	0	0	0	119,080	0	0	407,044
5142171328	Southcote-Garner to Hwy 403 BR	1,549,992	0	0	0	280,980	0	0	1,830,972

CITY OF HAMILTON
Revenue Sources for Development Charges Funded Projects
for the year ended December 31, 2023

PROJECT ID	DESCRIPTION	DEV. CHARGES YTD	DEBT DEV. CHARGES YTD	SUBSIDIES	OTHER REVENUES	CURRENT BUDGET CONTRIBUTION	DEBENTURE FINANCING	RESERVE FINANCING	TOTAL REVENUES
		\$	\$	\$	\$	\$	\$	\$	\$
7102154508	Public Use Feasib Needs&Study	1,473	0	0	0	0	0	0	1,473
7401841801	Greater Flam Fire&Paramed Stn	47,394	0	0	0	0	0	0	47,394
7501241200	Binbrook Library Branch Renos	2,016,500	0	0	0	0	0	0	2,016,500
7501741601	Valley Park Library Expansion	2,392,000	0	0	0	0	0	0	2,392,000
7501741610	New Library - Greensville	902,000	0	0	0	0	0	0	902,000
7501941800	Mount Hope Library	89,227	0	0	0	0	0	1,767,500	1,856,727
7641951103	Ambulance Enhancement	530,469	0	0	0	0	0	0	530,469
8121355605	Elfrida Expansion-Studies	25,000	0	0	0	0	0	0	25,000
8121655602	DC Study and Grids Update	25,000	0	0	0	0	0	0	25,000
8121755705	Urbn & Rural Plns 5 Yr Review	50,308	0	0	40,000	225,000	0	0	315,308
8121755706	Plan & Zoning Growth Area	224,472	0	0	0	0	0	0	224,472
8121957901	Digital Planning Applications	9,390	0	0	0	0	0	0	9,390
8122055001	Grids 2 Study	40,567	0	0	0	0	0	0	40,567
8122255200	UrbGrowth SecPlans & Studies	65,965	0	0	0	14,850	0	0	80,815
8141555600	Hamilton Growth Management Rev	146,902	0	0	(51)	0	0	0	146,851
8141655600	2016 CityWide Employmnt Survey	111,381	0	0	0	0	0	0	111,381
8201555100	Open for Business - City Appro	(13)	0	0	0	0	0	0	(13)
9000546102	Marshall Estates	(20,263)	0	0	0	0	0	0	(20,263)
	Total	59,506,597	0	8,906,357	(2,197,551)	26,574,620	0	5,919,976	98,709,999

CITY OF HAMILTON
 Development Charges Project Funding by Reserve
 December 31, 2023

PROJECT ID	DESCRIPTION	Water	Wastewater - Linear	Wastewater - Facilities	Storm Water - Combined	Storm Water - Separated	Roads	PW & Rolling Stock	Transit	Fire Protection	Police Services	Outdoor Rec	Indoor Rec	Ambulance	Homes for the Aged	Housing	Admin	Waste Diversion	TOTAL
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
5141595553	HD12A PS Upgrades (W-04)	22,606																	22,606
5141695883	York & Valley HD016 WPS (W-26)	66,734																	66,734
5141795850	Greenhill PS HD04B & HD05A	23,526																	23,526
5141796752	PD16 Trunk - PS HD016 to Hwy 5	48,847																	48,847
5141995951	PS HD019 Binbrook Capacity	137,586																	137,586
5141996951	Binbrook Feeder via Fletcher	22,127																	22,127
5142166110	Water Treatment Plant Upgrades	287,964																	287,964
5142171328	Southcote-Garner to Hwy 403 BR	1,549,992																	1,549,992
5160507001	N Glanbrook Industrial BP Serv																		(4)
5160866801	Woodward WWTP - Clean Harbour			15,643,000															15,643,000
5160966910	WWTP - Biosolids MP Implement			4,690,360															4,690,360
5161180187	Garner Rd W-Raymond to Hwy 6																		0
5161280290	Nash Area WW Sewer Outlet																		0
5161280292	SS Rd Sewer - Fyling J-Pilot																		0
5161555264	City-Wide Wastewater MP																8,914		8,914
5161667622	FC001 DC009 HC011 Upgrades			100,000															100,000
5161796011	Intensification Infra Upgrades		(62,482)																(62,482)
5161796786	First Street PS Upgrade DC014		610,000																610,000
5161880184	Up Mt Albion-Highland to Rymal																		0
5161966102	Woodward WWTP - Expansion			150,947															150,947
5161967123	AEGD Growth Initiative		178,664																178,664
5161996011	Intensification Infra Upgrades		(98,493)																(98,493)
5162080089	Rymal-Fletcher to U Centennial		4,193,271																4,193,271
5162155880	Inflow & Infiltration Studies		226,000																226,000
5162171025	Dewitt - Highway 8 to Barton		1,688,701																1,688,701
5162180187	Garner W - Raymond to Hwy 6		364,149																364,149
5162280281	Dickenson Road West Sanitary		693																693
5162280282	Fifty Road Trunk Sanitary		778,629																778,629
5162280284	Shaver Road Sanitary Sewer		693																693
5162355880	Inflow & Infiltration Studies and Flow Monitor		66,939																66,939
5180680685	SWMP-A15 Meadowlands IV Pond																		0
5181280297	SCUBE Master Drainage Plan EA																		100,000
5181380390	Highland - Upper Mount Albion																		0
5181555422	GRIDS II - Stormwater MP				239,461														239,461
5181580585	Sheldon (H-9) & Mewburn (H-24)																		0
5181580596	Green Mtn-Morrissey-First Rd W																		0
5181780090	Annual SWM Program																		0
5181880090	2018 Annual Storm Water Mngmnt																		0
5182080090	Annual SWM Program																		0
5182180280	Airport-Homestead-Mountaingate																		0
5182180584	Nebo - Rymal to Twenty Rd E					140,736													140,736
5301783700	HSR Bus Expansion Prgrm-10 Yr								411,000										411,000
5301785703	Limeridge Mall Terminal Redev								4,736										4,736
5302083001	HSR ExpansionBuses-Modal Split								2,147,244										2,147,244
6302141102	Macassa Lodge D-Wing														860,069				860,069
7101754805	SirWilfridLaurier GymRepl Addn												2,595,501						2,595,501
7101854508	Public Use Feasibility Study																9,251		9,251
7101854803	Domenic Agostino Riverdale Com																		118,704
7101954903	Riverdale Community Hub												118,704						118,704
7102054002	Confederation Sports Pk Bldgs												110,495						110,495
7102154508	Public Use Feasib Needs&Study												4,590,749						4,590,749
7401841801	Greater Flam Fire&Paramed Stn																		1,473
7501241200	Binbrook Library Branch Renos									47,394									47,394
7501741601	Valley Park Library Expansion																		2,016,500
7501741610	New Library - Greensville																		2,392,000
7501941800	Mount Hope Library																		902,000
7641951103	Ambulance Enhancement													530,469					89,227
8121355605	Elfrida Expansion-Studies																		530,469
8121655602	DC Study and Grids Update																25,000		25,000
8121755705	Urbn & Rural Plns 5 Yr Review																50,308		50,308
8121755706	Plan & Zoning Growth Area																224,472		224,472
8121957901	Digital Planning Applications																9,390		9,390
8122055001	Grids 2 Study																40,567		40,567
8122255200	UrbGrowth SecPlans & Studies																65,965		65,965
8141555600	Hamilton Growth Management Rev																146,902		146,902
8141655600	2016 CityWide Employmnt Survey																111,381		111,381
8201555100	Open for Business - City Appro																(13)		(13)
9000546102	Marshall Estates						(20,263)												(20,263)
0		2,236,094	7,758,401	20,418,316	239,461	1,001,953	6,730,974	469,945	2,562,980	47,394	482,945	610,908	7,479,133	530,469	860,069	1,010,269	1,403,576	263,984	59,506,597

CITY OF HAMILTON
Development Charges Capital Projects' Closing Summary
for the year ended December 31, 2023

Note 2

Project ID	Description	Budget (\$)	Final Funding (\$)									
			DC Reserve Funding Note 3	DC Debt Funding	Reserve Financing	Other Revenue	Federal Contribution	Provincial Contribution	Current Budget Contribution	Debenture Financing	Total	
2051357320	Call Handling Implementation	2,753,000	137,000									137,000
4031780180	Mohawk - Wilson to Hwy 403	150,000	82,483						60,000			142,483
4141046102	Ancaster Meadows - Phase 1	914,500	858,378									858,378
4141246100	City Share of Servicing Costs	37,854										0
4141346100	City Share of Servicing Costs	1,692,815										0
4141446100	City Share of Servicing Costs	1,274,492										0
4141446108	Paramount Subdivision	19,508	19,508									19,508
4141546100	City Share of Servicing Costs	2,253,556										0
4142146101	630 Trinity City Share	98,140	88,379									88,379
4401256126	Shaver Neighbourhood Pk Dev	1,832,067	768,384						929,450			1,746,134
4401856812	Spencer Creek Estates (14)	290,000	242,402						29,000			290,000
4402051601	Equipment Aquisitions - DC	247,000	247,000									247,000
4402256112	Rennie St Works Yard - Park	100,000	0									0
4662020020	New Signal - Rymal @ Arrowhead	176,722	152,285						13,278			173,578
4662020028	New Signal-StoneChurch@Chesley	130,000	68,580						6,000			74,580
5122090200	Diversion Container Replcmnt	327,808	32,781						247,908			280,689
5141664632	Twenty (Greti) to Upper James	1,610,000	184,337						20,000			204,337
5161096011	2010 Intnsificatn Infra Upgrad	924,436	400,000						524,436			924,436
7101554510	Dundas JLGrightmire Arena Reno	6,966,864	1,000,000						1,047,900	4,000,000		6,047,900
7101558501	Parkdale Outdoor Pool Redev	4,113,800	372,000					1,650,000	1,825,220			3,847,220
7101854508	Public Use Feasibility Study	150,000	98,749						42,000			150,000
Total		14,399,630	2,308,731	0	0	0	0	1,650,000	0	3,726,742	4,000,000	11,702,739

Notes:

- [1]: Where a project was identified to be debt funded, but debt had not yet been issued for the project, the project was closed and the debt funding recorded in a holding account to be funded with the next City debt issuance
- [2]: This summary includes projects closed through the 2023 Capital Projects Closing Reports FCS23095, FCS23095(a), and FCS22079(b).
- [3]: Total amount includes adjusting entries made after Q4 2023.

CITY OF HAMILTON
 11 Year Development Charges Exemption Summary


11 Year History

	2013-2018	2019	2020	2021	2022	2023	11 Year Total
DC Exemptions By Area							
Hamilton	\$ 68,922,517	\$ 29,929,989	\$ 17,596,731	\$ 26,541,751	\$ 31,772,965	\$ 48,404,120	\$ 223,168,073
Stoney Creek	12,627,816	582,847	1,011,190	777,993	4,615,771	12,552,491	32,168,108
Flamborough	20,934,702	3,608,418	5,271,469	5,493,663	5,461,637	6,197,032	46,966,922
Ancaster	8,368,044	1,464,329	4,671,298	2,885,312	654,523	2,822,227	20,865,732
Glanbrook	7,698,401	5,458,725	12,682,093	3,662,240	7,586,188	8,109,051	45,196,697
Dundas	1,436,420	297,593	74,586	45,942	494,120	184,801	2,533,462
Total Exemptions By Area	\$ 119,987,900	\$ 41,341,901	\$ 41,307,367	\$ 39,406,901	\$ 50,585,204	\$ 78,269,721	\$ 370,898,994
DC Act Statutory Exemptions							
Residential Intensification	\$ 7,301,484	\$ 3,086,550	\$ 3,972,243	\$ 6,171,774	\$ 9,887,618	\$ 20,036,283	\$ 50,455,952
50% Industrial Expansion - Attached	11,816,172	303,275	3,564,391	548,076	3,004,353	1,639,326	20,875,593
Rental	-	-	-	-	332,903	4,213,812	4,546,715
Non-Profit Housing	-	-	-	-	121,272	4,572,028	4,693,300
Public University	-	-	-	-	13,247,325	8,284,328	21,531,654
Subtotal DC Act Statutory Exemptions	\$ 19,117,656	\$ 3,389,825	\$ 7,536,634	\$ 6,719,850	\$ 26,593,472	\$ 38,745,777	\$ 102,103,213
Council Authorized							
Residential Exemptions							
Affordable Housing	\$ 1,315,506	\$ 1,341,836	\$ -	\$ 2,560,538	\$ 130,961	\$ 250,292	\$ 5,599,133
Farm Help Houses ^[2]	53,730	-	-	-	-	-	53,730
Student Residence ^[2]	2,268,765	-	489,308	-	-	-	2,758,073
Redevelopment for residential facility	17,089	-	20,045	35,305	-	42,817	115,255
Laneway House / Garden Suite ^[2]	-	-	43,489	-	-	-	43,489
Non-Residential (NR) Exemptions							
Industrial rate reduced from max	8,842,021	6,144,739	19,057,768	11,338,578	11,174,297	10,871,812	67,429,215
Stepped non-industrial rates	6,905,725	1,329,341	52,844	151,958	90,221	132,573	8,217,074
Non-industrial expansion	3,774,439	851,001	4,843	-	7,569	826,984	5,464,836
Academic ^[2]	11,314,871	2,463,843	-	-	-	-	13,778,714
Public Hospital ^[2]	10,870	-	-	-	-	-	10,870
Agricultural Use	18,886,402	4,367,557	3,161,098	5,002,465	4,364,227	3,108,732	38,890,480
Place of Worship	999,712	24,670	750,922	1,165,862	9,261	346,987	2,603,439
Parking Structure ^[2]	3,841,662	-	-	-	-	-	3,841,662
Covered Sports Field ^[2]	-	-	-	-	-	-	-
50% Industrial Expansion - Detached	-	-	-	569,295	155,202	4,767,100	5,491,597
Residential & Non-residential (NR) Exemptions							
Downtown Hamilton CIPA	26,234,647	20,157,605	8,694,113	8,499,377	7,239,353	18,555,751	89,380,846
Downtown Public Art	916,574	-	-	4,422	-	37,277	958,272
Heritage Building	337,372	-	-	260,448	-	63,899	661,719
Transition Policy	12,824,809	1,271,486	1,496,304	3,098,804	1,001,083	1,478,841	21,171,327
Council Granted	2,038,785	-	-	-	-	-	2,038,785
ERASE ^[1]	287,265	-	-	-	-	-	287,265
Subtotal Council Authorized Exemptions	\$ 100,870,244	\$ 37,952,076	\$ 33,770,733	\$ 32,687,051	\$ 23,991,733	\$ 39,523,944	\$ 268,795,781
Total Exemptions By Development Type	\$ 119,987,900	\$ 41,341,901	\$ 41,307,367	\$ 39,406,901	\$ 50,585,204	\$ 78,269,721	\$ 370,898,994
DC Exemption Funding							
Exemptions funded from Rates Budget	\$ 43,050,518	\$ 9,000,000	\$ 8,000,000	\$ 9,000,000	\$ 9,000,000	\$ 9,000,000	\$ 87,050,518
Exemptions funded from Tax Budget ^[3]	11,525,460	7,841,836	8,500,000	11,060,538	10,130,961	13,201,292	62,260,087
Exemptions funded from Council (Rate portion)	18,895	-	-	-	-	-	18,895
Exemptions funded from Council (Tax portion)	23,243	-	-	-	-	-	23,243
Total DC Exemption Funding	\$ 54,618,116	\$ 16,841,836	\$ 16,500,000	\$ 20,060,538	\$ 19,130,961	\$ 22,201,292	\$ 149,352,743
Net total unfunded Exemptions	\$ 65,369,784	\$ 24,500,066	\$ 24,807,367	\$ 19,346,363	\$ 31,454,243	\$ 56,068,429	\$ 221,546,251
Prior Year DC Exemption Funding							
2017 YE Surplus allocated to NR Roads Exemptions							\$ 8,000,000
2018 Rates Exemption Funding Surplus							4,020,081
2018 YE Surplus allocated to NR Roads Exemptions							538,630
2018 YE Surplus allocated to Rates Exemption							2,700,000
2020 YE Surplus allocated to Tax Discretionary Exemptions							15,100,000
2021 YE Surplus allocated to Tax Discretionary Exemptions							12,951,576
2022 YE Surplus allocation to Tax Discretionary Exemptions							6,500,000
Total Prior Year DC Exemption Funding							\$ 49,810,287
Net total unfunded Exemptions (Prior Years)							\$ 171,735,964
Net total Discretionary unfunded Exemptions (Prior Years)							\$ 69,632,751

Notes:
 [1] ERASE used to be grouped with other exemptions, now funding recovered through the future ERASE grant/future taxes.
 [2] These exemptions are no longer in effect.
 [3] Exemptions funded from Tax Budget includes exemptions funded from affordable housing funds.



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

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	September 5, 2024
SUBJECT/REPORT NO:	Development Agreement Surety Bonds (FCS21056(b)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janeen Peters (905) 546-2424 Ext. 2132 Lindsay Gillies (905) 546-2424 Ext. 5491
SUBMITTED BY:	Kirk Weaver Acting Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the Development Agreement Surety Bond Policy (FPAP-DA-001) and the accompanied Development Agreement Surety Bond Language Template, attached as Appendix "A" to Report FCS21056(b), be amended as identified;
- (b) That staff be directed to allow developments which provided security prior to June 9, 2021, currently secured with a letter of credit or cash security, to replace the existing security with a surety bond, provided:
 - (i) The applicant submits an application form (Appendix "B") and a non-refundable application fee;
 - (ii) The applicant agrees to pay any third-party costs related to the approval of the application (e.g., legal fees, registration fee, title search);
 - (iii) The application is subject to joint approval by the General Manager of Planning and Economic Development (or designate) and the City Solicitor (or designate);

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: Development Agreement Surety Bonds (FCS21056(b)) (City Wide) –
Page 2 of 6**

- (c) That the application fee applicable to allow developments currently secured with a letter of credit or cash security which provided security prior to June 9, 2021, to replace the existing security with a surety bond be:
- (i) Established as \$300 for the 2024 calendar year;
 - (ii) Referred to the annual user fee by-law for 2025 and future years;
 - (iii) Credited to the Development Engineering Administration (45408-812015).

EXECUTIVE SUMMARY

Report FCS21056 / LS21021, Development Agreement Surety Bonds, was approved at the June 9, 2021 Council meeting. The approval and application of this policy allowed developments to provide a surety bond as security and was restricted to new development agreements. The policy was adopted on a go-forward basis and, therefore, developments which had previously provided security in the form of a letter of credit or cash security were not permitted to replace that security with a surety bond.

Staff provided an update on the uptake of the use of surety bonds on August 17, 2023 through Report FCS21056(a). At that time, staff was directed by Council to report back to the Audit, Finance and Administration Committee on a full cost recovery approach as it relates to the replacement of letters of credit and cash securities to surety bonds and that such report includes an assessment of how this program will assist the City's housing pledge.

The purpose of Report FCS21056(b) is to provide the findings and rationale for recommending that development agreements dated prior to June 9, 2021 (existing development agreements) be allowed to replace previously provided letters of credit and cash security with surety bonds.

Staff is recommending a case-by-case application process and that a \$300 non-refundable application fee be established for 2024 to allow developments currently secured with a letter of credit or cash security to replace the existing security with a surety bond. This \$300 application fee will cover the staff time required to review files and ensure that a replacement of the existing security would not materially change the City's risk related to the development security.

**SUBJECT: Development Agreement Surety Bonds (FCS21056(b)) (City Wide) –
Page 3 of 6**

As the City works towards addressing the housing crisis, internal and external stakeholders have agreed that allowing existing development agreements the option to transfer letters of credit and cash security to surety bonds would be beneficial to both the City and the development community. Even though the benefit to the City cannot be quantified (numerically), approving an amendment to the Development Agreement Surety Bond Policy (FPAP-DA-001) will signal to the development community that the City of Hamilton has been listening to developers' concerns and is committed and responsive to addressing the need for more financial flexibility to aid in increasing the housing supply.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: A non-refundable application fee of \$300 would be collected for each application and deposited to Development Engineering Administration (45408–812015), to offset staff time spent reviewing and processing applications. Developers may incur registration and out of pocket costs.

Staffing: It is anticipated that the volume of requests to replace letters of credit and cash security with surety bonds will peak shortly after approval of the amended policy. No additional staff is required. Requests will be prioritized among other tasks.

Legal: Applications will be approved or denied on a case-by-case basis to ensure that a replacement of the existing security would not materially change the City's risk related to the development security.

HISTORICAL BACKGROUND

Council adopted, through Report FCS21056 / LS21021 "Development Agreement Surety Bonds", presented at the June 3, 2021, Audit, Finance and Administration Committee meeting, the "Development Agreement Surety Bond Policy (FPAP-DA-001)" and the accompanied "Development Agreement Surety Bond Language Template".

The approved policy permitted the acceptance of surety bonds on a go-forward basis, where the language in development agreements were to include surety bonds as an acceptable security. However, existing development agreements were not permitted to substitute existing security with surety bonds.

**SUBJECT: Development Agreement Surety Bonds (FCS21056(b)) (City Wide) –
Page 4 of 6**

Since the implementation of the “Development Agreement Surety Bond Policy (FPAP-DA-001)” in 2021, the development community has been advocating to allow existing development agreements the option to transfer letters of credit and cash security to surety bonds. The City currently holds a total of 31 surety bonds, with an aggregate value of \$14.2 M after releases and reductions.

The West End Home Builders Association (WEHBA) has identified that developers have shown a keen interest in replacing previously provided security with surety bonds.

At the August 17, 2023, Audit, Finance and Administration Committee meeting, through Report (FCS21056(a)), Development Agreement Surety Bonds, staff presented challenges to adopting a blanket policy allowing existing development agreements the option to replace letters of credit or cash security with surety bonds. At that meeting, staff was directed to examine the feasibility of a full cost recovery approach as it relates to the transference of letters of credit and cash securities to surety bonds.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Report FCS21056(b) will enable developers who provided security prior to June 9, 2021 to replace the previously provided letter of credit or cash security currently held by the City with a surety bond where an application is made and approved jointly by Planning and Economic Development (PED) and Legal Services.

To accommodate this replacement, the City of Hamilton’s surety bond policy “Development Agreement Surety Bond Policy (FPAP-DA-001)” and accompanying Development Agreement Surety Bond Language Template will need to be updated as identified in the attached as Appendix “A” to Report FCS21056(b).

RELEVANT CONSULTATION

Internal

- Planning and Economic Development Department
- Legal and Risk Management Services Division, Corporate Services Department

External

- Surety Providers
 - RAISE Underwriting
 - Marsh Inc.
 - Intact Insurance

**SUBJECT: Development Agreement Surety Bonds (FCS21056(b)) (City Wide) –
Page 5 of 6**

- Development Community
 - T. Johns Consulting Group
 - West End Home Builders' Association (WEHBA)
- Municipalities
 - City of Pickering
 - Niagara Region

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Staff has established that a \$300 non-refundable application fee would offset the staff time needed to facilitate a program to allow developments which provided security prior to June 9, 2021, currently secured with a letter of credit or cash security, to replace the existing security with a surety bond.

Appendix “A” to Report FCS21056(b) details the changes recommended to the City’s Development Agreement Surety Bond Policy (FPAP-DA-001) and the accompanied Development Agreement Surety Bond Language Template. The changes can be summarized as:

- The addition of Section 8 in the Details: Usage and Limitation section of the Policy which adds the ability to permit the City to exchange another form of security for a surety bond.
- The insertion of Section 13 in the Development Agreement Surety Bond Language Template which addresses responsibility of the surety provided in the event the surety bond is a replacement for a previous security.
- Housekeeping changes.

The application form, attached as Appendix “B” to Report FCS21056(b) includes the criteria required for an approval. Including the criteria on the application allows developers to assess their development against the criteria the City will be looking which should limit the number of applications that the City ultimately needs to reject.

The criteria that will determine whether the City approves an application are as follows:

- The surety provider must be willing to accept all obligations under the development agreement even applying to breaches that precede its issuance, as well as, breaches the City knew about and failed to act on.
- No default of the related development agreement has occurred.
- The City is not currently engaged in litigation or otherwise involved in a dispute with the party that has posted the security.
- No third parties will be adversely affected (e.g., as mortgagees and guarantors)
- There has not been a change in the ownership of the land.

**SUBJECT: Development Agreement Surety Bonds (FCS21056(b)) (City Wide) –
Page 6 of 6**

An application will be rejected if the conditions are not met or the information required to satisfy the conditions is not readily available.

The Council direction provided at the August 17, 2023 meeting of the Audit, Finance and Administration Committee meeting requested an assessment of how this program will assist the City's housing pledge. A key difference between a letter of credit or cash and a surety bond is that a surety bond does not tie up the capital of the developer. This capital that would otherwise be tied up as security is then able to be used by the developer for other purposes, e.g, another development project.

While the general logic is that developers can do more projects when secured with surety bonds, the City cannot require that the freed up capital is used for other development projects within the City. In addition, the pace at which developments can progress is influenced by many factors such as the labour market and interest rates. Therefore, the impact of allowing development agreements dated prior to June 3, 2021 (existing development agreements) be allowed to replace previously provided letters of credit and cash security with surety bonds is one of many factors that impact on the pace the City achieves its housing pledge.

Even though the benefit to the City cannot be quantified (numerically), approving an amendment to the Development Agreement Surety Bond Policy (FPAP-DA-001) will signal to the development community that the City of Hamilton is committed and responsive to addressing the need for more financial flexibility to aid in increasing the housing supply.

ALTERNATIVES FOR CONSIDERATION

None

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to FCS21056(b) – Development Agreement Surety Bond Policy (FPAP- DA-001) and Development Agreement Surety Bond Language Template

Appendix "B" to FCS21056(b) – Development Agreement Security Replacement Application


Surety Bond Policy		
FPAP-DA-001		FCS21056/LS21021 at AF&A
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Development Agreement Surety Bond Policy

POLICY STATEMENT	This Policy outlines the requirements of a surety bond to be an acceptable form of security for Development Agreements.
SCOPE	<p>This Policy is applicable, in all cases, in which a Surety Bond is being provided as security for a Development Agreement.</p> <p>Surety Bonds may be provided for any Development Agreement which is required to provide Security and may be for the full amount of security required or for a portion if supplemented with a Letter of Credit or cash, only where the language, in the associated Development Agreement, permits Surety Bonds.</p>
PURPOSE (GUIDING PRINCIPLES)	To ensure the equitable and transparent administration of the use of Surety Bonds for Development Agreements.
RELATED LEGISLATION	Development Agreements are entered into under the <i>Planning Act, 1990</i> , as amended, and the required security that this Surety Bond Policy applies to is outlined in each of the respective Development Agreements.
TRANSPARENCY	This Policy, inclusive of Appendix A, is available publicly.
DEFINITIONS	
“Development Agreement”	Refers to any agreement entered into between the City of Hamilton and a land owner to regulate the provision of on-site and municipal works required to service land under development applications. Includes, but is not limited to, Plan of Subdivision, Site Plan, External Works Agreement, Joint Service Agreement and Consent Agreement.
“Security”	An amount required to be provided under a Development Agreement which will ultimately be returned to the developer after the terms of the Development Agreement have been executed to the City’s satisfaction.
“Surety Bond”	A demand worded bond which guarantees the assumption of responsibility for payment of security in the event of default of a Development Agreement.

Surety Bond Policy		
FPAP-DA-001		FCS21056/LS21021 at AF&A
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“Surety provider”	A company legally capable of acting as the surety in the surety bond agreement.
DETAILS: USAGE AND LIMITATIONS	<p>This Policy is applicable, in all cases, in which a Surety Bond is being provided as security for a Development Agreement.</p> <p>Where financial security is required by the City, a term of any contract or as a condition of any planning approval, Development Agreement Surety Bonds are a satisfactory financial security provided they are issued to and received by the City in accordance with the following terms and conditions:</p> <ol style="list-style-type: none"> 1. The Development Agreement Surety Bond shall be issued by a Canadian surety provider having a minimum credit rating of: <ol style="list-style-type: none"> (a) “A” or higher as assessed by Dominion Bond Rating Service Limited; (b) “A-“ or higher as assessed by Fitch Ratings; (c) “A3” of higher as assessed by Moody’s Investors Services Inc.; or (d) “A-“ or higher as assessed by S&P. 2. The issuing company shall be incorporated in Canada for no less than ten (10) years and issue surety bonds in Canadian dollars. 3. The issuing surety provider must be an active institution monitored by the Office of the Superintendent of Financial Institutions (OSFI). 4. When a surety provider that has issued or has confirmed a surety bond received and held by the City, subsequently ceases, in the opinion of the City to meet all or any of the requirements of this Policy, the City may, in its discretion, and subject to Section 7 of this Policy, require a new security to its satisfaction, to be provided to the City within ten (10) days of demand for same and the original surety bond will be returned and / or exchanged for the replacement security. In the event the new security is not received as required, the City may draw upon the original Surety Bond. 5. Where there is doubt as to the credit rating or other qualification of a surety provider, the City’s General Manager of Finance and Corporate Services shall be satisfied that the institution meets the guidelines of this Policy.

Surety Bond Policy		
FPAP-DA-001		FCS21056/LS21021 at AF&A
Page 3 of 3		Approval: 2021-06-09 Amended: 2024-XX-XX
	<p>6. The surety bond to be provided to the City issued by a surety provider shall be irrevocable and shall be in the form and on the terms of the "Development Agreement Surety Bond" template attached hereto as Appendix B.</p> <p>7. Notwithstanding anything in this Policy,</p> <p>(a) the City may, in its discretion, decline a surety bond for any reason;</p> <p>(b) when a surety bond has been received and is being held by the City and the City is no longer satisfied that the surety bond adequately provides adequate protection, the City may require a new security to its satisfaction, to be provided to the City within ten (10) days of demand for same and the original surety bond will be returned and / or exchanged for the replacement security. In the event the new security is not received as required, the City may draw upon the original Surety Bond;</p> <p>8. This policy shall apply with necessary modifications to permit the City to exchange another form of security for a Surety Bond if:</p> <p>(a) The Development Agreement under which the other security was provided pre-dated this Policy, and the developer is now seeking to pursue the option to provide a Surety Bond that was formerly unavailable to it;</p> <p>(b) The ownership of the lands affected by the Development Agreement has not changed;</p> <p>and,</p> <p>(c) The Development Agreement is not in default.</p> <p>Any deviations from the said approved form of Development Agreement Bond template shall be reviewed by and are subject to approval of the General Manager of Finance and Corporate Services and the City Solicitor.</p>	
POLICY OWNER	Director of Financial Planning, Administration and Policy	
ADMINISTRATION	The Development Agreement Surety Bond Policy shall be administered by the Financial, Planning, Administration and Policy Division within the Corporate Services Department.	

Surety Bond Policy			
FPAP-DA-001			FCS21056/LS21021 at AF&A
Page 3 of 3			Approval: 2021-06-09 Amended: 2024-XX-XX
RELATED POLICIES	Irrevocable Letter of Credit Policy (FCS02016)		
RELATED STANDARD OPERATING PROCEDURES	FPAP-SOP-DA-001 Development Securities Processing		

**APPENDIX A TO POLICY FPAP-DA-001
DEVELOPMENT AGREEMENT SURETY BOND**

BOND NO.:

AMOUNT: \$

KNOW ALL PERSONS BY THESE PRESENTS, that

,

as Principal, hereinafter called the "**Principal**", and

,

as Surety, hereinafter called the "**Surety**", are held and firmly bound unto _____, as Obligee, hereinafter called the "**Obligee**", in the amount of _____ Dollars (\$ _____) lawful money of Canada, for the payment of which sum, well and truly to be made, the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS the Principal and Obligee have entered into, or will enter into, an agreement with reference number _____ with respect to lands known as _____ in the City of Hamilton (said agreement is by reference made a part hereof and is hereinafter referred to as the "**Development Agreement**").

NOW THEREFORE, the condition of this obligation is such that if the Principal shall, in the opinion of the Obligee do and perform all of the stipulations, conditions, covenants and terms of the Development Agreement, then this obligation shall be void and of no effect; otherwise, it shall remain in full force and effect.

PROVIDED, however, the foregoing obligation is subject to the following terms and conditions:

1. Whenever the Principal shall be declared in writing by the Obligee to be in default under the Development Agreement, and the Obligee intends to make a claim under this bond, the Obligee shall promptly notify the Principal and the Surety in writing of such default in the form of a Demand, the form of which is attached to this Bond as Schedule "A".
2. On determination by the Obligee, in its sole and absolute discretion, that the Principal is in default of its obligations under the Development Agreement, the Surety and Principal agree that the Surety will make payments to the Obligee for amounts demanded by the Obligee, up to an aggregate of the Bond Amount, within ten (10) business days after the Surety's receipt of a Demand from the Obligee at the address noted herein by hand or courier.

3. This Bond is irrevocable and payment will be made notwithstanding any objection by the Principal. Where a Demand in the prescribed form has been delivered to the Surety, it shall be accepted by the Surety as conclusive evidence of its obligation to make payment to the Obligee, and the Surety shall not assert any defence or grounds of any nature or description for not making payment to the Obligee, in whole or in part, pursuant to such Demand, including but not limited to any of the following reasons: that a Default has not occurred, that the Principal committed any fraud or misrepresentation in its application for the Bond, or that the amount set out in the Demand is not appropriate, warranted or otherwise not in accordance with the Development Agreement. The Surety's liability under this Bond is unconditional and shall not be discharged or released or affected by any arrangements made between the Obligee and the Principal or by any dispute between the Surety and Principal, or the taking or receiving of security by the Obligee from the Principal, or by any alteration, change, addition, modification, or variation in the Principal's obligation under the Development Agreement, or by the exercise of the Obligee or any of the rights or remedies reserved to it under the Development Agreement or by any forbearance to exercise any such rights or remedies whether as to payment, time, performance or otherwise (whether or not by any arrangement, alteration or forbearance is made without the Surety's knowledge or consent). All payments by the Surety shall be made free and clear without deduction, set-off or withholding.
4. The Obligee may make multiple Demands under this bond.
5. The amount of the Bond may be reduced from time to time as advised by notice in writing by the Obligee to the Surety.
6. Each payment made by the Surety under this Bond shall reduce the amount of this Bond.
7. In no event shall the Surety be liable for a greater sum than the amount of this Bond.
8. No right of action shall accrue upon or by reason hereof to or for the use or benefit of any person other than the Obligee.
9. When the Principal has completed all works required by the Development Agreement to the Obligee's satisfaction, all maintenance and rectification periods contained within the Development Agreement have expired, and the Obligee has finally assumed all works in writing, the Obligee shall return this Bond to the Surety for termination or advise the Surety in writing that this Bond is terminated, in accordance with the terms of the Development Agreement.
10. If the Surety at any time delivers at least ninety (90) days prior written notice to the Obligee and to the Principal of its intention to terminate this obligation, the Principal shall deliver to the Obligee, not less than thirty (30) days prior to the termination of this Bond, financial security in the amount of this Bond in a form acceptable to the Obligee. If the replacement financial security is not provided by the Principal or is not accepted by the Obligee, this Bond shall remain in effect.
11. Nothing in this bond shall limit the Principal's liability to the Obligee under the Development Agreement.

- 12. This Bond shall be governed by and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable thereto and shall be treated, in all respects, as a contract entered into in the Province of Ontario without regard to conflict of laws principles. The Principal and Surety hereby irrevocably and unconditionally attorn to the jurisdiction of the courts of the Province of Ontario.
- 13. If this Bond was issued as a replacement for other Security (including other Security that was itself replacement Security), this Bond shall nevertheless be fully retroactive in operation to the date of the Development Agreement. Without limiting the application of anything in section 3 above, the Surety shall be fully responsible under this Bond for the entire term of the Development Agreement, irrespective of the number of intermediate replacement Securities and even if any such intermediate replacement Securities were in default (whether knowingly or unknowingly and whether innocently or fraudulently concealed), when replaced by this Bond.
- 14. All Demands and notices under this Bond shall be delivered by hand, registered mail or courier to the Surety, with a copy to the Principal at the addresses set out below, subject to any change of address in accordance with this Section. All other correspondence may be delivered by regular mail, registered mail, courier, or email. A change of address for the Surety is publicly available on the Financial Services Regulatory Authority of Ontario website. The address for the Principal may be changed by giving notice to the other parties setting out the new address in accordance with this Section.

The Surety:

Name
Address
Email
Phone

The Principal:

Name
Address
Email
Phone

The Oblige:

Name
Address
Email
Phone

IN TESTIMONY WHEREOF, the Principal has hereto set its hand and affixed its seal and the Surety has caused these presents to be sealed with its corporate seal duly attested by the signature of its authorized signing authority.

SIGNED AND SEALED this day of , **20** , in the presence of:

Per: _____
 Name:
 Title:

Per: _____
 Name:
 Title:

I / We have the authority to bind the Corporation.

, Attorney in Fact

Schedule A

DEMAND – NOTICE OF DEFAULT

Date:

Surety:

Address:

Attention:

Re: Development Agreement Bond No. (the "Bond")

Principal: (the "Principal")

Obligee: (the "Obligee")

Agreement: (the "Development Agreement")

Dear ,

Pursuant to the above referenced Bond, The City of Hamilton hereby declares a default under the Development Agreement.

We hereby demand that the Surety honour its ten (10) day payment obligation as per the terms of the Bond and we hereby certify that we are entitled to draw on the Bond pursuant to the terms of the Development Agreement and demand payment of \$ under the terms of the Bond.

Payment Instructions:

Yours truly,

THE CITY OF HAMILTON



Planning and Economic Development Growth Management Division
 71 Main Street West, 6th Floor
 Hamilton, Ontario L8P 4Y5
 Phone: 905-546-2822

APPLICATION TO REPLACE SECURITY WITH SURETY BONDS

Applicant Information

Name First Name <input type="text"/> Last Name <input type="text"/>	
Company Company Name <input type="text"/>	
Address Company Address <input type="text"/>	
City <input type="text"/>	Postal Code <input type="text"/>
Requestor Position/Title <input type="text"/>	
Contact Email <input type="text"/>	Phone <input type="text"/>
Has a request previously been made to replace Letters of Credit or cash security with surety bonds? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", please provide details: <input type="text"/>	

Property Information

File number <input type="text"/>	
Development Address <input type="text"/>	
City <input type="text"/>	Postal Code <input type="text"/>
Property Type: <input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
Development Type:	
<input type="checkbox"/> Subdivision	<input type="checkbox"/> External Works <input type="checkbox"/> Site Plan
<input type="checkbox"/> Monitoring Agreement	<input type="checkbox"/> Shoring <input type="checkbox"/> Special Water/Sewer Service
<input type="checkbox"/> Joint Service	<input type="checkbox"/> Pre-Grading <input type="checkbox"/> Condominium
<input type="checkbox"/> Consent	<input type="checkbox"/> Site Alteration <input type="checkbox"/> Other: Specify _____

Existing Security to Replace

Cash	Current Balance: <input type="text"/>
Letter of credit	Current Balance: <input type="text"/>

Declaration of applicant:

I _____ declare that:
 (Print Name)
 I have the authority to initiate this request.
 I agree to pay any third-party fees related to this request.
 I certify that the information contained in this application is accurate and correct.

 SIGNATURE

 DATE

For Internal Use

Reviewed by _____ Date _____ Department Choose an item.

Approved Yes No

Reviewed by _____ Date _____ Department Choose an item.

Approved Yes No

Forwarded to Finance Yes No Date _____

Received by Finance Yes No Date _____

Processed by Finance Yes No Date _____

Decision Analysis

Please check **all** that apply:

The surety provider must be willing to accept all obligations under the development agreement even applying to breaches that precede its issuance, as well as breaches the City knew about and failed to act on.

No default has occurred

The City is not currently engaged in litigation or otherwise involved in a dispute with the party that has posted the security.

No third parties will be adversely affected; and,

There has not been a change in the ownership of the land.

Non-refundable application fee (\$300.00) received.

Additional consideration:

Click or tap here to enter text.



Application Instructions

1. Before submitting application, please check eligibility criteria.
(Note. Application fee is non-refundable once submitted)
 - No default has occurred on the related development agreement.**
 - The City is not currently engaged in litigation or otherwise involved in a dispute with the party that has posted the security.**
 - No third parties will be adversely affected.**
 - No change in the ownership of the land.**
 - Surety provider is willing to accept all obligations under the development agreement even applying to breaches that precede its issuance, as well as breaches the City knew about and failed to act on.**
2. Application form must be completed by owner or designate with the authority to bind the development agreement.
3. All sections of the form must be completed before accepted and reviewed by City of Hamilton staff.
4. How to submit completed form.
 - In-person: 71 Main Street W, 6th Floor.
 - Email: DevEngApprovals@hamilton.ca
5. Submit non-refundable application fee (\$300) with application. The City accepts Debit, Credit (VISA & MC) and cheque/bank draft.
6. Please allow 3-4 weeks for processing. Note, complex cases may take longer.
7. A decision on the application will be communicated by Development Engineering within the specified timeframe indicated above.

CITY OF HAMILTON MOTION

Audit, Finance and Administration Committee: September 5, 2024

MOVED BY COUNCILLOR C. KROETSCH.....

SECONDED BY COUNCILLOR.....

Fencing at 42 Mary Street (Ontario Aboriginal Housing Services) (Ward 2)

WHEREAS, the management of 42 Mary Street was transferred from the City of Hamilton in partnership with Urban Native Homes to Ontario Aboriginal Housing Services in 2016;

WHEREAS, Ontario Aboriginal Housing Services receives financial support from the City of Hamilton through the Commercial Rent Supplement Program;

WHEREAS, Ontario Aboriginal Housing Services, as an affordable housing provider, does not have sufficient funding to take on emerging capital improvements;

WHEREAS, residents at 42 Mary Street have an outdoor seating area for gathering at the corner of Mary Street and King William Street;

WHEREAS, the outdoor seating area is frequently used as a shortcut, which makes it difficult for residents to enjoy;

WHEREAS, Ontario Aboriginal Housing Services hired Davis Fences to provide a quote to install a fence along the property line at 42 Mary Street, which was quoted at \$15,243.70, inclusive of HST.

THEREFORE, BE IT RESOLVED -

- (a) That costs associated with installing a fence at 42 Mary Street be funded from the Ward 2 Special Capital Reinvestment Reserve 108052 at an upset limit, including contingency, not to exceed \$16,000; and
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

CITY OF HAMILTON MOTION

Audit, Finance and Administration Committee: September 5, 2024

MOVED BY COUNCILLOR C. KROETSCH.....

SECONDED BY COUNCILLOR

Financial Support for CityHousing Hamilton Capital Projects (Ward 2)

WHEREAS, CityHousing Hamilton (CHH) does not have sufficient funding to take on emerging capital updates and repairs to their many buildings in Ward 2;

WHEREAS, CityHousing Hamilton owns the following properties in Ward 2:

- (i) 95 Hess Street South, a 291-unit singles building built in 1968;
- (ii) 181 Jackson Street West, a 265-unit singles building built in 1968;
- (iii) 206 Jackson Street East. a 30-unit mixed singles/family building built in 1974;
- (iv) 226 Rebecca Street, a 199-unit seniors building built in 1971;
- (v) 55 Hess Street South/181 Main Street West, a commercial mall and office space connecting 200 Jackson Street West and 191 Main Street West, a 467-unit seniors complex built in 1973; and,
- (vi) 185 Jackson Street East, a 50-unit one and two bedroom building built in 1991

WHEREAS, CityHousing Hamilton recognizes that its tenants, both residential and commercial, deserve structural and cosmetic upgrades to improve the overall quality of life for all by promoting well-being, safety, and community engagement;

WHEREAS, CityHousing Hamilton staff obtained the following quotes and estimates for necessary capital updates and repairs:

- (i) Community Room flooring replacement at 226 Rebecca Street for \$12,311.35;
- (ii) Community Room upgrades at 226 Rebecca Street for \$24,916.37;
- (iii) Balcony and railing replacement at 181 Jackson Street West for \$500,000;
- (iv) Lobby floor replacement at 181 Jackson Street West for \$11,526.00;
- (v) Community garden upgrades at 181 Jackson Street West for \$12,062.75;
- (vi) Pigeon netting at 181 Jackson Street West and 95 Hess Street South for \$166,800;
- (vii) Metal out handrail replacement at 95 Hess Street South for \$1,506.04;

- (viii) Community Room floor replacement at 185 Jackson Street East for \$11,300;
- (ix) Hallway flooring replacement at 206 Jackson Street East for \$11,100;

THEREFORE, BE IT RESOLVED:

- (a) That the CityHousing Hamilton Capital Funding be funded from the Ward 2 Capital Re-Investment Reserve #108052 at an upset limit, including contingency, not to exceed \$850,000
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.