



City of Hamilton
GENERAL ISSUES COMMITTEE
REVISED

Meeting #: 24-016
Date: October 2, 2024
Time: 9:30 a.m.
Location: Council Chambers (GIC)
Hamilton City Hall
71 Main Street West

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

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 September 18, 2024

5. COMMUNICATIONS

6. DELEGATION REQUESTS

- *6.1 Ali T Ghouse, Muslim Council of Greater Hamilton, respecting information about the Muslim community's achievements, plans for Hamilton, aspirations and how it relates to activities in the City and City Council (In-Person) (For a future meeting)

7. DELEGATIONS

- 7.1 Sarah Warry, The Bridge From Prison to Community, respecting their program and need for assistance to help house those with criminal records, mental health issues and addictions in our transitional housing program (In-Person) (Approved September 4, 2024)

8. STAFF PRESENTATIONS

- *8.1 Economic Development Action Plan 2023 Update (PED24118) (City Wide) - PRESENTATION REVISED
- *8.2 Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan (PW24057/FCS24045) (City Wide) (Outstanding Business List Item) (Presentation Attached)

9. CONSENT ITEMS

- 9.1 Mayor's Task Force on Transparency, Access and Accountability Report 24-007 - September 18, 2024
- 9.2 Cleanliness and Security in the Downtown Core Task Force Report 24-004 - September 12, 2024

10. DISCUSSION ITEMS

- 10.1 Business Improvement Area Sub-Committee Report 24-006 - September 10, 2024
- 10.2 Municipal Capital Facility John C. Munro Hamilton International Airport (PED24061) (City Wide)
- 10.3 Establishing a Process to Appoint a Municipal Representative to the Hamilton-Oshawa Port Authority Board of Directors (PED23021(a)) (City Wide) (Outstanding Business List Item)
- 10.4 Green and Inclusive Communities Building Program Intake 3 (FCS21055(b)) (City Wide)
- 10.5 Accessibility Committee for Persons with Disabilities Report 24-008 - September 10, 2024
- 10.6 Light Rail Transit Sub-Committee Report 24-003 - September 20, 2024

11. MOTIONS

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

14. PRIVATE AND CONFIDENTIAL

*14.1 Closed Session Minutes - September 18, 2024

Pursuant to Section 9.3, Sub-sections (c), (e), (f) and (j) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (c), (e), (f) and (j) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board; litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board; and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and a trade secret or scientific, technical, commercial, or financial information that belongs to the municipality or local board and has monetary value or potential monetary value.

*14.2 Confidential Correspondence from Hamilton Wentworth District School Board

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

*14.3 Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Lands (PED19063(g)) (Ward 2)

Pursuant to Section 9.3, Sub-sections (c), and (j) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (c), and (j) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board; and a trade secret or scientific, technical, commercial, or financial information that belongs to the municipality or local board and has monetary value or potential monetary value.

15. ADJOURNMENT



GENERAL ISSUES COMMITTEE MINUTES 24-015

9:30 a.m.

September 18, 2024

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

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

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. 2024-2028 Tourism Strategy (PED24046(a)) (City Wide) (Outstanding Business List Item) (Item 8.1)

(Jackson/Nann)

- (a) That the City of Hamilton “2024-2028 Draft Tourism Strategy”, attached as Appendix “A” to Report PED24077, be received;
- (b) That staff be directed to report back to General Issues Committee with a final “2024-2028 Tourism Strategy” in November 2024; and,
- (c) That this item be removed from the Outstanding Business List.

Result: MOTION, CARRIED by a vote of 16 to 0, as follows:

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

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

2. Reducing Homelessness and Managing Encampments (HSC24027(b) / FSC24028 / PED24162) (City Wide) (Item 8.2)

(i) (Danko/Nann)

(a) That Council approve the following 192 spaces to create temporary shelter capacity in the homeless serving system to respond to the needs of unhoused individuals, homelessness and encampments at an approximate cost of \$3,678,678 for operating, plus \$498,820 in one-time grants from October 1, 2024 – March 31, 2025 to be funded from Housing Sustainability and Investment Roadmap Reserve up to a total of \$4,177,468 with a breakdown as follows:

- (i) 10 beds for women and gender diverse individuals subject to gender-based violence at Interval House of Hamilton, 6 of which are to be pet friendly \$79,200;
- (ii) 45 beds at the Asylum Seekers Assistance Program for all genders provided by Wesley \$761,972 and \$178,500 to Refugee Newcomer Health for a total of \$940,472;
- (iii) 20 beds at Wesley's Special Care Unit for all genders \$399,638;
- (iv) 20 beds for women and gender diverse individuals provided by the YWCA \$542,320, plus grant provided to funder for capital costs of \$70,000;
- (v) 24 beds at the Salvation Army for men and gender diverse individuals \$262,800 plus grant provided to funder for capital costs of \$80,000;
- (vi) 15 beds at Mission Services Emma's Place for women and gender diverse individuals \$268,276;
- (vii) 8 beds at Mission Services Men's Services for men and gender diverse individuals \$143,080; and,
- (viii) 50 beds at Good Shepherd Cathedral for men and gender diverse individuals \$1,042,862 plus grant provided to funder for capital costs of \$348,820

(b) That Council approve the following 192 spaces to create temporary shelter capacity in the homeless serving system to respond to the needs of the unhoused individuals, homelessness and encampments at an approximate cost of \$5,517,973 from April 1, 2025 – December 31, 2025, and approximately \$7,357,297 annually thereafter, be referred to the Housing Services Division's 2025 Tax Operating Budget Process, including 2.5% for inflation, with a breakdown as follows:

- (i) 10 beds for women and gender diverse individuals subject to gender-based violence at Interval House of Hamilton, 6 of which are to be pet friendly \$118,800 (\$158,400 annualized);
- (ii) 45 additional beds at the Asylum Seekers Assistance Program for all genders provided by Wesley \$1,142,958 (\$1,523,944 annualized) and \$267,750 (\$357,000 annualized) to Refuge Newcomer Health for a total of \$1,880,944;
- (iii) 20 beds at Wesley's Special Care Unit for all genders \$599,457, (\$799,276 annualized);
- (iv) 20 beds for women and gender diverse individuals provided by the YWCA \$813,483, (\$1,084,644 annualized);
- (v) 24 beds at the Salvation Army for men and gender diverse individuals \$394,200, (\$525,600 annualized);
- (vi) 15 beds at Mission Services Emma's Place for women and gender diverse individuals \$402,413, (\$536,550 annualized);
- (vii) 8 beds at Mission Services Men's Services for men and gender diverse individuals \$214,620, (\$286,160 annualized); and,
- (viii) 50 beds at Good Shepherd Cathedral for men and gender diverse individuals \$1,564,292, (\$2,085,723 annualized)

Result: MOTION on Item 8.2 (a) and (b), CARRIED by a vote of 16 to 0, as follows:

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

(ii) (Danko/Nann)

- (c) That Council approve the provision of Temporary Outdoor Shelters prioritizing (but not limited to) couples and individuals with pets, at an approximate cost of \$7M, with a breakdown as follows:
 - (i) That the operation of the site for 80 temporary outdoor shelter beds from December 1 to December 31, 2024, at an estimated

- cost of \$241,353 be funded from the Housing Sustainability and Investment Roadmap Reserve;
- (ii) That operation of the site for 80 temporary outdoor shelter beds from January 1, 2025, to March 31, 2025, with an estimated cost of \$724,060 be funded from the Housing Sustainability and Investment Roadmap Reserve;
 - (iii) That operation of the site for 80 temporary outdoor shelter beds from April 1, 2025 – December 31, 2025, at an estimated cost of \$3,234,135, and approximately \$3,958,195 annually thereafter, including an inflationary increase of 2.5% annually, be referred to the Housing Services Division's 2025 Tax Operating Budget Process;
 - (iv) A one-time, in year cost of up to \$2.8M to be funded from the Housing Sustainability and Investment Roadmap Reserve, beginning October 1, 2024, for the development of a temporary outdoor shelter site through the execution of a single source policy, with a breakdown as follows:
 - (1) Supply and Installation of structures sufficient to provide shelter for up to 80 individuals, inclusive of couples.
 - (2) Supply and Installation of a common building that will serve as a gathering space and offices for on-site staff.
 - (3) Supply of food, washrooms, showers and laundry amenities.
 - (4) Site Preparation and Servicing (including grading, electrical infrastructure, and fencing), and
 - (5) Connections to any necessary infrastructure required for operation.
 - (v) That the General Manager, Healthy and Safe Communities be authorized to single source contracts with the temporary outdoor shelter operator, the provider of the structures, support services and any site work to prepare the site for the use;
 - (vi) ***That no encampments be permitted within 1 km of the site to prevent further concentration of encampments near to this fully supported site; and***
 - (vii) ***That Bayfront Park, Pier 4 Park and Central Park be removed as permitted encampment locations under the encampment protocol.***

Result: MOTION on Item 8.2 (c), as amended, CARRIED by a vote of 12 to 4, as follows:

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

**General Issues Committee
Minutes 24-015**

**September 18, 2024
Page 5 of 38**

No	-	Ward 5	Councillor Matt Francis
No	-	Ward 6	Councillor Tom Jackson
No	-	Ward 7	Councillor Esther Pauls
Yes	-	Ward 8	Councillor J. P. Danko
Yes	-	Ward 9	Councillor Brad Clark
Yes	-	Ward 10	Councillor Jeff Beattie
Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
No	-	Ward 14	Councillor Mike Spadafora
Yes	-	Ward 15	Councillor Ted McMeekin

(iii) (Danko/Nann)

- (d) That Council approve 7 permanent FTE to undertake the work to support the development of the new temporary shelter beds, operation and support of the temporary outdoor shelter and the continued temporary programming initiatives, including 4 Emergency Shelter Case Managers, 1 Housing Support Worker, 1 Housing Services Case Aid, and One Senior Project Manager, for an approximate annualized cost of \$800,000, to be broken out as follows:
- (i) That the 7 FTE be funded from Housing Sustainability and Investment Roadmap Reserve up to a total of \$200,000 between October 1, 2024, and December 31, 2024.
 - (ii) That the 7 FTE be funded from Housing Sustainability and Investment Roadmap Reserve up to a total of \$200,000 between January 1, 2025, and March 31, 2025.
 - (iii) That the 7 FTE be included in the Housing Services Division's 2025 Tax Operating Budget, at approximately \$600,000 for April 1, 2025, to December 31, 2025, and \$800,000 annually thereafter.

Result: MOTION on Item 8.2 (d), CARRIED by a vote of 10 to 6, as follows:

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

Yes - Ward 12 Councillor Craig Cassar
 Yes - Ward 13 Councillor Alex Wilson
 No - Ward 14 Councillor Mike Spadafora
 Yes - Ward 15 Councillor Ted McMeekin

(iv) (Danko/Nann)

- (e) That the General Manager of the Healthy and Safe Communities Department or their designate be directed and authorized, on behalf of the City of Hamilton, to negotiate, enter into, execute and administer any and all contracts, agreements and other documents necessary to implement recommendations (a) through (c) on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department or their designate and in a form satisfactory to the City Solicitor.

Result: MOTION on Item 8.2 (e), CARRIED by a vote of 16 to 0, as follows:

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

(v) (Nann/Danko)

That Report HSC24027(b) / FSC24028 / PED24162, Reducing Homelessness and Managing Encampments, **be further amended**, by adding an additional sub-section (f), as follows:

- (f) That City staff be directed to report back in Q1 2025 on potential changes to the current Encampment Protocol related to the implementation of the City's investment in temporary and permanent shelter spaces, which will enable the City to enforce its Parks and Streets By-law and sunset the current Encampment Protocol to ensure that the City is in compliance with the Charter and current case law.**

Result: *AMENDMENT*, to Item 8.2, **CARRIED by a vote of 12 to 4, as follows:**

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

3. Chedoke Creek Order - Remediation Update (PW19008(w)) (City Wide) (Item 9.1)

(A. Wilson/Kroetsch)

That Report PW19008(w), respecting the Chedoke Creek Order - Remediation Update, be received.

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

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

4. Service Manager Consent for Victoria Park Community Homes Inc. (HSC24035) (Wards 5,6,7,14 and 15) (Item 10.1)**(Jackson/Spadafora)**

- (a) That the General Manager of Healthy and Safe Communities be delegated the authority to provide Service Manager consent under the Housing Services Act, 2011 to Victoria Park Community Homes Inc. to mortgage the properties municipally known as:
- (i) 1049 Rymal Road
 - (ii) 525 Stonechurch Road
 - (iii) 80 Gilcrest Drive
 - (iv) 831 Queenston Road
 - (v) 1 Hamilton Street S.
- (b) That the General Manager of Healthy and Safe Communities be delegated the authority to provide Service Manager consent under the Housing Services Act, 2011 to Victoria Park Community Homes Inc. to mortgage other properties owned by Victoria Park Community Homes Inc. as deemed appropriate by the GM and subject to the following conditions:
- (i) The maximum amount of the mortgage for each property shall not exceed **75%** of the value of each property at the date of request and;
 - (ii) The properties must not be subject to any other mortgage/charge other than a mortgage/charge securing a grant from Canada Housing and Mortgage Corporation (CHMC) to be used for capital repairs, increasing energy efficiency, and increasing accessibility in all their current housing stock.
- (c) That the General Manager of Healthy and Safe Communities be authorized to enter and execute any ancillary agreements and documents necessary to give effect to the Service Manager consent for Victoria Park Community Homes Inc.

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

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

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

5. Delegated Authority for Municipal Aid Agreements (PW24053) (City Wide) (Item 10.2)

(Danko/A. Wilson)

- (a) That the City of Hamilton delegate authority to the General Manager, Public Works to enter into mutual aid agreements where it is operationally feasible to do so, and there is no additional labour and material cost to the City, in a form satisfactory to the City Solicitor and Risk Management, an example of which is shown in Appendix "A" PW24053;
- (b) That the City Solicitor or their delegate be authorized and directed to take all necessary steps and execute all necessary documents to complete and enter into mutual aid agreements if requested by the General Manager, Public Works; and
- (c) That the applicable Public Works Director be directed to provide, within a reasonable timeframe, a Communication Update to Council when a Mutual Aid Agreement has been authorized.

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

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

6. Art Gallery of Hamilton Update (PED24185) (City Wide) (Outstanding Business List Item) (Item 10.4)**(Kroetsch/Danko)**

- (a) That the City provide one-time funding to the Art Gallery of Hamilton, through a grant, up to the amount of \$1,210,000, to support costs associated with 2024 utility charges and facility-related costs that are contributing factors to a forecasted 2024 year-end deficit to be funded from Tax Stabilization Reserve (#10046); and
- (b) That staff be directed and authorized to enter into negotiations with the Art Gallery of Hamilton to replace the existing agreements with a new agreement that addresses caring for and preserving City assets or assets that will revert to the City, including the Collection, and ensuring the building is maintained in a state of good repair, with a report back to Council.

Result: MOTION, CARRIED by a vote of 12 to 1, as follows:

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

7. Developing an Evaluation Framework to Identify and Evaluate Leasing Options Based on City Building Priorities (Item 11.1)**(Kroetsch/M. Wilson)**

WHEREAS, the Corporate Real Estate Office (CREO) is responsible for the management of the City of Hamilton's (City) real estate assets and portfolio;

WHEREAS, the CREO business activities include real property transactions, property valuation services, strategic and portfolio planning, and supporting clients and programs to ensure the efficient delivery of City services;

WHEREAS, the City of Hamilton is a significant landowner and tenant, owning and leasing substantial office space in the City of Hamilton;

WHEREAS, the shift to remote work and hybrid work models has altered traditional assumptions about the amount and type of office space required for service delivery, affecting the dynamics of the office market;

WHEREAS, the City of Hamilton has declared emergencies related to Homelessness, Mental Health and Opioid Addiction and is committed to finding solutions for these humanitarian crises;

WHEREAS, historically, the City of Hamilton has focused on economic considerations when leasing space for its operations;

WHEREAS, the City's leasing decisions can influence the office market related to economic activity, development standards for parking and climate change considerations, preserving heritage buildings, and guiding the timing of the development and redevelopment of adjacent lands and properties;

WHEREAS, real estate decisions enable the City to support and shape the growth of the City, reinforcing the City's commitment to intensification and reurbanization to accommodate forecasted population and employment growth within the established urban area of Hamilton; and

WHEREAS, the 2024 CREO Asset Management Plan focused on ensuring value for money in leasing of buildings, but does not require that the CREO evaluate and negotiate leases based on Council's broader city-building priorities.

THEREFORE, BE IT BE RESOLVED:

- (a) That Corporate Real Estate Office (CREO) staff be directed to develop and report back to the General Issues Committee with an evaluation framework to be utilized when identifying and evaluating leasing options, including assessment enrichment opportunities within already serviced lands, alternative work models, site locations, associated costs, and the alignment of the proposed leases with Council's adopted growth strategy and city building priorities; and
- (b) That Corporate Real Estate Office (CREO) staff be directed to include the results of the evaluation, based on this framework, in all future reports.

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

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

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

8. Investigation of Possible Future Public Use for 175 Lawrence Rd (Former Hamilton Pressed Brick Company Site) (Ward 3) (Item 11.2)

(Nann/Hwang)

WHEREAS, the property at 175 Lawrence Road, which was the site of the Hamilton Pressed Brick Company was sold, and the current owners have approached the city about possible use of the property for public purposes including recreation, natural heritage preservation, and/or cultural;

WHEREAS, the site has limited private development potential due to a lack of fully open vehicle and pedestrian access across the active rail line from Lawrence Rd, natural features on the site and open space planning designation;

WHEREAS, the current owners commissioned a cultural heritage assessment of the site which recognized significant cultural heritage resources and followed its recommendations to retain, stabilize and maintain heritage buildings which are representative of the brick making process and Hamilton's industrial heritage for future possible heritage designation, adaptive reuse and interpretation;

WHEREAS, the site is at the base of the Niagara Escarpment adjacent to the Rail Trail and future improvements may allow for a possible pedestrian connection from Gage Park to the Rail Trail and escarpment lands;

WHEREAS, the current owners have approached staff and the Ward 3 Councillor's Office with a preliminary proposal exploring future public uses on the site inspired in part by the Don Valley Brickworks project;

WHEREAS, the current owners have expressed an interest in exploring a long term plan to transfer the property or parts of the property to the City through lease agreements, partial purchase or donation for enhanced public use.

THEREFORE, BE IT RESOLVED:

- (a) That Public Works, Planning, and Economic Development staff be directed to investigate what opportunities and constraints exist to inform future public access at 175 Lawrence Rd, including the following:
 - (i) consultation with permitting authorities including CPKC Rail and the Niagara Escarpment Commission,
 - (ii) review of the site for access, cultural heritage, natural heritage and any other related issues, and,
- (b) That staff report back to the General Issues Committee in Q3 2025 on the feasibility of accommodating public uses at 175 Lawrence, such as, but not limited to, trails, heritage interpretation, and events.

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

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

9. Sale of Land in the City of Hamilton (PED24100) (Ward 15) (Item 14.2)

(McMeekin/Spadafora)

- (a) That city property required for construction of the Highway 5 and Highway 6 interchange, identified in Confidential Appendix "A" to Report PED24100 and described in Confidential Appendix "B" to Report PED24100, be declared surplus in accordance with the City's Real Estate Portfolio Management Strategy Plan and Sale of Land Policy By-law 13-204, and the transfer to His Majesty the King in right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario, be approved;

- (b) That the consideration outlined in Confidential Appendix “B” to Report PED24100 be credited to Project ID Account No. 47702-3561850200 (Property Purchases and Sales);
- (c) That the Real Estate and Legal Administration fees of \$171,190 be funded from Project ID Account No. 59806-3561850200 and credited to Dept. ID Account No. 59806-812036 (Real Estate – Admin Recovery), and all remaining funds be transferred to Project ID 4031280294 (Highway 5 and Highway 6 Interchange Environmental Assessment and Implementation) toward the city’s share of construction and implementation costs;
- (d) That the City Solicitor be authorized and directed to complete the transaction on behalf of the city, paying any necessary expenses, including but not limited to, disbursements, Land Transfer Tax and property taxes, amending the closing, due diligence, and other dates, and amending and waiving terms and conditions on such terms as they consider reasonable;
- (e) That the City Solicitor be authorized and directed to execute all necessary documents for the Sale of Land in the City of Hamilton, in a form satisfactory to the City Solicitor; and,
- (f) That the complete Report PED24100 respecting the Sale of Land in the City of Hamilton, located in Ward 15, remain confidential until completion of the real estate transaction.

Result: MOTION, CARRIED by a vote of 11 to 2, as follows:

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

10. Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Land (PED19063(f)) (Ward 2) (Item 14.3)

(Cassar/Clark)

- (a) That the direction provided to staff in Closed Session respecting Report PED19063(f) be approved and remain confidential; and,
- (b) That Report PED19063(f) respecting the Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Land remain confidential.

Result: MOTION, CARRIED by a vote of 11 to 2, as follows:

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

11. Legal Opinion on Sanctioned Sites (LS24022) (City Wide) (Added Item 14.4)

(Hwang/Cassar)

That Report LS24022, respecting Legal Opinion on Sanctioned Sites, be received and remain confidential.

Result: MOTION, CARRIED by a vote of 16 to 0, as follows:

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

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

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

5. COMMUNICATIONS

5.1 Correspondence respecting Encampments, from the following individuals:

- (b) Cameron Stringer
- (c) Mary Aduckiewicz
- (d) Andrew Tziatis and Petition
- (e) Barry Johnson
- (f) Brenda Wilkie
- (g) Alexandra Smith
- (h) Brian Perro
- (i) Phil Pidgeon

Recommendation: Be received and referred to consideration of Item 8.2.

5.2 Correspondence respecting Item 8.1 - 2024-2028 Tourism Strategy (PED24046(a)) (City Wide), from the following individuals:

- (a) Maria V. Fortunato, Executive Director, Hamilton Halton Brant Regional Tourism Association
- (b) Greg Dunnett, President and CEO, Hamilton Chamber of Commerce
- (c) Jason Cassis, President & CEO, Equal Parts Hospitality
- (d) PJ Mercanti, CEO, Carmen's Group
- (e) Andreanna Zerafa, VP of Brand & Culture, Other Bird
- (f) Tim Potocic, Owner, Sonic Unyon Records
- (g) Jeremy Freiburger, Cobalt Connects Creativity
- (h) Darko Vranich, CEO, Vrancor Group Inc.

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

6. DELEGATION REQUESTS

- 6.1 Aileen Black, respecting the significant issue of food waste and the lack of recycling practices at Tim Hortons Field, a city-owned sports venue (In-Person) (For a future meeting) – WITHDRAWN
- 6.2 Delegation Requests respecting Encampments and Homelessness, for today's meeting, from the following individuals:
 - (c) Andrew Selman (In-Person)
 - (d) Mary Aduckiewicz (In-Person)
 - (e) Barry Johnson (In-Person)
 - (f) Peter Weisner (In-Person)
 - (g) Gessie Stearns (In-Person)
 - (h) Jan Martin (In-Person)
- 6.4 Delegation Request respecting Item 8.1 - 2024-2028 Tourism Strategy (PED24046(a)) (City Wide), for today's meeting, from the following individual:
 - (a) Greg Dunnett, Hamilton Chamber of Commerce (In-Person)
- 6.5 Lori-Anne Gagne, Victoria Park Community Homes Inc., respecting Item 10.1 - Service Manager Consent for Victoria Park Community Homes Inc. (HSC24035) (Wards 5,6,7,14 and 15) (In-Person) (For today's meeting)

7. DELEGATIONS

- 7.1 Delegation from Sarah Warry, The Bridge From Prison to Community, respecting their program and need for assistance to help house those with criminal records, mental health issues and addictions in our transitional housing program (In-Person) (Approved September 4, 2024) – WITDRAWN and moved to the October 2, 2024 General Issues Committee meeting at the request of the delegate

8. STAFF PRESENTATIONS

- 8.2 Reducing Homelessness and Managing Encampments (HSC24027(b) / FSC24028 / PED24162) (City Wide) - REVISED

10. DISCUSSION ITEMS

- 10.3 Delegated Authority to Receive Grants (PED24161) (City Wide) – WITHDRAWN

14. PRIVATE AND CONFIDENTIAL

14.4 Legal Opinion on Sanctioned Sites (LS24022) (City Wide)

CHANGE TO THE ORDER OF THE AGENDA

That Item 6.2(f), a delegation from Pete Weisner respecting Encampments and Homelessness, for today's meeting, once approved, be permitted to speak first (Item 7.2(a)) to accommodate his schedule.

(M. Wilson/Hwang)

That the agenda for the September 18, 2024 General Issues Committee meeting, be approved, as amended.

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

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

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Hwang declared a disqualifying interest to Item 10.1 - Service Manager Consent for Victoria Park Community Homes Inc. (HSC24035) (Wards 5,6,7,14 and 15), and Item 6.5 - Delegation Request from Lori-Anne Gagne, Victoria Park Community Homes Inc., respecting Item 10.1 - Service Manager Consent for Victoria Park Community Homes Inc. (HSC24035) (Wards 5,6,7,14 and 15) (In-Person) (For today's meeting), as she is currently a tenant of Victoria Park Community Homes Inc.

Councillor Hwang declared a disqualifying interest to Item 14.3 - Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Land

(PED19063(f)), as her business partner may still have a business relationship with Aeon Group.

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

(i) September 4, 2024 (Item 4.1)

(Danko/M. Wilson)

That the minutes of the September 4, 2024 General Issues Committee, be approved, as presented.

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

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

(d) COMMUNICATIONS (Item 5)

(Jackson/McMeekin)

That Communication Items 5.1 and 5.2, be approved, as presented, as follows:

(i) Correspondence respecting Encampments, from the following individuals (Item 5.1):

- (a) Peter Morgan (Item 5.1(a))
- (b) Cameron Stringer (Added Item 5.1(b))
- (c) Mary Aduckiewicz (Added Item 5.1(c))
- (d) Andrew Tziatis and Petition (Added Item 5.1(d))
- (e) Barry Johnson (Added Item 5.1(e))
- (f) Brenda Wilkie (Added Item 5.1(f))
- (g) Alexandra Smith (Added Item 5.1(g))
- (h) Brian Perro (Added Item 5.1(h))

- (i) Phil Pidgeon (Added Item 5.1(i))

Recommendation: Be received and referred to consideration of Item 8.2.

(ii) Correspondence respecting Item 8.1 - 2024-2028 Tourism Strategy (PED24046(a)) (City Wide), from the following individuals (Added Item 5.2):

- (a) Maria V. Fortunato, Executive Director, Hamilton Halton Brant Regional Tourism Association (Added Item 5.2(a))
- (b) Greg Dunnett, President and CEO, Hamilton Chamber of Commerce (Added Item 5.2(b))
- (c) Jason Cassis, President & CEO, Equal Parts Hospitality (Added Item 5.2(c))
- (d) PJ Mercanti, CEO, Carmen's Group (Added Item 5.2(d))
- (e) Andreanna Zerafa, VP of Brand & Culture, Other Bird (Added Item 5.2(e))
- (f) Tim Potocic, Owner, Sonic Unyon Records (Added Item 5.2(f))
- (g) Jeremy Freiburger, Cobalt Connects Creativity (Added Item 5.2(g))
- (h) Darko Vranich, CEO, Vrancor Group Inc. (Added Item 5.2(h))

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

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

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

(e) DELEGATION REQUESTS (Item 6)

(i) (Tadeson/Hwang)

That the following Delegation Requests, be approved:

- (1) Delegation Requests respecting Encampments and Homelessness, for today's meeting, from the following individuals (Item 6.2):**
 - (a) Jessica Roppelt (Virtually) (Item 6.2(a))
 - (b) Barb Trebych (In-Person) (Item 6.2(b))
 - (c) Andrew Selman (In-Person) (Added Item 6.2(c))
 - (d) Mary Aduckiewicz (In-Person) (Added Item 6.2(d))
 - (e) Barry Johnson (In-Person) (Added Item 6.2(e))
 - (f) Peter Weisner (In-Person) (Added Item 6.2(f))
 - (g) Gessie Stearns (In-Person) (Added Item 6.2(g))
 - (h) Jan Martin (In-Person) (Added Item 6.2(h))
- (2) Lee Fairbanks, respecting a plan to adjust existing tree planting policies to align them with the City's Climate Change Emergency and Urban Tree Canopy goals (In-Person) (For a future meeting) (Item 6.3)**
- (3) Delegation Request respecting Item 8.1 - 2024-2028 Tourism Strategy (PED24046(a)) (City Wide), for today's meeting, from the following individual (Added Item 6.4):**
 - (a) Greg Dunnett, Hamilton Chamber of Commerce (In-Person) (Added Item 6.4(a))
- (4) Lori-Anne Gagne, Victoria Park Community Homes Inc., respecting Item 10.1 - Service Manager Consent for Victoria Park Community Homes Inc. (HSC24035) (Wards 5,6,7,14 and 15) (In-Person) (For today's meeting) (Added Item 6.5)**

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

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

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

(f) DELEGATIONS (Item 7)

(i) Delegations respecting Encampments and Homelessness (Added Item 7.2)

(1) The following delegates addressed the Committee respecting Encampments and Homelessness:

(a) Peter Weisner (In-Person) (Added Item 7.2(a))

(Jackson/Tadeson)

That the delegate be provided with an additional 5 minutes to complete their delegation.

Result: MOTION, CARRIED by a vote of 16 to 0, as follows:

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

(b) Andrew Selman (In-Person) (Added Item 7.2(d))

(c) Mary Aduckiewicz (In-Person) (Added Item 7.2(e))

(d) Barry Johnson (In-Person) (Added Item 7.2(f))

(e) Gessie Stearns (In-Person) (Added Item 7.2(g))

(f) Jan Martin (In-Person) (Added Item 7.2(h))

(2) The following delegates were not present when called upon:

(a) Jessica Roppelt (Virtually) (Added Item 7.2(b))

(b) Barb Trebych (In-Person) (Added Item 7.2(c))

(3) (Horwath/Nann)

That the following delegations respecting Encampments and Homelessness, be received:

- (a) Peter Weisner (In-Person) (Added Item 7.2(a))
- (b) Andrew Selman (In-Person) (Added Item 7.2(d))
- (c) Mary Aduckiewicz (In-Person) (Added Item 7.2(e))
- (d) Barry Johnson (In-Person) (Added Item 7.2(f))
- (e) Gessie Stearns (In-Person) (Added Item 7.2(g))
- (f) Jan Martin (In-Person) (Added Item 7.2(h))

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

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

(ii) Delegation respecting Item 8.1 - 2024-2028 Tourism Strategy (PED24046(a)) (City Wide) (Added Item 7.3)

- (1)** The following delegate addressed the Committee respecting Item 8.1 - 2024-2028 Tourism Strategy (PED24046(a)) (City Wide):

- (a) Greg Dunnett, Hamilton Chamber of Commerce (In-Person) (Added Item 7.3(a))

(2) (Horwath/McMeekin)

That the following delegation respecting Item 8.1 - 2024-2028 Tourism Strategy (PED24046(a)) (City Wide), be received:

- (a) Greg Dunnett, Hamilton Chamber of Commerce (In-Person) (Added Item 7.3(a))

Result: MOTION, CARRIED by a vote of 16 to 0, as follows:

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

(iii) Delegation from Lori-Anne Gagne, Victoria Park Community Homes Inc., respecting Item 10.1 - Service Manager Consent for Victoria Park Community Homes Inc. (HSC24035) (Wards 5,6,7,14 and 15) (In-Person) (Added Item 7.4)

Lori-Anne Gagne, Victoria Park Community Homes Inc., addressed the Committee respecting Item 10.1 - Service Manager Consent for Victoria Park Community Homes Inc. (HSC24035) (Wards 5,6,7,14 and 15).

(Danko/McMeekin)

That the Delegation from Lori-Anne Gagne, Victoria Park Community Homes Inc., respecting Item 10.1 - Service Manager Consent for Victoria Park Community Homes Inc. (HSC24035) (Wards 5,6,7,14 and 15), be received.

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

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

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

(g) STAFF PRESENTATIONS (Item 8)

(i) 2024-2028 Tourism Strategy (PED24046(a)) (City Wide) (Outstanding Business List Item) (Item 8.1)

- (1)** Lisa Abbott, Acting Director of Tourism and Culture; Ryan McHugh, Manager, Tourism and Events, and Hildegard Snelgrove, Business Development Consultant – Tourism, addressed the Committee with a presentation respecting Report PED24046(a), 2024-2028 Tourism Strategy.

(Tadeson/Hwang)

That the staff presentation respecting Report PED24046(a), 2024-2028 Tourism Strategy, be received.

Result: MOTION, CARRIED by a vote of 16 to 0, as follows:

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

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

(ii) Recess

(Cassar/McMeekin)

That the General Issues Committee recess for 30 minutes until 1:30 p.m.

Result: MOTION, CARRIED by a vote of 16 to 0, as follows:

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

The General Issues Committee Meeting reconvened at 1:32 p.m.

(iii) Reducing Homelessness and Managing Encampments (HSC24027(b) / FSC24028 / PED24162) (City Wide) (Item 8.2)

- (1)** Marnie Cluckie, City Manager, and Grace Mater, General Manager, Healthy and Safe Communities, provided some opening remarks and introduced Al Fletcher, Acting Director, Housing Services Division who addressed the Committee with a presentation respecting Report HSC24027(b) / FSC24028 / PED24162, Reducing Homelessness and Managing Encampments.

(A. Wilson/Horwath)

That the staff presentation respecting Report HSC24027(b) / FSC24028 / PED24162, Reducing Homelessness and Managing Encampments, be received.

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

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

**General Issues Committee
Minutes 24-015**

**September 18, 2024
Page 27 of 38**

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

(2) (Horwath/Kroetsch)

- (a) That consideration of Report HSC24027(b) / FSC24028 / PED24162, Reducing Homelessness and Managing Encampments, be DEFERRED until after Closed Session; and,
- (b) That Report LS24022, Legal Opinion on Sanctioned Sites (Item 14.4) be moved up the agenda to be considered in Closed Session at this time.

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

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

(h) PRIVATE AND CONFIDENTIAL (Item 14)

(i) (M. Wilson/Tadeson)

That Committee move into Closed Session for Item 14.4 pursuant to Section 9.3, Sub-sections (e) and (f) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation

or potential litigation, including matters before administrative tribunals, affecting the City or a local board; and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

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

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

The General Issues Committee meeting reconvened in Open Session at 4:22 p.m.

(ii) Legal Opinion on Sanctioned Sites (LS24022) (City Wide) (Added Item 14.4)

For disposition of this matter, refer to Item 11.

(i) STAFF PRESENTATIONS (Item 8) (Continued)

(i) Reducing Homelessness and Managing Encampments (HSC24027(b) / FSC24028 / PED24162) (City Wide) (Item 8.2)

(1) (Danko/Nann)

- (a) That Council approve the following 192 spaces to create temporary shelter capacity in the homeless serving system to respond to the needs of unhoused individuals, homelessness and encampments at an approximate cost of \$3,678,678 for operating, plus \$498,820 in one-time grants from October 1, 2024 – March 31, 2025 to be funded from Housing Sustainability and Investment Roadmap Reserve up to a total of \$4,177,468 with a breakdown as follows:

- (i) 10 beds for women and gender diverse individuals subject to gender-based violence at Interval House of Hamilton, 6 of which are to be pet friendly \$79,200;
 - (ii) 45 beds at the Asylum Seekers Assistance Program for all genders provided by Wesley \$761,972 and \$178,500 to Refuge Newcomer Health for a total of \$940,472;
 - (iii) 20 beds at Wesley's Special Care Unit for all genders \$399,638;
 - (iv) 20 beds for women and gender diverse individuals provided by the YWCA \$542,320, plus grant provided to funder for capital costs of \$70,000;
 - (v) 24 beds at the Salvation Army for men and gender diverse individuals \$262,800 plus grant provided to funder for capital costs of \$80,000;
 - (vi) 15 beds at Mission Services Emma's Place for women and gender diverse individuals \$268,276;
 - (vii) 8 beds at Mission Services Men's Services for men and gender diverse individuals \$143,080; and,
 - (viii) 50 beds at Good Shepherd Cathedral for men and gender diverse individuals \$1,042,862 plus grant provided to funder for capital costs of \$348,820
- (b) That Council approve the following 192 spaces to create temporary shelter capacity in the homeless serving system to respond to the needs of the unhoused individuals, homelessness and encampments at an approximate cost of \$5,517,973 from April 1, 2025 – December 31, 2025, and approximately \$7,357,297 annually thereafter, be referred to the Housing Services Division's 2025 Tax Operating Budget Process, including 2.5% for inflation, with a breakdown as follows:
- (i) 10 beds for women and gender diverse individuals subject to gender-based violence at Interval House of Hamilton, 6 of which are to be pet friendly \$118,800 (\$158,400 annualized);
 - (ii) 45 additional beds at the Asylum Seekers Assistance Program for all genders provided by Wesley \$1,142,958 (\$1,523,944 annualized) and \$267,750 (\$357,000 annualized) to Refuge Newcomer Health for a total of \$1,880,944;
 - (iii) 20 beds at Wesley's Special Care Unit for all genders \$599,457, (\$799,276 annualized);
 - (iv) 20 beds for women and gender diverse individuals provided by the YWCA \$813,483, (\$1,084,644 annualized);

- (v) 24 beds at the Salvation Army for men and gender diverse individuals \$394,200, (\$525,600 annualized);
 - (vi) 15 beds at Mission Services Emma's Place for women and gender diverse individuals \$402,413, (\$536,550 annualized);
 - (vii) 8 beds at Mission Services Men's Services for men and gender diverse individuals \$214,620, (\$286,160 annualized); and,
 - (viii) 50 beds at Good Shepherd Cathedral for men and gender diverse individuals \$1,564,292, (\$2,085,723 annualized)
- (c) That Council approve the provision of Temporary Outdoor Shelters prioritizing (but not limited to) couples and individuals with pets, at an approximate cost of \$7M, with a breakdown as follows:
- (i) That the operation of the site for 80 temporary outdoor shelter beds from December 1 to December 31, 2024, at an estimated cost of \$241,353 be funded from the Housing Sustainability and Investment Roadmap Reserve;
 - (ii) That operation of the site for 80 temporary outdoor shelter beds from January 1, 2025, to March 31, 2025, with an estimated cost of \$724,060 be funded from the Housing Sustainability and Investment Roadmap Reserve;
 - (iii) That operation of the site for 80 temporary outdoor shelter beds from April 1, 2025 – December 31, 2025, at an estimated cost of \$3,234,135, and approximately \$3,958,195 annually thereafter, including an inflationary increase of 2.5% annually, be referred to the Housing Services Division's 2025 Tax Operating Budget Process;
 - (iv) A one-time, in year cost of up to \$2.8M to be funded from the Housing Sustainability and Investment Roadmap Reserve, beginning October 1, 2024, for the development of a temporary outdoor shelter site through the execution of a single source policy, with a breakdown as follows:
 - (1) Supply and Installation of structures sufficient to provide shelter for up to 80 individuals, inclusive of couples.
 - (2) Supply and Installation of a common building that will serve as a gathering space and offices for on-site staff.
 - (3) Supply of food, washrooms, showers and laundry amenities.
 - (4) Site Preparation and Servicing (including grading, electrical infrastructure, and fencing), and

- (5) Connections to any necessary infrastructure required for operation.
- (v) That the General Manager, Healthy and Safe Communities be authorized to single source contracts with the temporary outdoor shelter operator, the provider of the structures, support services and any site work to prepare the site for the use;
- (d) That Council approve 7 permanent FTE to undertake the work to support the development of the new temporary shelter beds, operation and support of the temporary outdoor shelter and the continued temporary programming initiatives, including 4 Emergency Shelter Case Managers, 1 Housing Support Worker, 1 Housing Services Case Aid, and One Senior Project Manager, for an approximate annualized cost of \$800,000, to be broken out as follows:
 - (i) That the 7 FTE be funded from Housing Sustainability and Investment Roadmap Reserve up to a total of \$200,000 between October 1, 2024, and December 31, 2024.
 - (ii) That the 7 FTE be funded from Housing Sustainability and Investment Roadmap Reserve up to a total of \$200,000 between January 1, 2025, and March 31, 2025.
 - (iii) That the 7 FTE be included in the Housing Services Division's 2025 Tax Operating Budget, at approximately \$600,000 for April 1, 2025, to December 31, 2025, and \$800,000 annually thereafter.
- (e) That the General Manager of the Healthy and Safe Communities Department or their designate be directed and authorized, on behalf of the City of Hamilton, to negotiate, enter into, execute and administer any and all contracts, agreements and other documents necessary to implement recommendations (a) through (c) on terms and conditions satisfactory to the General Manager of the Healthy and Safe Communities Department or their designate and in a form satisfactory to the City Solicitor.

(2) Extend Curfew

(Tadeson/Jackson)

That the General Issues Committee meeting of September 18, 2024 be extended past the 5:30 pm curfew, up to an additional 2 hours.

Result: MOTION, CARRIED by a vote of 14 to 1, as follows:

Yes - Mayor Andrea Horwath

**General Issues Committee
Minutes 24-015**

**September 18, 2024
Page 32 of 38**

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

(3) (Kroetsch/Horwath)

That Report HSC24027(b) / FSC24028 / PED24162, Reducing Homelessness and Managing Encampments, ***be amended***, by adding (vi) and (vii) to Sub-Section (c), as follows:

(c) That Council approve the provision of Temporary Outdoor Shelters prioritizing (but not limited to) couples and individuals with pets, at an approximate cost of \$7M, with a breakdown as follows:

- (vi) That no encampments be permitted within 1 km of the site to prevent further concentration of encampments near to this fully supported site; and,***
(vii) That Bayfront Park, Pier 4 Park and Central Park be removed as permitted encampment locations under the encampment protocol.

Result: AMENDMENT, CARRIED by a vote of 14 to 2, as follows:

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

Yes	-	Ward 11	Councillor Mark Tadeson
Yes	-	Ward 12	Councillor Craig Cassar
Yes	-	Ward 13	Councillor Alex Wilson
Yes	-	Ward 14	Councillor Mike Spadafora
No	-	Ward 15	Councillor Ted McMeekin

Item 8.2 (c), **as amended**, was voted on separately. For disposition of Item 8.2 (c), **as amended**, refer to Item 2(ii).

Item 8.2 (a) and (b), were voted on separately. For disposition of Item 8.2 (a) and (b), refer to Item 2(i).

Item 8.2 (d) was voted on separately. For disposition of Item 8.2 (d), refer to Item 2(iii).

Item 8.2 (e) was voted on separately. For disposition of Item 8.2 (e), refer to Item 2(iv).

(j) DISCUSSION ITEMS (Item 10)

(i) Service Manager Consent for Victoria Park Community Homes Inc. (HSC24035) (Wards 5,6,7,14 and 15) (Item 10.1)

(1) (Jackson/Spadafora)

(a) That the General Manager of Healthy and Safe Communities be delegated the authority to provide Service Manager consent under the Housing Services Act, 2011 to Victoria Park Community Homes Inc. to mortgage the properties municipally known as:

- (i) 1049 Rymal Road
- (ii) 525 Stonechurch Road
- (iii) 80 Gilcrest Drive
- (iv) 831 Queenston Road
- (v) 1 Hamilton Street S.

(b) That the General Manager of Healthy and Safe Communities be delegated the authority to provide Service Manager consent under the Housing Services Act, 2011 to Victoria Park Community Homes Inc. to mortgage other properties owned by Victoria Park Community Homes Inc. as deemed appropriate by the GM and subject to the following conditions:

- (i) The maximum amount of the mortgage for each property shall not exceed 40% of the value of each property at the date of request and;

- (ii) The properties must not be subject to any other mortgage/charge other than a mortgage/charge securing a grant from Canada Housing and Mortgage Corporation (CHMC) to be used for capital repairs, increasing energy efficiency, and increasing accessibility in all their current housing stock.
 - (c) That the General Manager of Healthy and Safe Communities be authorized to enter and execute any ancillary agreements and documents necessary to give effect to the Service Manager consent for Victoria Park Community Homes Inc.
- (2) **(Jackson/Spadafora)**
That Sub-Section (b)(i) to Report HSC24035, Service Manager Consent for Victoria Park Community Homes Inc., **be amended**, by replacing **40%** with **75%**, as follows:
 - (b) That the General Manager of Healthy and Safe Communities be delegated the authority to provide Service Manager consent under the Housing Services Act, 2011 to Victoria Park Community Homes Inc. to mortgage other properties owned by Victoria Park Community Homes Inc. as deemed appropriate by the GM and subject to the following conditions:
 - (i) The maximum amount of the mortgage for each property shall not exceed **75% 40%** of the value of each property at the date of request and;

Result: AMENDMENT, CARRIED by a vote of 11 to 1, as follows:

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

Yes - Ward 15 Councillor Ted McMeekin

For disposition of this matter, refer to Item 4.

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

(i) Extend Curfew

(Tadeson/Jackson)

That the General Issues Committee meeting of September 18, 2024 be extended past the 7:30 pm extended curfew, up to an additional 1 hours.

Result: MOTION, CARRIED by a vote of 10 to 4, as follows:

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

(ii) Amendments to the Outstanding Business List (Added Item 13.1):

(Cassar/Hwang)

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

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

Downtown Entertainment District Annual Status Update 2024
 (PED24089) (Ward 2)
 Added: August 12, 2024 at GIC (Item 9.3)
 Completed: September 4, 2024 at GIC (Item 10.4)
 OBL Item: GIC-08/12/24-9.3

Ontario Ministry of Transportation (MTO) to Upload the Red Hill Valley Parkway and Lincoln M. Alexander Parkway to Own, Operate and Maintenance as a Provincial Highway (Ward 1)

Added: December 13, 2023 at Council (Item 7.14(c))

Completed: April 3, 2024 at GIC (Item 14.4)

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

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

(I) PRIVATE & CONFIDENTIAL (Item 14) (Continued)

Committee determined that discussion of Item 14.1 was not required in Closed Session; therefore, the matter was addressed in Open Session, as follows:

(i) Closed Session Minutes – September 4, 2024 (Item 14.1)

(Danko/Cassar)

That the Closed Session minutes of the September 4, 2024 General Issues Committee meeting, be approved and remain confidential.

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

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

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

(ii) (Jackson/Spadafora)

That Committee move into Closed Session for Items 14.2 and 14.3 pursuant to Section 9.3, Sub-sections (c) and (j) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (c) and (j) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board; and a trade secret or scientific, technical, commercial, or financial information that belongs to the municipality or local board and has monetary value or potential monetary value.

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

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

The General Issues Committee meeting reconvened in Open Session at 8:21 p.m.

(iii) Sale of Land in the City of Hamilton (PED24100) (Ward 15) (Item 14.2)

For disposition of this matter, refer to Item 9.

(iv) Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Land (PED19063(f)) (Ward 2) (Item 14.3)

For disposition of this matter, refer to Item 10.

(m) ADJOURNMENT (Item 15)

(Francis/Tadeson)

That there being no further business, the General Issues Committee be adjourned at 8:27 p.m.

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

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

Respectfully submitted,

Deputy Mayor Esther Pauls
 Chair, General Issues Committee

Angela McRae
 Legislative Coordinator
 Office of the City Clerk

Submitted on Wed, 09/25/2024 - 19:55

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee
General Issues Committee

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

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

Requestor Information

Requestor Information
Ali T Ghouse
Muslim Council of Greater Hamilton



Preferred Pronoun
he/him

Reason(s) for delegation request
The purpose will be to share information about the Muslim community's achievements, plans for Hamilton, aspirations and how it relates to activities in the City and City Council.

Will you be requesting funds from the City?
No

Will you be submitting a formal presentation?
No

Submitted on Wed, 08/14/2024 - 17:17

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee

General Issues Committee

Will you be delegating in-person or virtually?

In-person

Will you be delegating via a pre-recorded video?

No

Requestor Information

Requestor Information

Sarah Warry

The Bridge From Prison To Community

Preferred Pronoun

she/her

Reason(s) for delegation request

Discuss our program and need for assistance to help house those with criminal records, mental health issues and addictions in our transitional housing program.

Will you be requesting funds from the City?

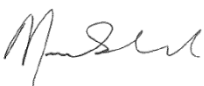

Yes

Will you be submitting a formal presentation?

Yes



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	October 2, 2024
SUBJECT/REPORT NO:	Economic Development Action Plan 2023 Update (PED24118) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Adam Durrant (905) 546-2424 Ext. 4486
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	
SUBMITTED BY:	Lisa Abbott Director, Tourism and Culture Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable.

INFORMATION

Overview

On October 27, 2021, Hamilton City Council approved the 2021- 2025 Economic Development Action Plan (PED21001). This strategy identified six priority areas of work: facilitating a skilled and adaptable workforce; enhancing digital infrastructure and services; growing business and investments; moving goods and people; revitalizing priority areas and placemaking; building transformational projects.

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: Economic Development Action Plan 2023 Update (PED24118) (City Wide) - Page 2 of 15

This update serves as a mid-action plan score card on The Plan's 77 action items and its 13 stretch targets. In addition to providing an update on key metrics, this update will identify the action items that will be rolled into the 2026 - 2031 Economic Development Action Plan.

At the end of 2023, 36 of The Plan's 77 action items were completed, with 37 in various stages of development and four awaiting initiation. Table 1 provides a high-level breakdown of these actions grouped by each Economic Development Action Plan priority area. Appendix "A" to Report PED24118, attached provides a progress scorecard on each item. Among the completed action items there are some which represent finite projects (e.g., document production or strategy creation) and others that represent ongoing work. These are noted throughout the Economic Development Action Plan Update.

Table 1. Economic Development Action Plan Action Item Score Card

Economic Development Action Plan Area	Completed as of 2023	In Development in 2023	Awaiting Start in 2023
Skilled and Adaptable Workforce	5	5	1
Enhancing Digital Infrastructure and Services	5	4	0
Growing Business and Investment	9	7	2
Moving Goods and People	6	6	1
Revitalizing Priority Areas and Placemaking	9	4	0
Building Transformational Projects	2	11	0
All Economic Development Action Plan Actions	36	37	4

Table 2a and 2b provide a high-level summary on each of Economic Development Action Plan's stretch targets.

Table 2a. Economic Development Action Plan Stretch Target Scorecard Part 1

Stretch Target	2023 Update	Current Status
Add seven million square feet of new Industrial/Commercial space	2021 – 1,754,360 square feet added 2022 – 988,643 square feet added 2023 – 1,951,968 square feet added Total – 4,694,971 square feet added	On Target

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SUBJECT: Economic Development Action Plan 2023 Update (PED24118) (City Wide) - Page 3 of 15

Stretch Target	2023 Update	Current Status
Generate a total of \$2.5 billion in Industrial/Commercial construction value	2021 – \$717,247,894 generated 2022 – \$326,145,645 generated 2023 – \$700,049,563 generated Total - \$1,743,443,102 generated	On Target
Increase new gross commercial/industrial assessment by 1.5 % per year	3.2% increase in assessment in 2021 (\$204 million) 3.4% increase in 2022 (\$284.5 million) 3.5% increase in 2023 (\$290.5 million)	Achieved Ongoing
Triple the municipal tax assessment on the Stelco lands	2021 assessment: \$42,270,000 2022 assessment: \$42,270,000 2023 assessment: \$43,905,000	Behind Target
Increase Hamilton's shovel-ready land supply by 500 acres	2020 shovel-ready supply: 671.1 Acres 2022 shovel-ready supply: 676.3 Acres 2023 shovel-ready supply: 569.6 Acres	Behind Target
Increase immigration to Hamilton by 25% by 2025 (2019 Immigration Refugees and Citizenship Canada reported immigration admissions for Hamilton as the baseline)	5,405 immigrants to Hamilton in 2021 – a 52.3% increase on the 2019 benchmark 4,530 immigrations to Hamilton in 2022 – a 25.3% increase on the 2019 benchmark 5,815 immigrants to Hamilton in 2023 – 79.2% increase on the 2019 benchmark Average increase across 2021-2023: 40.8%	Achieved - Ongoing

Table 2b. Economic Development Action Plan Stretch Target Scorecard Part 2

Stretch Target	2023 Update	Current Status
Create and maintain a list of 1,000 living wage employers in Hamilton	2021: 255 employers self-identified 2022: 368 employers self-identified 2023: 100 employers self-identified Working list: approx. 741 employers	On Target

SUBJECT: Economic Development Action Plan 2023 Update (PED24118) (City Wide) - Page 4 of 15

Stretch Target	2023 Update	Current Status
Achieve an average ground-floor commercial storefront occupancy of 90% across the Business Improvement Areas	2021 Average of BIA Occupancy: 93.2% 2022 Average: 89.3% 2023 Average: 87.0%	Behind Target
Reduce downtown office vacancy rate to pre-pandemic levels (2019 as benchmark)	2021 Vacancy Rate: 12.9% (1.0% above the 2019 rate) 2022 Vacancy Rate: 13.3% (1.4% above the 2019 rate) 2023 Vacancy Rate: 14.5% (2.6% above the 2019 rate)	Behind Target
Invest a minimum of \$1 million in tourism development from the Municipal Accommodation Tax Program	\$1.8 million in tourism-related funding requests were approved by the Hamilton Tourism Development Corporation board on June 7, 2024.	Achieved - Ongoing
Attract five major events that generate a total combined economic impact of at least \$50 million	Seven major events attracted within the scope of the 2021-2025 Economic Development Action Plan Realized economic impact from 6 held events 2021-23: \$106,500,000	Achieved - Ongoing
Increase transit ridership to pre-pandemic ridership levels by 2023	2021 ridership (revenue rides): 9.9 million, 46.0% of 2019 benchmark 2022 ridership 15,2 million, 70.3% of 2019 benchmark 2023 ridership: 19.0 million, 88.1% of 2019 benchmark	Achieved - Ongoing (as of Q1 2024)
Generate \$1 million in direct City revenue from film production activity within Hamilton	2021: \$957,408 generated 2022: \$721,207 generated 2023: \$389,494 generated Total 2021-2023: \$2,068,109	Achieved - Ongoing

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SUBJECT: Economic Development Action Plan 2023 Update (PED24118) (City Wide) - Page 5 of 15

Update on Action Items Achieved in 2023

The completed items under the facilitation of a skilled and adaptable workforce include:

- Action Item 5: In collaboration with the workforce development community, create and implement a Workforce Attraction, Retention and Development (Talent) Strategy;
 - Hamilton's Workforce Strategy was launched and completed in 2023. The strategy was approved at General Issues Committee (PED23194) on November 1, 2023;
- Action Item 11: Partner with the workforce and business community to identify employment programs, work development opportunities and initiatives in Hamilton focused on equity-seeking groups, groups disadvantaged by discrimination and marginalized communities in order to recommend future strategies to address existing needs and gaps. (Ongoing); and,
 - Staff's ongoing participation in Mohawk College's Challenge 2025 Program reflect Economic Development's commitment to supporting demand-led training that closes workforce gaps and provides employers with the resources required to meaningfully engage with Hamilton's Labour Market. Furthermore, an application to the 2024 My Main Street Program spearheaded by the Commercial Districts and Small Business Section includes a Pop-Up Market with a focus on newcomers and entrepreneurs from equity-seeking groups.

The completed items under growing business investment include:

- Action Item 29: Examine the tourism and business attraction potential of e-Gaming. (Ongoing);
 - Tourism Hamilton responded to national and provincial eGaming bodies submitting bid opportunities as they arose in 2023. Preparedness for responding to bids is expected to continue for the duration of the Economic Development Action Plan; and,
- Action Item 37: Implement a soft-landing program for international businesses wanting to establish a presence in Hamilton;
 - An updated soft-landing program employs a digital intake through investinhamilton.ca. This portal streams potential businesses into

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SUBJECT: Economic Development Action Plan 2023 Update (PED24118) (City Wide) - Page 6 of 15

consultations with Economic Development's Global Hamilton team. Services include program navigation, connection with community services, professional resources, and connections to coworking workspaces. Soft Landing is now embedded into Innovation Factory's Runway Program.

The completed items under moving goods and people include:

- Action Item 46: Update the Goods Movement Sector Strategy;
 - The Goods Movement Strategy was launched in 2022 and completed in 2023. The strategy was approved at General Issues Committee (PED24049) on May 15, 2024;
- Action Item 49: Engage with transportation associations, McMaster Institute for Transportation and Logistics and Fluid Intelligence Program to improve goods movement capabilities, technology and improved sustainable alternatives; and,
 - The McMaster Institute for Transportation and Logistics served as the primary author of the Goods Movement Strategy (PED24049). Additional quantitative evidence, and commensurate recommendations and action items, were generated through collaboration with Fluid Intelligence.

The completed items under revitalizing priority areas and placemaking include:

- Action Item 52: Study the short and mid-term pandemic impacts on the Hamilton office market. (Ongoing);
 - Economic Development Staff provided two reports on the downtown Hamilton office market in 2023 (PED23081 and PED23081(a)). The Reports detailed significant funding and actions to revitalize the Hamilton office market. Placemaking funding outlined in PED23081 is part of a multi-year effort to support Hamilton's office market;
- Action Item 54: Develop and implement a targeted marketing campaign for Hamilton's office market (Ongoing); and,
 - Economic Development Staff delivered three campaigns to promote Hamilton's office market in 2023. The outputs of these projects included the creation of videos and digital marketing campaigns to support the Start-Up and Office Tenant Attraction Program, and the creation of a dedicated Downtown Hamilton microsite on investinhamilton.ca. This microsite will be expanded in 2024 as staff conduct a content update on

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SUBJECT: Economic Development Action Plan 2023 Update (PED24118) (City Wide) - Page 7 of 15

investinhamilton.ca. The current site can be accessed at www.investinhamilton.ca/joinusdowntown/.

The achieved items under building transformational projects include:

- Action Item 61: Review and update the Environmental Remediation and Site Enhancement Community Improvement Plan;
 - In 2023, staff brought forward recommended program changes with a focus on better supporting affordable housing on brownfields, incentivizing environmentally sustainable remediation and developments, as well as supporting the overall financial sustainability of the programs. Recommendations were approved at General Issues Committee on April 19, 2023 (PED23076) and the implementing bylaws were approved by Council in June 2023. An updated Community Improvement Plan and programs came into full effect as of July 11, 2023;
- Action Item 63: Update all Commercial Market Assessments for individual Business Improvement Areas; and,
 - Commercial Market Assessments for all 11 active Business Improvement Areas were completed in 2023.

Update on Stretch Targets

Stretch Target 1: Add Seven Million Square Feet of New Industrial Commercial Space

The City of Hamilton added approximately 160,481 square feet of commercial space and 1,791,487 square feet of industrial space for a total of 1,951,968 square feet of industrial and commercial space added in 2023. During the first three years of the Economic Development Action Plan, the City of Hamilton has realized approximately 4,694,971 square feet of industrial and commercial space. This figure is 62.6% of the five-year stretch target.

Stretch Target 2: Generate a total of \$2.5 billion in Industrial/Commercial construction value.

In 2023, the City of Hamilton achieved \$143,436,427 in commercial construction values and \$556,613,136 in industrial construction values. Adding the combined \$700,049,563 to the 2022 construction value of \$326,145,64 and the 2021 construction value of \$717,247,8945 yields a total of \$1,743,443,102 between 2021 and 2023. This figure is 69.7% of Economic Development Action Plan target.

SUBJECT: Economic Development Action Plan 2023 Update (PED24118) (City Wide) - Page 8 of 15

Stretch Target 3: Increase new gross commercial/industrial assessment by 1.5 % per year.

In 2023 the gross assessment of the industrial and commercial classes combined increased by \$290.5 million which is a 3.5% increase from 2022 and represents the continuation of the upwards trend in assessment growth in these property classes; assessment growth in 2021 and 2022 were 3.2% and 3.4% respectively. Some of the most notable developments include the expansion of the UPS facility, the expansion of the U-Haul facility and the new Hampton Suites Hotel. This new assessment is expected to bring additional revenue to the city of approximately \$7.7million.

Stretch Target 4: Triple the municipal tax assessment on the Stelco lands.

The former Stelco, now Slate/Steelport, lands were subject to recent severance. These lands are now assessed under two role numbers.

\$32,421,000 - 386 Wilcox Street; and,
 \$11,484,000 -1055 Industrial Drive.
 \$43,905,000 -Total

In addition, following the Assessment Review Board's May 2022 Decision which confirmed the assessment returned by Municipal Property Assessment Corporation for the 2018-2022 tax year appeals, the City filed a Request for Review of the Decision with the Assessment Review Board which resulted in the issuance of a Review Decision ordering a rehearing of the appeals. The City also filed an Assessment Review Board appeal for the 2023 tax year.

Stretch Target 5: Increase Hamilton's shovel-ready land supply by 500 acres.

Between 2022 and 2023 the City of Hamilton added approximately 48.7 acres of fully serviced shovel-ready land to the City's inventory. During that same period approximately 155.4 acres of land were used for building projects. As of 2023, the City of Hamilton's supply of fully serviced land across all business parks was approximately 569.6 acres.

For additional context, between 2020-2023 the City of Hamilton has added approximately 191.0 acres of fully serviced shovel-ready land to the City's inventory. During that same period approximately 292.2 acres of land were used for building projects.

SUBJECT: Economic Development Action Plan 2023 Update (PED24118) (City Wide) - Page 9 of 15

Table 3. Shovel Ready Land Supply

Business Park	2022-2023 Lands Brought Online	2022-2023 Lands Utilized	2023 Shovel Ready Supply
Ancaster	0.0	23.2	60.8
AEGD	0.0	18.0	38.5
Bayfront	0.0	11.9	94.4
Dundas	0.0	0.0	0.0
East Hamilton	0.0	5.2	16.8
Flamborough	0.0	0.0	46.9
Redhill South	5.4	50.9	142.1
Redhill North	21.0	19.5	53.4
West Hamilton Innovation District	0.0	0.0	7.4
Stoney Creek	22.2	26.7	109.2
Total	48.7	155.4	569.6

Stretch Target 6: Increase immigration to Hamilton by 25% by 2025 (2019 Immigration Refugees and Citizenship Canada reported immigration admissions for Hamilton as the baseline)

Data from Immigration Refugees and Citizenship Canada, noted in Table 4, reflects Hamilton's share of Canada's international immigrants.

Table 4. Immigration to Hamilton

2019 Total	2020 Total	2021 Total	2022 Total	2023 Total
3,245	2,185	5,405	4,870	5,815

These data note a 79.2% increase in the 2023 immigration figures over the 2019 benchmark. The 2020-2023 average of immigration to Hamilton is a 40.8% increase over the 2019 benchmark.

Stretch Target 7: Create and maintain a list of 1,000 living wage employers in Hamilton.

In 2023 Economic Development Staff delivered the Employer One Survey (Formerly Hamilton Workforce and Business Needs Survey) in partnership with Workforce Planning Hamilton. The data collection period for this survey, which extensively leverages email marketing as its primary method of driving completions, was adversely

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SUBJECT: Economic Development Action Plan 2023 Update (PED24118) (City Wide) - Page 10 of 15

impacted by the Cyber Incident of 2024. As a result, only 100 additional self-identified living wage employers were identified in this process.

Since 2021, a total of 741 survey respondents have self-identified as living wage employers. With access to previous data restored, efforts to collaborate with the Ontario Living Wage Network and the Hamilton Roundtable for Poverty Reduction can resume.

Stretch Target 8: Achieve an average ground-floor commercial storefront occupancy of 90% across the Business Improvement Areas

Table 5 provides an update on the ground floor occupancy in Hamilton's business improvement areas. The average ground floor storefront occupancy across all of Hamilton's Business Improvement Areas was 87.0% as of the 2023 Business Improvement Area occupancy audit. 2023's data reported seven Business Improvement Areas with occupancy above 90%.

Table 5. Business Improvement Area Occupancy Rates

2021 Average	93.2%
2022 Average	89.1%
2023 Average	87.0%

Stretch Target 9: Reduce downtown office vacancy rate to pre-pandemic levels (2019 as benchmark)

As of Fall 2023, approximately 14.5% of the Downtown Urban Growth Center's total office square footage (for buildings with at least 5,000 square feet of office space) was vacant. Table 6 provides historical context on this vacancy, which has continued to increase since the 2019 benchmark. Economic Development Division staff are heavily engaged in ongoing discussions and collaborations with major downtown landlords to review current priorities and rental trends and provide ongoing support where possible. (Reports PED23081 and PED23081(a)). Additionally, a transformed office market following the COVID-19 pandemic is informing a methodology change with respect to how Economic Development staff measure the Urban Growth Centre's office vacancy. This change will be reflected in the next Economic Development Action Plan update.

SUBJECT: Economic Development Action Plan 2023 Update (PED24118) (City Wide) - Page 11 of 15

Table 6. Downtown Urban Growth Centre's Office Vacancy Rates

Year	Total Square Footage	Total Vacant Square Footage	Vacancy Rate
2019	5,598,287	667,720	11.90%
2020	5,645,283	705,269	12.50%
2021	5,631,982	728,670	12.90%
2022	5,196,050	690,789	13.30%
2023	5,098,307	712,229	14.50%

Stretch Target 10: Invest a minimum of \$1 million in tourism development from the Municipal Accommodation Tax Program

Collection of the Municipal Accommodation Tax begin on January 1, 2023. The Hamilton Tourism Development Corporation was established with funding commitments to begin in 2024. For additional context, the board of the Hamilton Tourism Development Corporation met on June 7, 2024, and approved a slate of tourism investments (Report No. 24001). Funding investments for approved tourism projects are to begin in 2024 and will exceed \$1.8 million by 2029.

Stretch Target 11: Attract five major events that generate a total combined economic impact of at least \$50 million.

Hamilton has attracted seven major events for the lifespan of the 2021-2025 Economic Development Action Plan:

- 2021 Grey Cup;
- 2022 NHL Heritage Classic;
- 2022 ISU World Skating Championships;
- 2022 FIFA Men's World Cup Qualifier;
- 2023 Canadian Country Music Awards;
- 2023 Grey Cup; and,
- 2024 Canadian Open.

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SUBJECT: Economic Development Action Plan 2023 Update (PED24118) (City Wide) - Page 12 of 15

The four events hosted in 2021 and 2022 realized an estimated economic impact of \$21,000,000.

In 2023, the Canadian Country Music Awards realized an estimated economic impact of \$12,000,000. The 2023 Grey Cup realized an estimated economic impact of \$73,500,000.

Hamilton has now realized an estimated economic impact of \$106,500,000 within the lifespan of the 2021-2025 Economic Development Action Plan.

Stretch Target 12: Increase transit ridership to pre-pandemic ridership levels by 2023.

Table 7 breaks down the annual number of revenue-generating rides on Hamilton Street Railway between 2019 and 2023.

Table 7. HSR Annual Ridership

Year	Revenue Ridership
2019	21,659,817
2020	11,781,830
2021	9,972,964
2022	15,216,234
2023	19,092,478

Ridership in 2023 represents a 25.5% year-on-year increase in ridership. This increase was 88.1% of the pre-pandemic benchmark. Notably, February 2024's ridership was 102.1% of pre-pandemic ridership. Economic Development staff, in close collaboration with Hamilton Street Railway, will continue reporting on this stretch target on an annual basis.

Stretch Target 13: Generate \$1 million in direct City revenue from film production activity within Hamilton.

Table 8 captures the 2021-2023 direct City revenues from film production activity. In three years, the City of Hamilton has earned \$2,068,109 from film production, more than doubling the stretch target despite the negative impacts of the COVID-19 pandemic and the 2023 Writers Guild of America strike.

Table 9: Annual City Revenues from Film Production

Year	Direct City Revenues
2021	\$957,408
2022	\$721,207
2023	\$389,494

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SUBJECT: Economic Development Action Plan 2023 Update (PED24118) (City Wide) - Page 13 of 15

Total	\$2,068,109
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Anticipated Outcomes on In-Process Action Items

This section provides an overview of the expected outcomes of the currently in-development action items of the 2021-2025 Economic Development Action Plan. At present, there are 36 completed action items of the 77 listed in the Economic Development Action Plan. Among the remaining 42 action items, it is expected that 25 will be completed within the life span of the 2021-2025 Economic Development Action Plan. The remaining 16 will be rolled into 2026-2031 Economic Development Action Plan either as continued action items or value statements that shape the Economic Development Action Plan, itself.

A number of these action items are ongoing activities that require collaboration across multiple levels of government and the collaboration of various industry partners e.g., emissions reduction, supporting energy retrofits, implementing district energy in Hamilton's business parks, and addressing needs and gaps in business supports for supporting equity-deserving groups.

Some of these actions, such as Action Item 36. "Support and pursue potential funding and partnership opportunities for Hamilton industrial manufacturers to invest in emissions reduction technologies" will be perpetual tasks for Economic Development as to ensure the Division is working toward sustainable economic and ecological development.

Others are large-scale infrastructure projects, such as the Dickenson Road trunk sewer and the Dartnall Road expansion.

The roll over action items are listed in Table 10 Appendix "A" to Report PED24118 provides a breakdown of every action item including its project status and its completion/rollover status.

Table 10. Action Items to Be Incorporated into the 2026-2031 Economic Development Action Plan

9	Implement a Hamilton Collaborative Talent Zone space where industry and local partners focus on teaching and closing any skills gaps in the Hamilton workforce.
10	Apply to participate in the Municipal Nominee Program.
22	Identify opportunities to increase Social, Local and Green Procurement.
23	Update the Film By-law.
25	Update and implement the Hamilton Music Strategy.
27	Create and implement a Business Succession Planning Program Lead.

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SUBJECT: Economic Development Action Plan 2023 Update (PED24118) (City Wide) - Page 14 of 15

31	Establish a local Energy Retrofit accelerator providing a one-stop portal for Hamilton businesses and residents to find local retrofit providers, suppliers, and experts.
33	Study the feasibility of establishing an agriculture, agri-food, and rural Community Improvement Plan.
38	Identify the existing and scope of business support and initiatives in Hamilton focused on equity-seeking groups, groups disadvantaged by discrimination and marginalized communities and recommend future strategies to address needs and gaps.
50	Encourage new development within the Airport and Airport Employment Growth District to incorporate District Energy Systems to reduce environmental impacts.
51	Work with Port partners to introduce environmentally sustainable options for cargo movement through container service and increased rail and intermodal operations.
69	Complete Dickenson Road trunk sewer to the Airport Employment Growth District.
70	Complete Dartnall Road extension to Dickenson Road.
72	Execute the West Harbour Re-Development Plan on the City-owned lands transforming the area into a recreational, commercial, and residential waterfront destination.
73	Explore and implement decarbonization initiatives with local industry.
77	Collaborate with Metrolinx, the impacted Business Investment Areas, and the Hamilton Chamber of Commerce on strategies and tactics to mitigate negative impacts of construction and maximizing the economic uplift benefits of the Light Rail Transit investment.

Next Steps

The current Economic Development Action Plan reaches its conclusion at the end of 2025. Following receipt of this Report, staff intend to begin preparations for an in-house production of a 2026-2031 Economic Development Action Plan.

With the 2021-2025 Economic Development Action Plan serving as a transformational strategy for the Economic Development Division, the proposed 2026-2031 strategy will work to consolidate outstanding 2021-2025 Economic Development Action Plan action items with the Council-approved work of multiple sector strategies approved during the life of the 2021-2025 Economic Development Action Plan. This harmonized document

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SUBJECT: Economic Development Action Plan 2023 Update (PED24118) (City Wide) - Page 15 of 15

will leverage synergies across sectors while ensuring alignment to the established Term of Council Priorities.

The creation of this document will be supported by a collaborative engagement process with local businesses, sector experts, community members, and internal City of Hamilton stakeholders. This will ensure that emerging priorities, pressure points, and opportunities are captured within the proposed 2026-2031 Economic Development Action Plan.

Staff anticipate bringing this document to General Issues Committee for approval by the end of the 2025 calendar year. This will be a separate report from the 2024 Update on the 2021-2025 Economic Development Action Plan, which will be delivered in the second or third quarter of 2025.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24118 – Status Update on all Economic Development Action Plan Action Items

Appendix "A" to Report PED24118

Page 1 of 7

Status Update on all Economic Development Action Plan Action Items

Table 1: Action Item Update – Facilitating a Skilled and Adaptable Workforce

Facilitating a Skilled and Adaptable Workforce Action Items	Status	Forecast
1. Approve and implement the Hamilton Immigration Partnership Strategy	ACHIEVED - ONGOING	N/A
2. Review the CityLAB Program for the purposes of potential continuation and expansion	ACHIEVED - COMPLETED	N/A
3. Design and deliver an annual Local Economy and Workforce Needs business survey	ACHIEVED - ONGOING	N/A
4. Assign a Workforce Development "lead" within the Economic Development Division	ACHIEVED - COMPLETED	N/A
5. In collaboration with the workforce development community, create and implement a Workforce Attraction, Retention & Development (Talent) Strategy	ACHIEVED - ONGOING	N/A
6. Collaborate with local industry to create an integrated jobs portal	EARLY DEVELOPMENT	Completed by 2025
7. Implement a Future of work series that acts as an experiential conduit between learners/jobseekers and employers to allow local companies to inform future employees of job and career opportunities in Hamilton	INITIATING	Completed by 2025
8. Explore the development of a Talent pipeline program	EARLY DEVELOPMENT	Completed by 2025
9. Implement a Hamilton Collaborative Talent Zone space where industry and local partners focus on teaching and closing any skills gaps in the Hamilton workforce	MID DEVELOPMENT	Add to 2026-2031 Economic Development Action Plan
10. Apply to participate in the Municipal Nominee Program	MID DEVELOPMENT	Add to 2026-2031 Economic Development Action Plan
11. Partner with the workforce and business community to identify employment programs, work development opportunities and initiatives in Hamilton focused on equity-seeking groups, groups disadvantaged by discrimination and marginalized communities in order to recommend future strategies to address existing needs and gaps	EARLY DEVELOPMENT	Not Applicable

Appendix “A” to Report PED24118

Page 2 of 7

Table 2: Action Item Update – Enhancing Digital Infrastructure & Services

Enhancing Digital Infrastructure & Services Action Items	Status	Forecast
12. Advocate for and promote investment in broadband connectivity speed increase in Hamilton with a target that all rural Hamilton have access to 50/10 Mbps and urban Hamilton average speed be 100/20 Mbps and one Gbps options available to residents and business who need that level of service	LATE DEVELOPMENT	Completed by 2025
13. Complete a City Digital Strategy	ACHIEVED - COMPLETED	N/A
14. Complete a City of Hamilton Broadband Strategy	EARLY DEVELOPMENT	Completed by 2025
15. Develop a Smart/Connected Communications Strategy	EARLY DEVELOPMENT	Completed by 2025
16. Develop and implement expanded Public Internet Access initiatives	ACHIEVED - ONGOING	N/A
17. Develop and implement Digital Divide/Equity Initiatives	ACHIEVED - ONGOING	N/A
18. Expansion of Digital Main Street partnerships to support the growth	ACHIEVED - ONGOING	N/A
19. Develop and implement a Virtual Business Investment and Sales Tour Program	ACHIEVED - ONGOING	N/A
20. Increase the number of services that can be accessed digitally/on-line for citizens and businesses	MID DEVELOPMENT	Completed by 2025

Appendix "A" to Report PED24118

Page 3 of 7

Table 3: Action Item Update – Growing Business and Investment

Growing Business and Investment - Action Items	Status	Forecast
21. Complete and implement a Tourism Strategy 2021-2025.	LATE DEVELOPMENT	Completed by 2025
22. Identify opportunities to increase "social", "local" and "green" Procurement	EARLY DEVELOPMENT	Add to 2026-2031 Economic Development Action Plan
23. Update the Film Bylaw	MID DEVELOPMENT	Add to 2026-2031 Economic Development Action Plan
24. Create and implement an Economic Development Marketing Strategy	ACHIEVED - COMPLETED	Not Applicable
25. Update and implement the Hamilton Music Strategy	MID DEVELOPMENT	Add to 2026-2031 Economic Development Action Plan
26. Complete a feasibility study on a food business incubator to provide space, training, resources and distribution assets for entrepreneurs to access wholesale or retail markets	ACHIEVED - COMPLETED	Not Applicable
27. Create and implement a Business Succession Planning Program	EARLY DEVELOPMENT	Add to 2026-2031 Economic Development Action Plan
28. Create and implement a Life Sciences Sector Strategy	ACHIEVED - ONGOING	Not Applicable
29. Examine the tourism and business attraction potential of e-Gaming	ACHIEVED - ONGOING	Not Applicable
30. Initiate and implement an updated Advanced Manufacturing Sector Strategy - including Aerospace, Electrical & Autonomous vehicle opportunities	ACHIEVED - COMPLETED	Not Applicable
31. Establish a local Energy Retrofit accelerator providing a one-stop portal for Hamilton businesses and residents to find local retrofit providers, suppliers, and experts	INITIATING	Add to 2026-2031 Economic Development Action Plan
32. Encourage environmental sustainability expansion of the LEED CIP	MID DEVELOPMENT	Completed by 2025

Appendix “A” to Report PED24118

Page 4 of 7

Growing Business and Investment - Action Items	Status	Forecast
33. Study the feasibility of establishing an agriculture, agri-food and rural Community Improvement Plan	INITIATING	Add to 2026-2031 Economic Development Action Plan
34. Update the City of Hamilton's Foreign Direct Investment Strategy	ACHIEVED - COMPLETED	Not Applicable
35. Operationalize the Global Hamilton Council to support Foreign Direct Investment	LATE DEVELOPMENT	Completed by 2025
36. Support and pursue potential funding and partnership opportunities for Hamilton industrial manufacturers to invest in emissions reduction technologies	ACHIEVED - ONGOING	Not Applicable
37. Implement a Soft-landing program for international businesses wanting to establish a presence in Hamilton	ACHIEVED - ONGOING	Not Applicable
38. Identify the existing and scope of business support and initiatives in Hamilton focused on equity-seeking groups, groups disadvantaged by discrimination and marginalized communities and recommend future strategies to address needs and gaps	EARLY DEVELOPMENT	Add to 2026-2031 Economic Development Action Plan

Appendix “A” to Report PED24118

Page 5 of 7

Table 4: Action Item Update: Moving Goods and People

Moving Goods and People - Action Items	Status	Forecast
39. Develop a comprehensive Curbside Management Strategy	EARLY DEVELOPMENT	Completed by 2025
40. Finalize the Truck Route Master Plan update	ACHIEVED - COMPLETED	N/A
41. Complete feasibility studies for A-line, S-Line and remaining Higher Order Transit (BLAST) corridors	MID DEVELOPMENT	Completed by 2025
42. Expand micro-mobility travel options such as Bike Share and E-scooters	ACHIEVED - ONGOING	N/A
43. Commence development of an Integrated Active Transportation Master Plan including cycling, walking and trails	EARLY DEVELOPMENT	Completed by 2025
44. Continue to investigate the potential for On-Demand Transit Services to provide or supplement regular public transit services to, from and within employment areas and community nodes, using the Flamborough On-Demand Service as a pilot	ACHIEVED - COMPLETED	N/A
45. Design and Launch Smart Commute Hamilton Airport (SCHA) Association. The SCHA would create a program to meet the specialized needs associated with Airport-related employers by helping to coordinate individual employers travel demand management programs	INITIATING	Completed by 2025
46. Update the Goods Movement Sector Strategy	ACHIEVED - ONGOING	N/A
47. Promote and support the Transportation and Connected Vehicle industry with the Centre of Integrated Transportation and Mobility network	MID DEVELOPMENT	Completed by 2025
48. Work with airport partners to attract new international air cargo operators, increase and expand air routes and intensify newer fuel efficient and noise reduction air fleet	ACHIEVED - ONGOING	N/A
49. Engage with transportation associations, MITL and Fluid Intelligence Program to improve goods movement capabilities, technology and improved sustainable alternatives	ACHIEVED - COMPLETED	N/A
50. Encourage new development within the Airport and AEGD to incorporate District Energy Systems to reduce environmental impacts	MID DEVELOPMENT	Add to 2026-2031 EDAP
51. Work with Port partners to introduce environmentally sustainable options for cargo movement through container service and increased rail and intermodal operations	MID DEVELOPMENT	Add to 2026-2031 EDAP

Appendix "A" to Report PED24118

Page 6 of 7

Table 5: Action Item Update: Revitalizing Priority Areas and Placemaking

Revitalizing Priority Areas and Placemaking - Action Item	Status	Forecast
52. Study the short and mid-term pandemic impacts on the Hamilton office market	ACHIEVED - ONGOING	N/A
53. Complete a study investigating retail trends in various commercial settings across the city	LATE DEVELOPMENT	Completed by 2025
54. Develop and implement a targeted marketing campaign for Hamilton's office market	ACHIEVED - ONGOING	N/A
55. Develop and implement a program to retrofit and modernize underutilized storefront and office spaces (e.g., pop-ups)	ACHIEVED - ONGOING	N/A
56. Explore the feasibility of a small business accelerator centre	MID DEVELOPMENT	Completed by 2025
57. Conduct analysis and consultations regarding the potential implementation of the Small Business property tax subclass	ACHIEVED - COMPLETED	N/A
58. Support and foster placemaking projects (including the delivery and evaluation of the Placemaking Grant Pilot Program and encouragement of pedestrianization and open street initiatives)	ACHIEVED - ONGOING	N/A
59. Transition the operating and capital obligations of the City's Entertainment Assets to Hamilton Urban Precinct Entertainment Group and facilitate the private sector's renovation/redevelopment of the Downtown Entertainment Precinct	ACHIEVED - ONGOING	N/A
60. Re-envision the existing Hamilton LEEDing the Way Community Improvement Plan to better incentivize environmentally sustainable development and investments	MID DEVELOPMENT	Completed by 2025
61. Review and update the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan	ACHIEVED - COMPLETED	N/A
62. Revise incentive programs to support the achievement of climate change targets (i.e., supporting the depaving of parking lots to green space, supporting charging stations)	ACHIEVED - COMPLETED	N/A
63. Update all Commercial Market Assessments for individual Business Improvement Areas	ACHIEVED - COMPLETED	N/A
64. Promote and establish the West Hamilton Innovation District / McMaster Innovation Park as a global leader innovation, commercialization for Life Sciences, Biomanufacturing, and advanced manufacturing	MID DEVELOPMENT	Completed by 2025

Appendix “A” to Report PED24118

Page 7 of 7

Table 6 Action Item Update: Building Transformational Projects

Building Transformational Projects - Action Item	Status	Forecast
65. Complete feasibility study on how to leverage economic potential of waterfalls and adjacent natural amenities with consideration to environmental and neighbourhood impacts	EARLY DEVELOPMENT	Completed by 2025
66. Create landmarks and enhance prominent public places and facilities across the city through the use of design competitions and integrated art (e.g. Copps Pier)	ACHIEVED - ONGOING	N/A
67. Prepare a strategy to re-develop City-owned assets with the objective of creating shovel-ready projects for the purposes of affordable housing	MID DEVELOPMENT	Completed by 2025
68. Implement the Bayfront Strategy	ACHIEVED - ONGOING	N/A
69. Complete Dickenson Road trunk sewer to the Airport Employment Growth District	MID DEVELOPMENT	Add to 2026-2031 EDAP
70. Complete Dartnall Road extension to Dickenson Road	EARLY DEVELOPMENT	Add to 2026-2031 EDAP
71. Prepare and execute a Master Development Agreement for the City-owned Barton-Tiffany Lands, with the intention of creating a film studio hub	MID DEVELOPMENT	Completed by 2025
72. Execute the West Harbour Re-Development Plan on the City-owned lands transforming the area into a recreational, commercial, and residential waterfront destination	MID DEVELOPMENT	Add to 2026-2031 EDAP
73. Explore and implement decarbonization initiatives with local industry	MID DEVELOPMENT	Add to 2026-2031 EDAP
74. Promote Hamilton's District Energy Systems to major construction projects as a climate change benefit and as a low carbon alternative to traditional energy systems	MID DEVELOPMENT	Completed by 2025
75. Encourage new development within the Airport and AEGD to incorporate District Energy Systems to reduce environmental impacts	MID DEVELOPMENT	Add to 2026-2031 EDAP
76. Support private and public sector efforts to further start-up business development including attracting and supporting expansion of research facilities	MID DEVELOPMENT	Completed by 2025
77. Collaborate with Metrolinx, the impacted BIAs, and the Hamilton Chamber of Commerce on strategies and tactics to mitigate negative impacts of construction, and maximizing the economic uplift benefits of the LRT investment	EARLY DEVELOPMENT	Add to 2026-2031 EDAP



2021-2025 ECONOMIC DEVELOPMENT ACTION PLAN

Scorecard – Action Items

EDAP Priority Area	Action Items Completed as of 2023	In Development in 2023	Awaiting Start in 2023	Total Action Items
Skilled and Adaptable Workforce	5	5	1	11
Enhancing Digital Infrastructure & Services	5	4	0	9
Growing Business and Investment	9	7	2	18
Moving Goods and People	6	6	1	13
Revitalizing Priority Areas and Placemaking	9	4	0	13
Building Transformational Projects	2	11	0	13
All EDAP Actions	36	37	4	77

Select Actions Completed in 2023

- ✓ Completion of a workforce attraction, retention and development strategy
- ✓ Examined the tourism and business attraction potential of e-Gaming
- ✓ Implemented a soft-landing program for international businesses seeking to establish a presence in Hamilton
- ✓ Completed two reports on the short and mid-term pandemic impacts on the Hamilton office market
- ✓ Reviewed and updated the Environmental Remediation and Site Enhancement Community Improvement Plan

Deloitte.



Hamilton's Workforce Strategy:
Harnessing the Ecosystem for Shared Success
September 2023





STRETCH TARGET UPDATES

ST1: Add seven million square feet of new Industrial/Commercial space

2021 Square Footage 1.754M

2022 Square Footage 998K

2023 Square Footage 1.951M

Square Footage to Date:

4,694,971

Status:

On Target

ST2: Generate a total of \$2.5 billion in Industrial/Commercial construction value

2021 Construction Value \$717.2M

2022 Construction Value \$326.1M

2023 Construction Value \$700.0M

Value to date: \$1,743,443,102

Status:
On Target

ST3: Increase new gross Commercial/Industrial assessment by 1.5 % per year

2021 Assessment:	3.2% increase:	\$204M
2022 Assessment:	3.4% increase:	\$284.5M
2023 Assessment	3.5% increase:	\$290.5M

Status:
Achieved: Ongoing

ST4: Triple the municipal tax assessment on the Stelco lands

A recent severance at 386 Wilcox St.
 created two new roll numbers:

386 Wilcox Street
 1055 Industrial Drive

Combined Assessment
 \$43,905,000 (a 3.9% increase on
 2022 assessment)

Status:
Behind Target

ST5: Increase Hamilton’s shovel-ready land supply by 500 acres

Shovel Ready Supply - Acres

Acres Brought Online Between
2020-2023

2020	2022	2023
671.1	676.3	569.6

191.0

Status:
Behind Target

ST6: Increase immigration to Hamilton by 25% by 2025 (2019 IRCC reported immigration admissions for Hamilton as the baseline)

2019	2020	2021	2022	2023
Immigration	Immigration	Immigration	Immigration	Immigration
3,425	2,185	5,405	4,860	5,815



Status: **Achieved: Ongoing**

ST7: Create and maintain a list of 1,000 living wage employers in Hamilton

741 employers have self-identified as living wage employers through the Annual Employer One Survey.

Data collection, employer vetting, and a joint presentation with the Hamilton Roundtable for Poverty Reduction are scheduled for 2024 and 2025.

Status:
On target

ST8: Achieve an average ground-floor commercial storefront occupancy of 90% across the Business Improvement Areas

2021 Occupancy Avg.	93.2%
2022 Occupancy Avg.	89.1%
2023 Occupancy Avg.	87.0%

Status:
Behind Target



**ST9: Reduce downtown office vacancy rate to pre-pandemic levels
(2019 benchmark)**

Year	Vacancy Rate
2019	11.9%
2020	12.5%
2021	12.9%
2022	13.3%
2023	14.5%

Status:
Behind Target

ST10: Invest a minimum of \$1 million in tourism development from the MAT program

The board of the Hamilton Tourism Development Corporation met on June 7, 2024, and approved a slate of tourism investments.

Approximately \$1.8 million funding investments for approved tourism project will begin in 2024.



Status:
Achieved: Ongoing

ST11: Attract five major events that generate a total combined economic impact of at least \$50 million

7 major events attracted within the scope of the 2021-2025 EDAP

2021-22 Impact: \$21,000,000

2023 Impact: \$73,500,000

Total Impact: \$106,500,000



Status:

Achieved: Ongoing

ST12: Increase HSR ridership to pre-pandemic ridership levels by 2023

2019 Revenue Generating Rides: 21,659,817

2021 Revenue Generating Rides: 9,972,964
(46% of benchmark)

2022 Revenue Generating Rides: 15,216,234
(70% of benchmark)

2023 Revenue Generating Rides: 19,092,478

Status:

**Achieved (as of Q1
2024): Ongoing**



ST13: Generate \$1 million in direct City revenue from film production activity within Hamilton

2021 Revenue: \$957,408

2022 Revenue: \$721,207

2023 Revenue: \$389,494

Total Revenue:\$2,068,109



Status:
Achieved: Ongoing

Scorecard – Stretch Targets

Stretch Target	2023 Update	Current Status
1. Add seven million square feet of new Industrial/Commercial space	4,694,971 square feet added in 2021-23	On target
2. Generate a total of \$2.5 billion in Industrial/Commercial construction value	\$1,743,443,102 generated in 2021-23	On target
3. Increase new gross commercial/industrial assessment by 1.5 % per year	3.5% increase in assessment in 2023 (\$290.5 million)	Achieved: Ongoing
4. Triple the municipal tax assessment on the Stelco lands	2023 assessment: \$43,905,000	Behind Target
5. Increase Hamilton’s shovel-ready land supply by 500 acres	2020 shovel-ready supply: 671.1 Acres 2022 shovel-ready supply: 676.3 Acres 2023 shovel-ready supply: 569.6 Acres	Behind Target
6. Increase immigration to Hamilton by 25% by 2025 (2019 IRCC reported immigration admissions for Hamilton as the baseline)	A 40.8% average (2020-2023) increase on the immigration 2019 benchmark	Achieved: Ongoing
7. Create and maintain a list of 1,000 living wage employers in Hamilton	741 self-identified living wage employers identified in 2021-22	On target

Scorecard – Stretch Targets

Stretch Target	2023 Update	Current Status
8. Achieve an average ground-floor commercial storefront occupancy of 90% across the Business Improvement Areas	BIA Occupancy: 87.3%	Behind Target
9. Reduce downtown office vacancy rate to pre-pandemic levels (2019 as benchmark)	2023 Vacancy Rate: 14.5% (2.6% above the 2019 rate)	Behind Target
10. Invest a minimum of \$1 million in tourism development from the Municipal Accommodation Tax program	\$1.8 million in tourism-related funding requests were approved by the Hamilton Tourism Development Corporation	Achieved: Ongoing
11. Attract five major events that generate a total combined economic impact of at least \$50 million	7 major events attracted Realized economic impact from events in 2021-23: \$106,500,000	Achieved: Ongoing
12. Increase transit ridership to pre-pandemic ridership levels by 2023	2023 ridership (revenue rides): 19,092,478 – 88.1% of 2019 benchmark	Achieved (as of Q1 2024): Ongoing
13. Generate \$1 million in direct City revenue from film production activity within Hamilton	\$2,068,109 in revenue generated in 2021-22	Achieved: Ongoing

Q2-Q3 2025 – 2024 Annual Economic Development Action Plan
Report to GIC

**Q4 2025 – Presentation of the 2026-2031 Economic
Development Action Plan Draft**

Next Steps







Hamilton

2021-2025 ECONOMIC DEVELOPMENT
ACTION PLAN



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
 Engineering Services Division
 and
PUBLIC WORKS DEPARTMENT
 Transportation Division
 and
CORPORATE SERVICES DEPARTMENT
 Financial Planning, Administration and Policy Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	October 2, 2024
SUBJECT/REPORT NO:	Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan (PW24057/FCS24045) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janelle Trant (905) 546-2424 Ext. 2556 Dipankar Sharma (905) 546-2424 Ext. 3016
SUBMITTED BY: SIGNATURE:	Jackie Kennedy Director, Engineering Services Public Works Department 
SUBMITTED BY: SIGNATURE:	Carolyn Ryall Director, Transportation Division Public Works Department 
SUBMITTED BY: SIGNATURE:	Kirk Weaver Acting Director, Financial Planning, Administration and Policy Corporate Services Department 

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

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

SUBJECT: Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan (PW24057/FCS24045) (City Wide) - Page 2 of 16

RECOMMENDATION

- (a) That staff be directed to use the categorization for projects within the Roads / Bridges / Sidewalk / Street Lighting / Traffic budget as described in this report and detailed in Appendix "A" attached to Report PW24057/FCS24045, and that the General Manager, Public Works, or their designate, in consultation with the General Manager, Finance and Corporate Services or their designate, be authorized to revise categories as required;
- (b) That staff be directed to align budget and financing plan documents with the Transportation Asset Management Plan, including changing references to the Roads / Bridges / Sidewalk / Street Lighting / Traffic Budget to the Transportation Network Budget;
- (c) That the information contained in Report PW24057/FCS24045 be considered when proposed Levels of Service for the Transportation Network are brought forward in accordance with report PW22048 and;
- (d) That the information contained in Report PW24057/FCS24045 including the categories as identified in Appendix "A" attached to Report PW24057/FCS24045, be considered as part of the annual budget process.

EXECUTIVE SUMMARY

At the January 30, 2024 Budget General Issues Committee, the following motion was passed:

That the General Managers of Public Works and Finance & Corporate Services, be directed to report back to the General Issues Committee by the second quarter of 2024 following the:

- (i) examination of the entire capital planning procedure in creating capital program pertaining to the Transportation network, independent of department or division responsible for executing the capital works;
- (ii) examination of the historic Transportation network capital funding levels, adjusted for inflation, compared to the 2024 capital spending, including the multi-year outlook in the 2024 Budget presentation(s);
- (iii) examination of the historical classification or categorization of the capital projects, and recommended strategies, in accordance with current and future known administrative procedures, such as the Corporate Asset Management framework, to maintain the City's Transportation network in "fair to good" condition; and

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SUBJECT: Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan (PW24057/FCS24045) (City Wide) - Page 3 of 16

(iv) development of a methodology and report format for consistent communication of the information as described in above paragraphs (i), (ii), and (iii).

Report PW24057/FCS24045 includes a summary of the deliverables of this review. This review, conducted by staff, included:

- Documentation of the current capital planning procedure.
- Examination of the historical categorization of transportation projects.
- Confirmation of future transportation network asset categories, considering the 2022 Transportation Asset Management Plan.
- Classification of planned investments in the transportation network, including:
 - Projects approved through the Tax Supported Capital Budget (Roads / Bridges / Sidewalk / Street Lighting / Traffic Budget) between 2012 – 2024.
 - Area rating projects between 2012 – 2023 that represent an investment in the transportation network.
 - Capital in-year budget adjustments between 2021 – 2023 that represent an investment in the transportation network (note: data prior to 2021 was unavailable at the time of the preparation of this report).
- Examination of the historic transportation network funding, adjusted for inflation.
- Identification of opportunities for improvement related to the items above.
- Development of a recommended methodology and report format for consistent communication of this information.

The following assumptions and estimations have been made for the purpose of this review:

- It has been assumed that there are no changes to the transportation projects for which funding has been approved.
- Complete data for in-year capital budget adjustments was not available at the time of preparation of this report due to the network outage. The best information that was available was included, however some in-year capital budget adjustments may not have been captured.
- Categorization was based on specific Capital Project Identification Numbers (10-digit Project IDs).
- For projects that impact multiple transportation assets, the planned investment has been assigned to the asset that the majority of the work applies to. To obtain exact amounts, individual Project IDs would need to be manually subdivided and categorized which was beyond the scope of this review. Staff are looking into amending the budget process to better capture asset categories for coordinated projects.
- Actual expenditures were not analyzed as part of this review.

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SUBJECT: Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan (PW24057/FCS24045) (City Wide) - Page 4 of 16

- Annual budgeted amounts from the Operating Budget that represent an investment in the transportation network were not analyzed as part of this review.
- Transit and active transportation projects that are not part of the Roads / Bridges / Sidewalk / Street Lighting / Traffic Budget were not included in this review.
- For coordinated projects, budgeted amounts related to subsurface works (e.g., water, wastewater, stormwater) were not included in this review; these are funded through the Rates Supported Capital Budget.

Alternatives for Consideration – See Page 16

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no direct financial implications related to the report recommendations. The recommendations will result in changes to the way future financial information is presented.

Staffing: There are no staffing implications related to the report recommendations.

Legal: There are no legal implications related to the report recommendations.

HISTORICAL BACKGROUND

Categorization of planned investments in the transportation network began approximately 10 years ago and evolved as the use of this information grew. Reports that have referenced transportation network categories include the following:

- Historically, there has been a summary table in the staff report that accompanies the annual proposed tax budget and financing plan for the Roads / Bridges / Sidewalk / Street Lighting / Traffic Budget (for example, Tables 15 and 16 in the 2024 Tax Supported Budget and Financing Plan (FCS24002))
- Prior to 2022, the annual Tax Capital Budget Book grouped projects by funding source
- Beginning in 2022, the annual Tax Capital Budget Book grouped projects by department and division, rather than by funding source
- The 2022 Transportation Asset Management Plan introduced service areas, asset classes, assets, and asset lifecycle categories related to the transportation network
- Staff have provided summaries of historical investments in the transportation network, when requested, using similar categories to the summary table in the staff report that accompanies the annual proposed tax budget and financing plan

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SUBJECT: Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan (PW24057/FCS24045) (City Wide) - Page 5 of 16

This evolution of transportation network categories resulted in a system of categories that were at times unclear and limited the ability to interpret the information.

In 2024, through the motion “Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan”, the opportunity to clarify definitions and reporting categories in alignment with the 2022 Transportation Asset Management Plan, include inflation adjustments, and strengthen the overall reporting process was identified.

Capital Financing Plan

To fund the City’s annual capital budget, the City’s financing plan includes several revenue sources including reserves, development charges, grants, debt and a dedicated tax levy (Capital Levy). The Capital Levy is allocated across “capital blocks” for municipal programs and services to deliver their annual capital programs.

In allocating the Capital Levy, the City of Hamilton employs a hybrid Capital Block Funding Prioritization methodology, originally approved through Report FCS02017, that has evolved over time, aligning with the City’s Strategic Plan and the Transportation Asset Management Plan.

In past budget cycles, Capital Levy increases have been utilized in an effort to keep up with the rising costs of construction and rehabilitation, as well as, to support debt servicing requirements for priority capital investment. The primary emphasis has been on the rehabilitation of the City’s transportation network, with these programs receiving 4.0% increases to their 2024 annual capital block allotments in order to maintain year-over-year asset replacement value as a result of inflation and to support improvements towards overall asset condition for assets in those categories.

In June of 2022, Council approved the Transportation Asset Management Plan through Report PW22048 which identified an annual funding gap of \$94.7 M for transportation assets (\$86.6 M for the Road Network and \$8.1 M for Engineered Structures). In order to provide for the annual funding required for asset renewal, the annual historical Capital Levy increase of 0.50% was increased to 0.89% beginning in 2024 and continuing annually until 2033. This will effectively increase the Roads / Bridges / Sidewalk / Streetlighting / Traffic block from \$65.9 M in 2023 to \$193.5 M in 2033.

In the City’s approved 2024-2033 Capital Financing Plan, all capital block allocations are increased annually at the rate of inflation (Non-Residential Construction Price Index). This ensures that program areas maintain the same level of investment in capital infrastructure over the planning period and purchasing power is not eroded by

SUBJECT: Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan (PW24057/FCS24045) (City Wide) - Page 6 of 16

inflation. Service level targets will be revisited with the presentation of Asset Management Plans by the July 1, 2025, legislated deadline. Future budgets and financing plans will incorporate the service level targets and any subsequent required adjustment to block allocations and funding required for the infrastructure gap and backlog.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not applicable.

RELEVANT CONSULTATION

A cross-departmental project team was established to complete the work to respond to the motion, including representatives from the following divisions:

- Engineering Services (Public Works)
- Financial Planning Administration and Policy (Corporate Services)
- Transportation (Public Works)
- Corporate Asset Management (Public Works)
- Transportation Planning and Parking (Planning and Economic Development)
- Growth Management and Development Engineering (Planning and Economic Development)

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Current Capital Budget Planning Procedure Overview (Roads / Bridges / Sidewalk / Street Lighting / Traffic Budget)

The following section provides a summary of the capital budget planning procedure in creating the capital program for the Roads / Bridges / Sidewalk / Street Lighting / Traffic Budget. This annual process is led by the Infrastructure Renewal Section within Engineering Services, following the Budget Guidelines prepared by Corporate Services. This process includes cross-departmental collaboration and coordination between Corporate Services (Financial Planning Administration and Policy Division) Public Works (Engineering Services Division, Transportation Division), and Planning and Economic Development (Growth Management Division, Transportation Planning and Parking Division, LRT Project Office). In addition, there is coordination with Hamilton Water.

At a high level, this process includes calculation of the annual Roads / Bridges / Sidewalk / Streetlighting / Traffic capital block allocation, work at the division level to identify new projects and verify ongoing projects or projects that have been identified in

SUBJECT: Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan (PW24057/FCS24045) (City Wide) - Page 7 of 16

the 10-Year Capital Forecast, and finally compilation of the draft capital budget that is subject to comprehensive review by senior management prior to Committee and Council presentations and deliberations.

Roads / Bridges / Sidewalk / Street Lighting / Traffic Budget Divisional Processes

The Engineering Services Division begins the annual budget process by reviewing and validating projects included in the 10-Year Capital Forecast. Each project is reviewed to determine if it has been cancelled, deferred, revised, or if it remains unchanged. Project budget and schedule estimates are reviewed and are adjusted if necessary. Concurrent with this review process, new projects are also identified. New projects such as road rehabilitation or reconstruction may be identified through:

- Priority work to address risk or urgent and critical work
- Condition assessments (regular inspection, structural condition assessments)
- New or updated Master plans
- Project expansion to include coordinated project scope, to leverage efficiency
- Council Motions

New road rehabilitation and reconstruction projects are identified based on Overall Condition Index (OCI) determined from regular pavement inspection. Overall Condition Index is a numerical value between 0 (worst) and 100 (best) which is used to indicate the overall condition of a road segment. Typically, roads with an Overall Condition Index of less than 40 are identified as candidates for reconstruction. To get the best value for money, roads with Overall Condition Index between 40 to 70 are the best suited candidates for rehabilitation. Arterial road and expressway projects are currently prioritized based on Overall Condition Index. For local and collector roads, a priority rating is assigned based on several factors including Overall Condition Index, geographic location (bus route, traffic volume, road safety, etc.). Road strategies are continually being assessed to determine the best value for money for all road classes, and new strategies. For example, through the 2024 budget process, \$2.5 M was approved for 2024, forecasted in 2025 and onwards at \$5 M, for local road rehabilitation state of good repair.

Once a new road project has been identified, screening is completed to determine if there are any subsurface needs within the project limits, such as required watermain replacement. If subsurface work is required within approximately 5-10 years of the proposed road rehabilitation or reconstruction, the road project is scheduled to coincide with the subsurface work.

The Transportation Division annual capital budget planning process involves multiple reviews and iterations to ensure effective allocation of resources and project

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SUBJECT: Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan (PW24057/FCS24045) (City Wide) - Page 8 of 16

prioritization, through a structured evaluation process inclusive of all business units within the Division. A comprehensive assessment of existing infrastructure asset condition, road conditions, equipment and technology is conducted to identify areas in need of replacement/upgrade, modifications, new infrastructure or maintenance. An additional set of assessment criteria such as road safety, traffic congestion, Council priorities, coordination of works with other divisions and community needs are applied. Collaborative discussions involving key divisional stakeholders finalize the prioritized list of projects, ensuring alignment with City of Hamilton's Strategic Plan, Council Priorities, safety and available funding. This approach ensures that capital investments are targeted towards the most pressing needs, ultimately enhancing mobility, safety, and overall quality of life for City of Hamilton's residents.

The Transportation Planning Section is responsible for the preparation of city-wide and sub-area transportation plans which take into account the City's medium to long term growth needs and overall strategic directions through the Transportation Master Plan (TMP). These plans identify any network and system deficiencies that require further investigation through study and/or capital improvements. Long-range plans and studies are monitored and re-evaluated every 5-10 years or as needed as a result of municipal/Provincial or Federal policy changes, innovation, growth and other influences or a combination thereof. For example, large-scale developments that may expedite the need for improvements and/or coordination with other planned capital works. Timing of improvements are typically influenced by resolving immediate system and network deficiencies, opportunities through the integration of planned capital works, as well as the ability to leverage higher-level government funding. Through the Integrated Active Transportation Delivery Team, Transportation Planning also provides focused recommendations on pedestrian and cycling priorities for consideration as part of the annual and multi-year capital budget process.

Growth Management's capital planning process focus is on growth-related infrastructure to support new development areas and includes projects expected to be constructed by the City or the private sector where there is a required City contribution to the cost. The growth program for roads is regularly reviewed and adjusted accordingly against the 10-Year Capital Forecast to facilitate orderly development and ensure developable lands can be serviced in a timely manner. Inputs to the process include private sector feedback on the timing of infrastructure to support developments garnered through the Staging of Development program which informs expected timing of individual developments and the projects needed to support them. Staff also use input from: Economic Development Division to identify key projects intended to increase the amount of Shovel-Ready land, various Master Plans, and the Development Charges (DC) Background Study, to build and maintain the 10-year Growth Program.

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SUBJECT: Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan (PW24057/FCS24045) (City Wide) - Page 9 of 16

Roads / Bridges / Sidewalk / Street Lighting / Traffic Draft Capital Planning Review and Prioritization

Once each division has identified new projects, and verified ongoing projects and projects that have been identified in the 10-Year Capital Forecast, a first draft budget is prepared by Engineering Services. The first draft budget has historically identified funding that exceeds the block allocation. The first draft budget is reviewed through working group meetings including divisional leadership. As part of this review, several factors are reviewed including affordability (first draft budget funding requirements compared to the capital block allocation), resource constraints, and capital budget prioritization, and the draft budget is amended accordingly.

A capital budget prioritization tool was implemented in 2023 as part of annual budget process. This tool is used to prioritize projects within the Roads / Bridges / Sidewalk / Street Lighting / Traffic program. Certain projects are automatically included in the budget submission, such as projects related to emergency work. Remaining projects are prioritized based on several considerations including current asset condition, coordination with subsurface work, transit routes, complete streets, road safety, growth, geographic location, and strategic priorities. This tool is currently being revised for the 2025 budget process. Once finalized, the final draft proposed budget is presented to the General Manager of Public Works, and submitted to Finance and then the Senior Leadership Team for review.

Categorization of Capital Projects Related to the Transportation Network Analysis

Categorization of planned investments in the transportation network began approximately 10 years ago and evolved over time, including the addition of new reporting categories. This evolution of transportation network categories resulted in a system of categories that were at times unclear and limited the ability to interpret the information. For example, certain categories were defining different attributes. To analyze historical investments in the transportation network, the need to review and refine transportation network categories was identified.

Staff began the analysis by examining transportation network categories that were used in previous reports and analyses. Through this review it was determined that the 2022 Transportation Asset Management Plan would be used as the basis for reporting categories going forward. The 2022 Transportation Asset Management Plan describes two types of categories: asset category, and asset lifecycle stages (acquisition, operations, maintenance, disposal, renewal). This analysis focuses on asset category. Future reviews may incorporate asset lifecycle.

SUBJECT: Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan (PW24057/FCS24045) (City Wide) - Page 10 of 16

Staff reviewed asset categories identified in the 2022 Transportation Asset Management Plan, and identified opportunities to either consolidate categories, or add categories where gaps existed. Appendix “A” to Report PW24057/FCS24045 includes the updated list of transportation network assets and associated definitions that was determined through this review. These categories are hierarchical which enables summaries at the service area, asset class, and asset level. For example, this new methodology will enable summaries using the following categories: Road Pavement, Active Transportation, Traffic Network Traffic Safety, Administration, Engineered Structures, Operating Activities to Support the Transportation Network, Operating Activities to Support the Transportation Network – Escarpment, and Operating Activities to Support the Transportation Network - Staffing. While these categories reflect information available as of the preparation of this report, there may be future changes to these categories. For example, a new asset may be added to the City’s inventory in the future which may require a new category to be added. Through approval of Recommendation (a) to Report PW24057/FCS24045 these changes would be delegated to the General Manager of Public Works in consultation with the General Manager, Finance and Corporate Services or their designates.

The updated asset categories were used to evaluate the historical transportation network funding levels and will be applied in the 2025 budget process.

Historical Transportation Network Funding Levels

To determine historical transportation network funding levels for the purpose of this review, three sources of planned investments were considered:

- Planned investments approved through the Tax Capital Budget (Roads / Bridges / Sidewalk / Street Lighting / Traffic Budget)
- Area Rating projects approved outside of the annual budget process that represent an investment into the transportation network
- In-year capital budget adjustments that represent an investment into the transportation network. In-year budget adjustments may include funding received from other levels of government during the year, such as the \$30 million Canada Community-Building Fund funding for sidewalk and road repairs (minor maintenance) received in 2021. In-year budget adjustments also include additional funding requests for projects with revised budget estimates (e.g., Report FCS22067 Increase in Capital Project Expenses).

Annual budgeted amounts from the Tax Operating Budget that represent an investment in the transportation network were not included in this analysis. For instance, the 2023 Operating Budget allocated approximately \$18 million for transportation-related programs, which were excluded from this analysis. These programs include concrete

SUBJECT: Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan (PW24057/FCS24045) (City Wide) - Page 11 of 16

sidewalk repairs, in-house asphalt pavement repairs, shouldering programs, and the setting and re-setting of catch basins.

To evaluate historical transportation network funding levels, each project budgeted for through the Roads / Bridges / Sidewalk / Street Lighting / Traffic capital program between 2012 – 2024 was reviewed, and the applicable asset category was selected. In total, over 2,000 entries were reviewed and re-categorized. Categorization was based on specific Capital Project Identification Numbers (10-digit Project IDs) because typical construction contracts may include more than one Project ID. For example, a bridge replacement project may include a Project ID for the bridge and associated works, and a separate Project ID for subsurface rate-related work. For projects that impact multiple assets, such as a road reconstruction, the budget was assigned to the asset that the majority of the work applies to.

Projects funded from area rating which represented an investment in the transportation network were identified and categorized, as were capital in-year budget adjustments representing an investment in the transportation network. Generally, in-year budget adjustments may include, but are not limited to, funding received from other levels of government that is not part of the annual budget process, as well as funding that is requested to address revised budget estimates during the year which may come from sources such as reserves.

Gross amounts, rather than net, were used for this analysis because it represents the total planned investment into the transportation network from all sources. In addition to net funding (tax levy, debt, Canada Community-Building Fund, and other reserves), gross amounts include funding from sources such as grants, subsidies, revenue, Community Benefit Charges, Development Charges, rate funding, reserves, capital projects with surplus funding, and projects that have been cancelled or closed.

Planned investments for the 12-year period were inflated to 2024 dollars. Table 1 summarizes the price index that was applied for this analysis.

TABLE 1
Non-Residential Building Construction Price Index

(%)	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Non-residential Building Construction Price Index	2.3	0.3	1.4	1.8	2.9	3.2	4.6	3.9	2.6	9.5	16.2	5.5	5.3*
*forecast													

Figure 1 shows the planned investment in the transportation network approved through the annual Tax Supported Capital Budget (Roads / Bridges / Sidewalk / Street Lighting /

SUBJECT: Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan (PW24057/FCS24045) (City Wide) - Page 12 of 16

Traffic Budget). This is reported in gross amounts, inflated to 2024 dollars. Figure 1B in Appendix “B” to report PW24057/FCS24045 shows this data organized by asset category. Prior to 2020, Engineering Services staffing was included as part of individual road and bridge project budgets. Beginning in 2020, staffing was separated into separate Project IDs specifically for staffing. For this reason, the Operating Activities to Support the Transportation Network – Staffing category begins in 2020. Annual planned investment into the Transportation Network from the Roads / Bridges / Sidewalk / Street Lighting / Traffic budget has averaged \$142.7 M over the past thirteen years (inflated to 2024 dollars).

FIGURE 1
Planned Investment in the Transportation Network Approved through Tax Supported Capital Budget (Roads / Bridges / Sidewalk / Street Lighting / Traffic Budget) (Gross, inflated to 2024 Dollars)

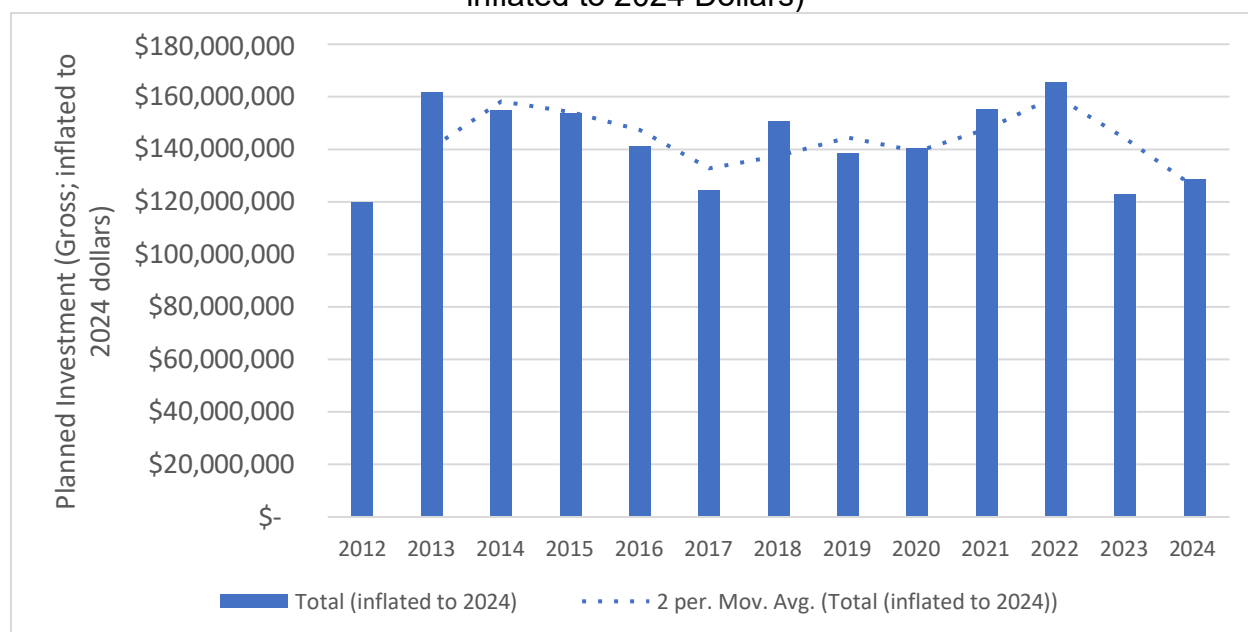


Figure 2 shows the planned investment in the transportation network approved through the Area Rating Special Capital Re-investment Fund and is reported in gross amounts, inflated to 2024 dollars. Of note, in 2014, area rating planned investments were higher than average. This was related to several planned investments into rehabilitation and urbanization projects. Figure 2B in Appendix “B” to Report PW24057/FCS24045 shows this data organized by asset category.

The Area Rating Special Capital Re-investment Fund Policy, approved through Report FCS12024, outlines the mandate and guidelines for use of the ward specific Area Rating Special Capital Re-investment Reserves. This fund was established to help

SUBJECT: Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan (PW24057/FCS24045) (City Wide) - Page 13 of 16

offset the infrastructure deficit in the former City of Hamilton, which generally contains the oldest infrastructure within the municipality. Annually, the fund generates a combined \$13.4 M. As illustrated in Figure 2, annual investment into the Transportation Network from the Area Rating Special Capital Re-investment Fund has averaged \$4.5 M over the past twelve years (inflated to 2024 dollars). The combined uncommitted balance of the Area Rating Special Capital Re-investment Fund is \$32.3 M as of May 31, 2024.

FIGURE 2
Planned Investment in the Transportation Network Approved through Area Rating
(Gross, inflated to 2024 dollars)

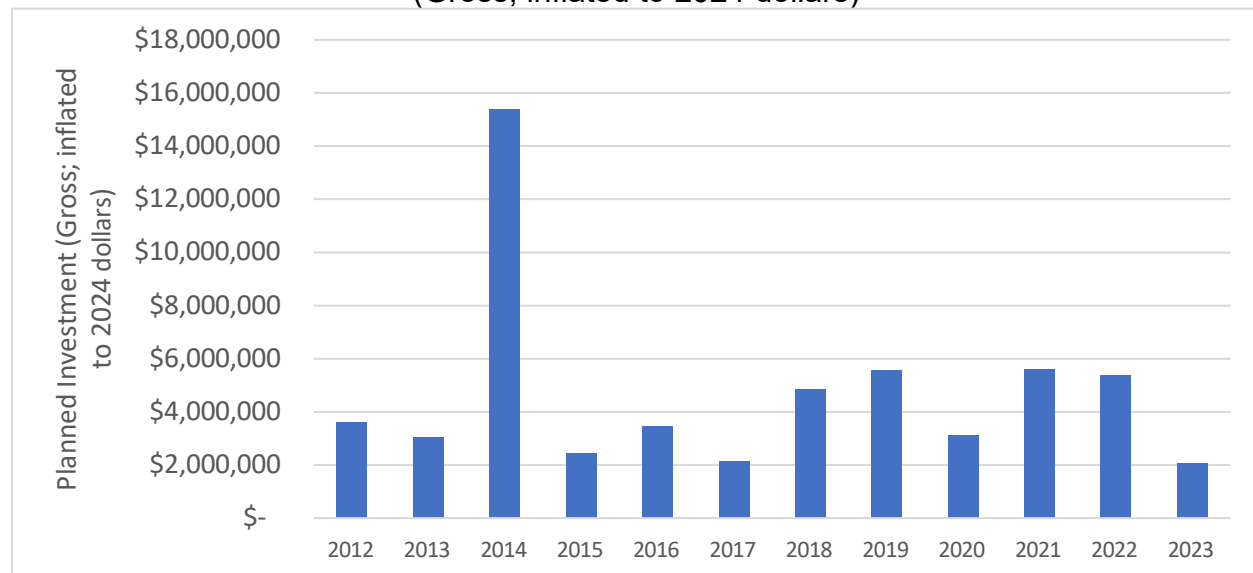


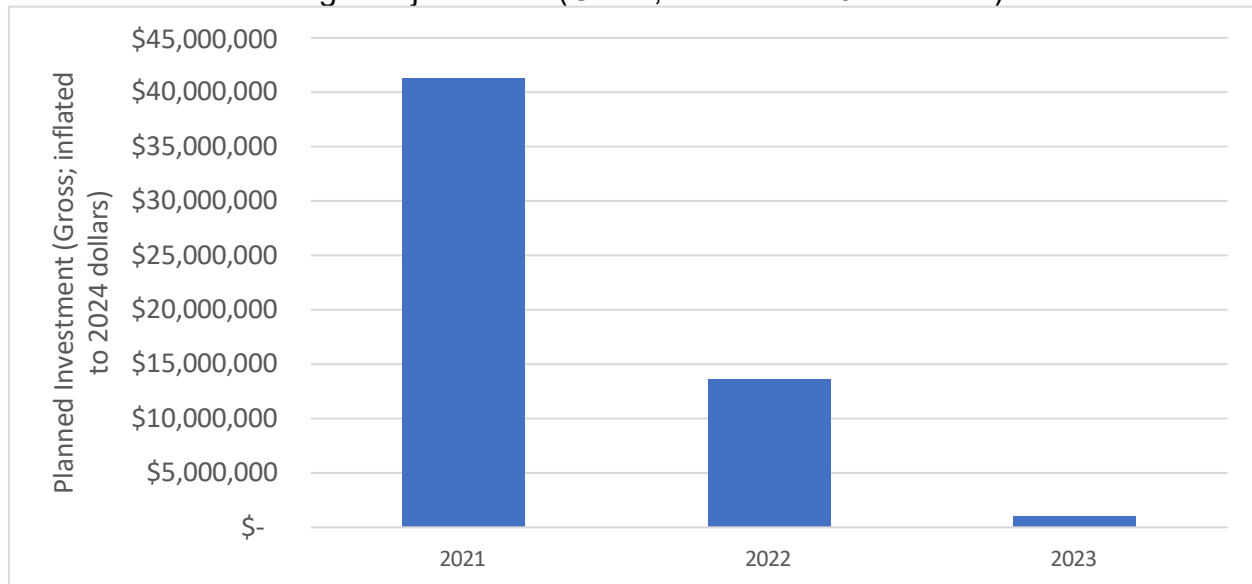
Figure 3 shows the planned investment in the transportation network approved through Capital In-Year Budget Adjustments and is reported in gross amounts, inflated to 2024 dollars. Capital in-year budget adjustments include funding that is added to the Roads / Bridges / Sidewalk / Street Lighting / Traffic budget from sources including reserves and other levels of government during the year. Note that complete data for all in-year capital adjustments was not available at the time of preparation of this report due to the network outage, including data prior to 2021. The best information that was available was included, however some in-year budget adjustments may not have been captured. In 2021 a one-time top-up of just over \$30 million of Canada Community-Building Fund funding was received for sidewalk and road repairs (minor maintenance). In 2022, several transportation-related capital projects received additional funding mid-year through report FCS22067 due to the economy and correlated supply and demand issues. Another example of a major capital in-year budget adjustment was in 2018, when \$19 M was received for city-wide road priorities and neighbourhood road

SUBJECT: Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan (PW24057/FCS24045) (City Wide) - Page 14 of 16

priorities. Figure 3B in Appendix “B” to Report PW24057/FCS24045 shows the data organized by asset type.

FIGURE 3

Planned Investment in the Transportation Network Approved through Capital In-Year Budget Adjustments (Gross, inflated to 2024 dollars)



The 2024 Budget included a transitional plan to address the \$94.7 M annual funding gap for transportation assets that was identified in the Transportation Asset Management Plan over the next 10 years. The forecast Capital Financing Plan for 2025 – 2033 is shown in Table 2.

TABLE 2
Roads / Bridges / Sidewalk / Street Lighting / Traffic Budget
Capital Financing Plan

CAPITAL FINANCING PLAN (Net) (\$000's)	2025	2026	2027	2028	2029	2030	2031	2032	2033
	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
Roads / Bridges / Sidewalk / Street Lighting / Traffic	89,811	102,092	114,176	126,569	139,279	152,315	165,684	179,395	193,458

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SUBJECT: Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan (PW24057/FCS24045) (City Wide) - Page 15 of 16

Levels of Service for the Transportation Network

As part of the 2022 Transportation Asset Management Plan, the current Levels of Service for elements within the transportation network were documented. Levels of Service are measures for what the City provides to customers, residents, and visitors. Levels of Service are best described as the link between providing the outcomes the community desires, and the way that the City provides those services. Levels of Service are defined in three ways, customer values, customer levels of service and technical levels of service. Current technical targets are included in Tables 21 and 42 of the 2022 Transportation Asset Management Plan. The current technical targets used to prepare the Financial Outlook to 2033 are based on the 2022 Transportation Asset Management Plan. It is anticipated that proposed Level of Service will be brought forward in accordance with Report PW22048.

Findings and Recommendations

Through this analysis and review, a proposed new methodology for future reporting has been developed and is recommended. It is recommended that staff use the categorization identified in Appendix “A” attached to Report PW24057/FCS24045 for future classification of projects within the Roads / Bridges / Sidewalk / Street Lighting / Traffic budget.

When future budget submissions are prepared the applicable asset will be selected for each project. A summary table using these categories will be included in the staff report that accompanies the annual proposed tax budget and financing plan providing a three-year Capital forecast for the Roads / Bridges / Sidewalk / Street Lighting / Traffic Budget.

It is recommended that an additional information be included as part of the budget materials showing all projects within the Roads / Bridges / Sidewalk / Street Lighting / Traffic budget to supplement the project breakdown by division. It is also recommended that future budget documents align with the future Transportation Asset Management Plan, including changing references to the Roads / Bridges / Sidewalk / Street Lighting / Traffic Budget to the Transportation Network Budget.

It was determined that by selecting only a single asset for each project or Project ID, certain project elements may be underestimated or overestimated in terms of dollar amount of planned investment. Staff are looking into amending the budget process to better capture asset categories for coordinated projects.

Overall, the total annual planned investment in the transportation network between 2012 - 2024 has been underfunded according to the Transportation Asset Management Plan.

SUBJECT: Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan (PW24057/FCS24045) (City Wide) - Page 16 of 16

Year-to-year variation in the total gross planned investment, as well as variation between the different asset categories, depends on several factors such as external funding, differences between planned growth and actual growth and Development Charges.

The transitional plan to increase the Roads / Bridges / Sidewalk / Streetlighting / Traffic block from \$65.9 M in 2023 to \$193.5 M in 2033 to address the \$94.7 M annual funding gap is a critical step towards improving the transportation network. Additionally, continuing to leverage the Area Rating Special Capital Re-investment Fund remains important in assisting to help work through the infrastructure backlog and annual funding shortfall. Staff will work towards amending the budget planning process for the transportation network to more effectively utilize these funds in the development of the financing plan.

It is further recommended that the information contained in this report be considered as part of future reviews of proposed Levels of Service for the transportation network, and the ongoing budget process review.

Future analyses could include benchmarking against other municipalities, incorporating asset lifecycle, and considering other methods for better separating individual elements for coordinated projects.

ALTERNATIVES FOR CONSIDERATION

Should the recommendations in this report not be approved, staff could continue to use historic reporting categories. This option would not address the motion.

Financial: N/A

Staffing: N/A

Legal: N/A

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PW24057/FCS24045 - Reporting Categories and Definitions

Appendix "B" to Report PW24057/FCS24045 - Planned Investment in the Transportation Network – By Asset

Service Area	Asset Class	Asset	Proposed Definition for “Reporting of Annual Expenditures”
Road Linear	Road Pavement	Urban - Expressway	There are two parkways within the City of Hamilton – the Lincoln Alexander Parkway and the Red Hill Valley Parkway. The primary function of a parkway shall be to carry relatively high volumes of intra municipal and inter-regional traffic through the City (Urban Hamilton Official Plan - Volume 1 - Chapter C - City Wide Systems and Designations).
		Urban - Arterial Major	The primary function of a major arterial road shall be to carry relatively high volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads (Urban Hamilton Official Plan - Volume 1 - Chapter C - City Wide Systems and Designations).
		Urban - Arterial Minor	The primary function of a minor arterial road shall be to carry moderate volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads (Urban Hamilton Official Plan - Volume 1 - Chapter C - City Wide Systems and Designations).
		Urban - Collector	The function of a collector road shall be equally shared between providing direct land accesses and the movement of moderate volumes of traffic within and through designated Employment or Neighbourhood Areas (Urban Hamilton Official Plan - Volume 1 - Chapter C - City Wide Systems and Designations).
		Urban - Local	The primary function of a local road shall be to provide direct land accesses. The secondary function shall be to enable the movement of low volumes of traffic to collector roads (Urban Hamilton Official Plan - Volume 1 - Chapter C - City Wide Systems and Designations).

Service Area	Asset Class	Asset	Proposed Definition for "Reporting of Annual Expenditures"
		Urban - Assumed Alleyways	Alleyway that is maintained. Includes Class A, B, C, or E (assumed) alleyways per the Alleyway Classification System (Appendix "A" to Report PW17008(a))
		Urban - Ramp or Interchange with Provincial Highway	Includes property, sidewalks, signage, pavement markings, roundabouts, paving specifically related to ramps or interchanges with provincial highways (e.g., Highway 403, Highway 6, Queen Elizabeth Way).
		Rural - Arterial	The primary function of an arterial road in the rural area is to carry relatively high volumes of intra-municipal and inter-regional traffic through the rural area in association with other types of roads (Rural Hamilton Official Plan - Volume 1 - Chapter C - City Wide Systems and Designations).
		Rural - Collector	The function of a collector road in the rural area is equally shared between carrying moderate volumes of intra- municipal and interregional traffic through the rural area and providing direct land access (Rural Hamilton Official Plan - Volume 1 - Chapter C - City Wide Systems and Designations).
		Rural - Local	The primary function of a local road in the rural area is providing direct property access, while the secondary function is to move low volumes of traffic to collector roads (Rural Hamilton Official Plan - Volume 1 - Chapter C - City Wide Systems and Designations).
		Rural - Unpaved	Unpaved (gravel) rural roads. Includes Rural Arterial, Rural Collector, and Rural Local roads.

Service Area	Asset Class	Asset	Proposed Definition for "Reporting of Annual Expenditures"
	Active Transportation	ROW Bicycle Lanes (Protected & Unprotected; excl. Cycle Tracks)	<p>A portion of a roadway which has been designated by pavement markings and signage for the exclusive use of cyclists.</p> <p>Separated: facilities that are physically separated from vehicular traffic while remaining within the road ROW:</p> <ul style="list-style-type: none"> • Mini-Jersey Barrier Bicycle Lane • Poured Concrete Barrier Bicycle Lane • Pre-cast Concrete Curb Bicycle Lane • Parking Barrier Bicycle Lane <p>Dedicated: facilities that are within the roadway and have a delineation between bicycle lanes and vehicular traffic, creating a dedicated space within the roadway.</p> <ul style="list-style-type: none"> • Painted Buffer Bicycle Lane • Painted Bicycle Lane • Painted Bicycle Lane with Planter <p>Shared: facilities that are shared with vehicular traffic within the roadway while alerting drivers that the road is a shared cycling route</p> <ul style="list-style-type: none"> • Bicycle Boulevard • Signed Bike Route

Service Area	Asset Class	Asset	Proposed Definition for “Reporting of Annual Expenditures”
		ROW Cycle Tracks	A physically separated bikeway that is horizontally and vertically separated from the travelled portion of the roadway by a curb and buffer. Cycle tracks are designated exclusively for use by people riding bikes, and often travel parallel to a sidewalk (OTM Book 18 – Table 4.1).
		Sidewalks	A travelled way intended exclusively for pedestrian use, following an alignment generally parallel to that of the adjacent roadway.
		ROW Multi-Use Pathways	A shared pedestrian, cycling and micro-mobility facility that is physically separated from motor vehicle traffic by a hard-surfaced splash pad or by a grass strip. It is often referred to as part of a boulevard within the roadway or highway right-of-way.
		Bicycle Parking	The use of space within the roadway or highway right-of-way for the parking of bicycles.
		Bicycle Share Infrastructure	The bikes themselves, the hubs which are comprised of racks, baseplates and signs, and the equipment used to balance all of the bikes at the hubs.
	Traffic Network	Signalized Intersections & Mid-block Crossings	Any power-operated traffic control device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.
		Traffic Signs (Regulatory & Warning)	A traffic control device mounted on a fixed or portable support which conveys a specific message by means of symbols or words, and is officially erected for the purpose of regulating, warning, or guiding traffic.

Service Area	Asset Class	Asset	Proposed Definition for “Reporting of Annual Expenditures”
		Pedestrian Crossovers (PXO's & IPSs)	Any portion of a roadway, designated by municipal by-law, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by the Ontario Highway Traffic Act, RSO 1990, cH8.
		Streetlighting	Street lighting generally refers to lighting of streets including sidewalks, crosswalks, intersections, rail crossings, roundabouts, and Multi-use Pathways. The main purpose of street lighting is to enhance visibility at night.
		Traffic Medians	A raised island, wall or structure located on the centreline of a roadway through an intersection or along a road that prevents left turns or straight through movements from being made to and from a side street or private/commercial driveway. Can also provide safety of pedestrians, either as median islands on a wide street where the width may not permit pedestrians to cross the street on a single pedestrian signal indication, or as a loading island for transit, such as streetcars.
		Pavement Markings (Durable & Waterborne)	A coloured marking applied to pavement to provide drivers with roadway alignment information.
	Traffic Safety	Infrastructure Safety Measures	Methods and measures used to enhance the safety of road users such as speed cushions, flexible bollards and other similar appurtenances.

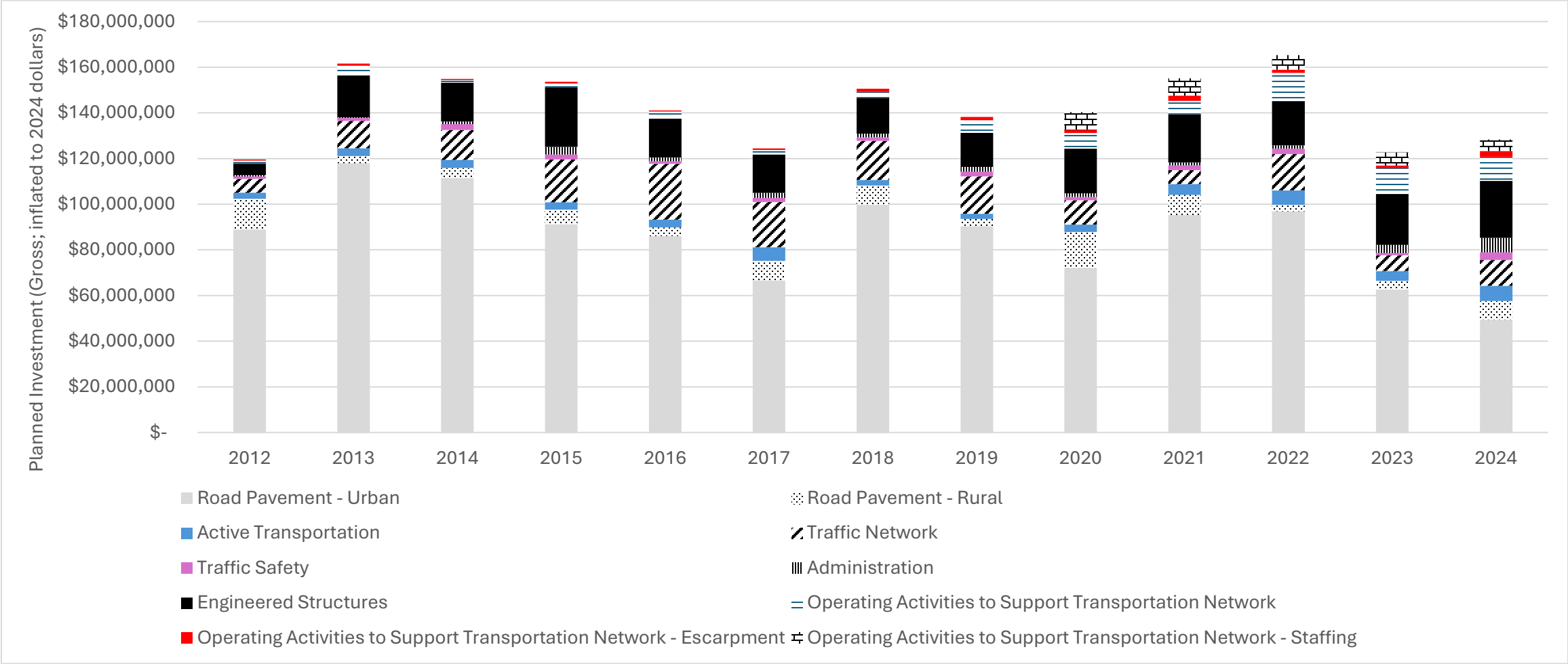
Service Area	Asset Class	Asset	Proposed Definition for “Reporting of Annual Expenditures”
		Transit Stops (Bus Pads & Associated Signage)	Transit stops advertise where transit services exist, indicate to users where to wait to access the service; and designate where transit operator should stop the vehicle. Their associated infrastructure exists to provide accessibility and comfort to the transit user.
		Noise Walls & Fencing	<p>Noise wall: wall, berm, wall/berm combination or similar structure, used as a noise control measure, and high enough to break the line-of-sight between the source and the receptor (also referred to as acoustic barrier, sound barrier or noise fence).</p> <p>Fence: barrier, railing or upright structure typically of wood or chain-link used to mark a boundary by enclosing a section of land.</p> <p>Non-noise fences, such as privacy fences, often have gaps and are only constructed to block lines of sight, whereas noise fences (acoustic barriers) are constructed with a minimum surface density of 20 kg per meter squared as per Ministry of the Environment standard to be effective at attenuating sound.</p>
		Guide Rails & Crash Attenuators	A fence or barrier to guide and help restrain vehicles from leaving the roadway.
		Escarpment Safety Mesh	Steel mesh attached at the slope crest with a longitudinal cable fixed by means of a suitable number of ground anchors to contain any rock fall hazard that may endanger any infrastructure at the bottom of these slopes (also referred to as rockfall drapery mesh).

Service Area	Asset Class	Asset	Proposed Definition for “Reporting of Annual Expenditures”
	Administration	Yards	Properties, including lands, buildings and administrative offices, that are primarily used for the delivery of Public Works services and operations including maintenance, repairs, storage of equipment, vehicles and other goods.
		Vehicles	As defined by Ontario Highway Traffic Act, RSO 1990, cH8 a vehicle is a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car.
Engineered Structures		Bridges & Culverts > 3 m	<p>Bridge: Structures which provide a roadway or walkway for the passage of vehicles, pedestrians or cyclists across an obstruction, gap or facility and are greater than or equal to 3 metres in span (Ministry of Transportation, 2008).</p> <p>Culvert: Structures that provide an opening through soil typically as a channel/tunnel for water (e.g. stream, drainage) underneath a road or railway.</p> <p>Major Culvert: Culverts that have a span of 3 metres or larger</p> <p>(Corporate Asset Management Plan Overview (2022))</p>
		Culverts < 3 m	<p>Culvert: Structures that provide an opening through soil typically as a channel/tunnel for water (e.g. stream, drainage) underneath a road or railway.</p> <p>Minor Culvert: Culverts that span less than 3 metres.</p> <p>(Corporate Asset Management Plan Overview (2022))</p>

Service Area	Asset Class	Asset	Proposed Definition for “Reporting of Annual Expenditures”
		Retaining Walls	Structures that hold back fill and are not connected to a bridge (Corporate Asset Management Plan Overview (2022)).
		Escarpment Steel Walls	Steel bin walls and steel facing walls.
		Overhead Sign Support Structures (OSSS)	Structures which support static signs (sign boards) or variable message sign systems (Corporate Asset Management Plan Overview (2022)).
Operating Activities to Support the Transportation Network			<p>Projects/activities that are not specific to capital or maintenance projects, and usually apply to the entire City. For example:</p> <ul style="list-style-type: none"> • City-wide studies – Transportation Master Plan, Complete Streets, Vision Zero, Roadway Classification Study • City-wide count programs: Active Transportation Count program, Transportation Tomorrow Survey, Cordon Count Program • City-wide modeling – Transportation Master Plan modeling • Bicycle Route Improvement Program - maps, advertising, consultation • Sustainable Mobility • Education Campaigns
Operating Activities to Support the Transportation Network – Escarpment			Projects/activities that support the City’s 17 traffic corridor Escarpment crossings, that are not specific to either Escarpment Safety Mesh or Escarpment Steel Walls. This may include maintenance activities such as rock scaling, debris removal, drainage, studies that include multiple crossings, etc.

Service Area	Asset Class	Asset	Proposed Definition for "Reporting of Annual Expenditures"
Operating Activities to Support the Transportation Network – Staffing			Staffing that impacts the Roads / Bridges / Sidewalk / Street Lighting / Traffic Budget.

FIGURE 1B
Planned Investment in the Transportation Network
Approved through Tax Supported Capital Budget (Roads / Bridges / Sidewalk / Street Lighting / Traffic Budget) - by Asset*
(Gross, inflated to 2024 Dollars)



*Note: Prior to 2020, Engineering Services staffing was included as part of individual road and bridge project budgets. Beginning in 2020, staffing was separated into separate Project IDs specifically for staffing. For this reason, the Operating Activities to Support the Transportation Network – Staffing category begins in 2020.

FIGURE 2B
Planned Investment in the Transportation Network
Approved through Area Rating – by Asset
(Gross, inflated to 2024 dollars)

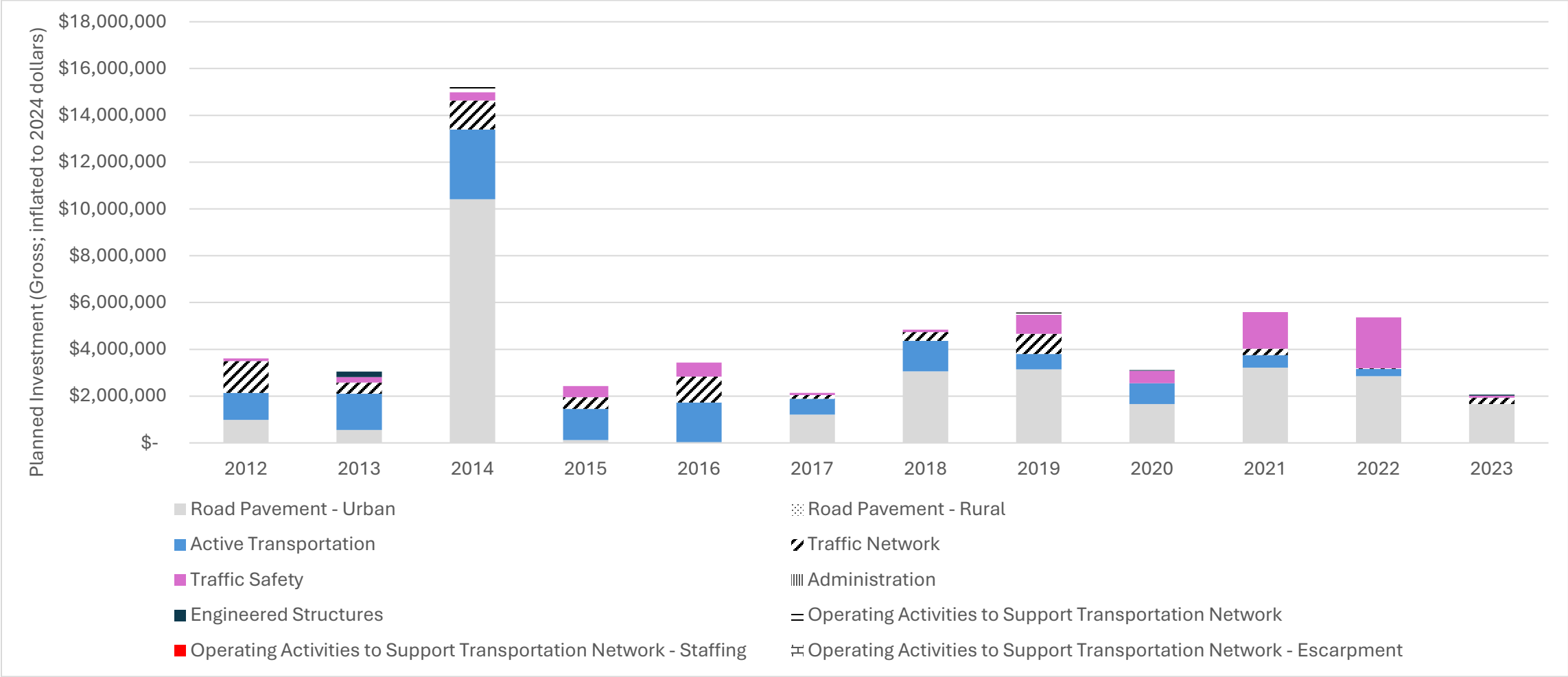
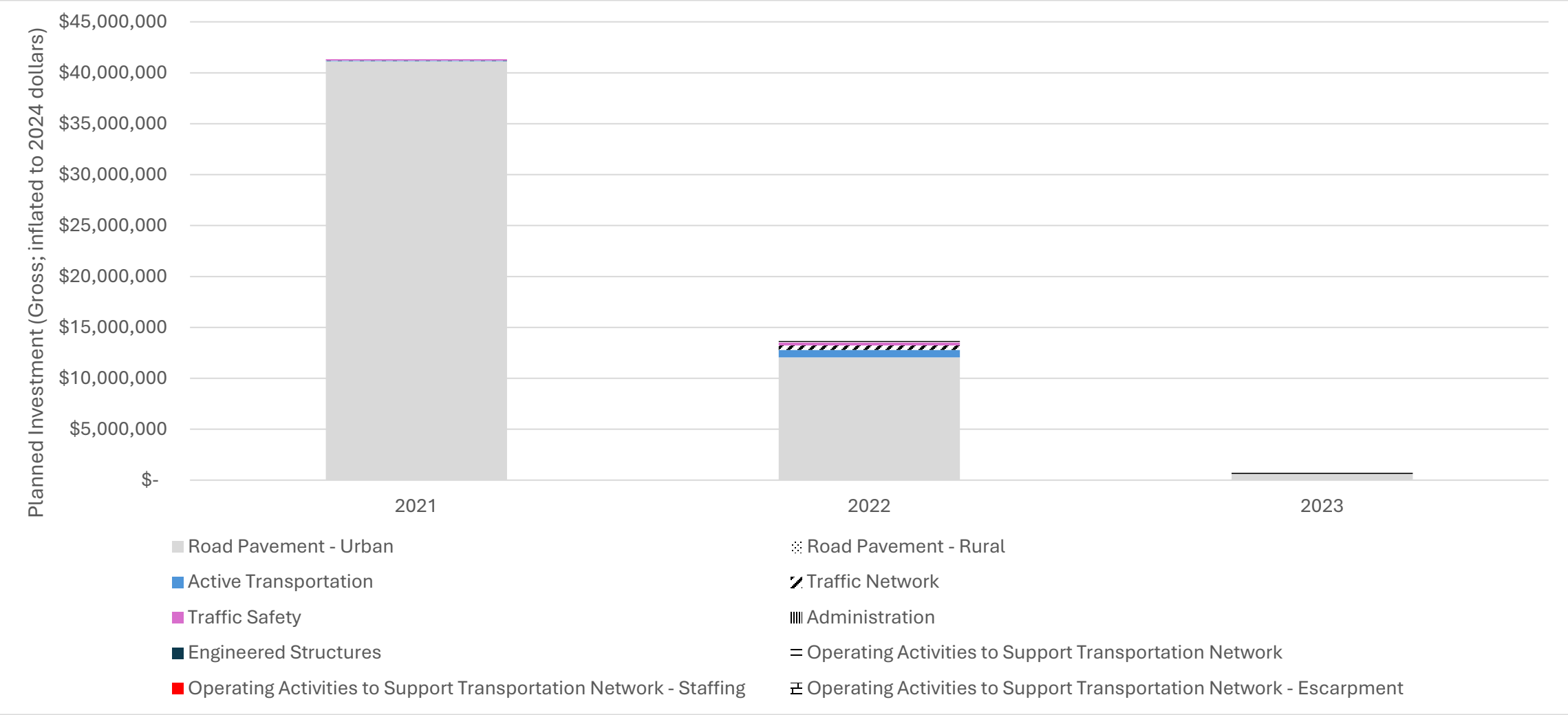


FIGURE 3B
Planned Investment in the Transportation Network
Approved through Capital In-Year Budget Adjustments – by Asset
(Gross, inflated to 2024 dollars)





Reporting of Annual Expenditures on the Transportation Network in Alignment with the Asset Management Plan

**General Issues Committee
October 2, 2024**

Agenda

- Overview of Motion and Report
- Background: Funding Gap and Capital Financing Plan
- Review Methodology
- Key Findings from the Review
- Recommendations
- Future Recommendations and Next Steps
- Questions

Overview of Motion and Report

- i. examination of the entire capital planning procedure in creating capital program pertaining to the Transportation network, independent of department or division responsible for executing the capital works;
- ii. examination of the historic Transportations network capital funding levels, adjusted for inflation, compared to the 2024 capital spending, including the multi-year outlook in the 2024 Budget presentation(s);
- iii. examination of the historical classification or categorization of the capital projects, and recommended strategies, in accordance with current and future known administrative procedures, such as the Corporate Asset Management framework, to maintain the City's Transportation network in "fair to good" condition; and
- iv. development of a methodology and report format for consistent communication of the information as described in above paragraphs (i), (ii) and (iii)

Background: Funding Gap and Capital Financing Plan

In June of 2022, Council approved the Transportation Asset Management Plan (Report PW22048) which identified an annual funding gap of \$94.7 M for transportation assets.

To provide for the annual funding required for asset renewal, the annual historical Capital Levy increase of 0.50% (~\$5M) was increased to 0.89% (~\$9.5M) beginning in 2024 and is planned to continue through to 2033 (see table below).

CAPITAL FINANCING PLAN (Net) (\$000's)	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast	2029 Forecast	2030 Forecast	2031 Forecast	2032 Forecast	2033 Forecast
Roads / Bridges / Sidewalk / Street Lighting / Traffic	89,811	102,092	114,176	126,569	139,279	152,315	165,684	179,395	193,458

Review Methodology

1. Documentation of current capital planning procedure.
2. Examination of the historical categorization of transportation projects. Confirmation of future categories.
3. Classification of historic planned investments in the transportation network, and examination of the historic transportation network funding, adjusted for inflation.
4. Development of a recommended methodology and report format for consistent communication of this information.

Key Findings from the Review: Proposed Categorization

Road Pavement – Urban	Expressway	Local
	Arterial Major	Assumed Alleyways
	Arterial Minor	Ramp or Interchange with Provincial Highway
	Collector	
Road Pavement – Rural	Arterial	Local
	Collector	Unpaved
Active Transportation	ROW Bicycle Lanes (Protected & Unprotected; excl. Cycle Tracks)	ROW Multi-Use Pathways
	ROW Cycle Tracks	Bicycle Parking
	Sidewalks	Bicycle Share Infrastructure
Traffic Network	Signalized Intersections & Mid-block Crossings	Streetlighting
	Traffic Signs (Regulatory & Warning)	Traffic Medians
	Pedestrian Crossovers (PXO's & IPSs)	Pavement Markings (Durable & Waterborne)
Traffic Safety	Infrastructure Safety Measures (speed cushions, flexible bollards, etc.)	Guide Rails & Crash Attenuators
	Transit Stops (Bus Pads & Associated Signage)	Escarpment Safety Mesh
	Noise Walls & Fencing	
Administration	Vehicles	Yards
Engineered Structures	Bridges & Culverts > 3 m	Overhead Sign Support Structures (OSSS)
	Culverts < 3 m	Retaining Walls
	Escarpment Steel Walls	
Operating Activities to Support the Transportation Network		
Operating Activities to Support the Transportation Network – Escarpment		
Operating Activities to Support the Transportation Network – Staffing		

Review Methodology: Historical Funding Levels

Sources of planned investments:

- Projects approved through the Tax Supported Capital Budget
(Roads / Bridges / Sidewalk / Street Lighting / Traffic Budget)
- Area rating projects that represent an investment in the transportation network
- Capital in-year budget adjustments that represent an investment in the transportation network

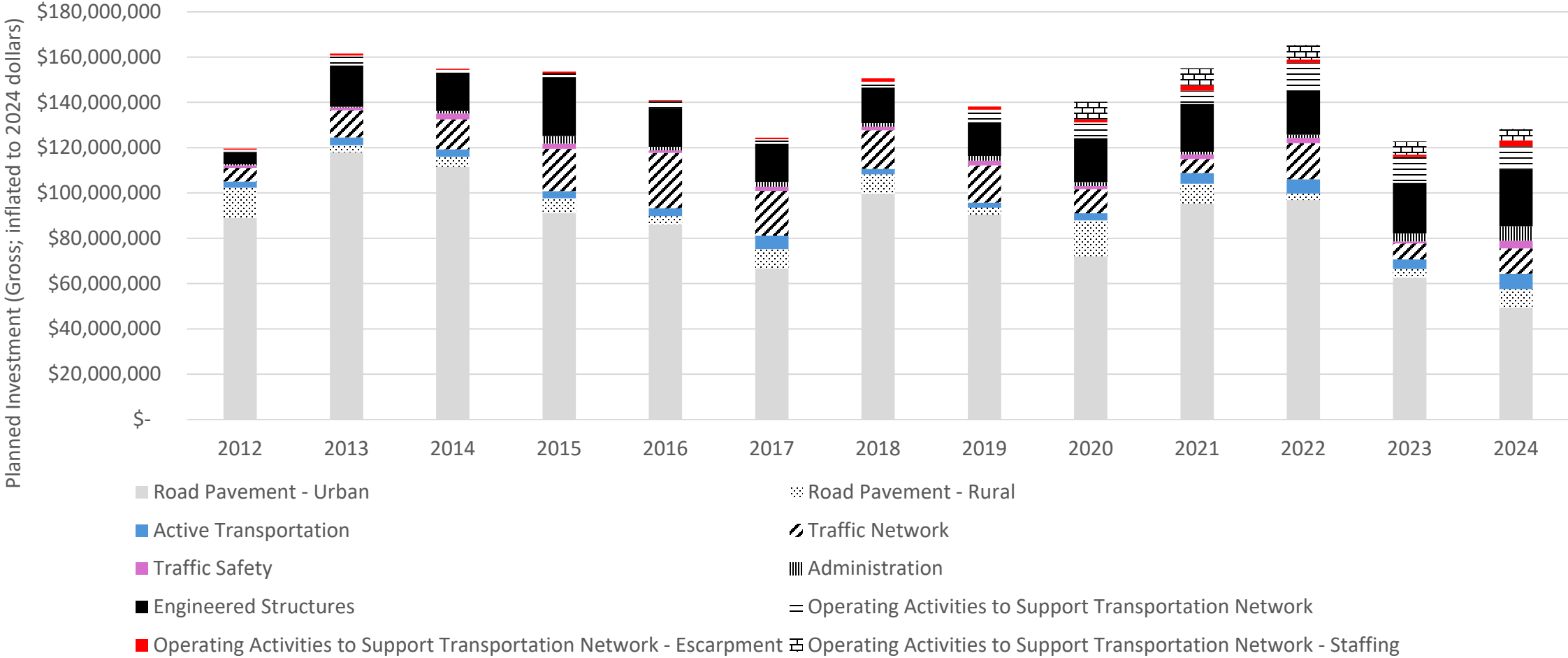
In total, **2,000** entries were reviewed and re-categorized.

Planned investments were inflated to 2024 dollars using the Non-Residential Building Construction Price Index.

Non-Residential Building Construction Price Index													
(%)	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Non-residential Building Construction Price Index	2.3	0.3	1.4	1.8	2.9	3.2	4.6	3.9	2.6	9.5	16.2	5.5	5.3* forecast

Key Findings from the Review: Historic Funding Levels

Planned Investment in the Transportation Network
Approved through Tax Supported Capital Budget (Roads / Bridges / Sidewalk / Street Lighting / Traffic Budget) - by Asset
(Gross, inflated to 2024 Dollars)



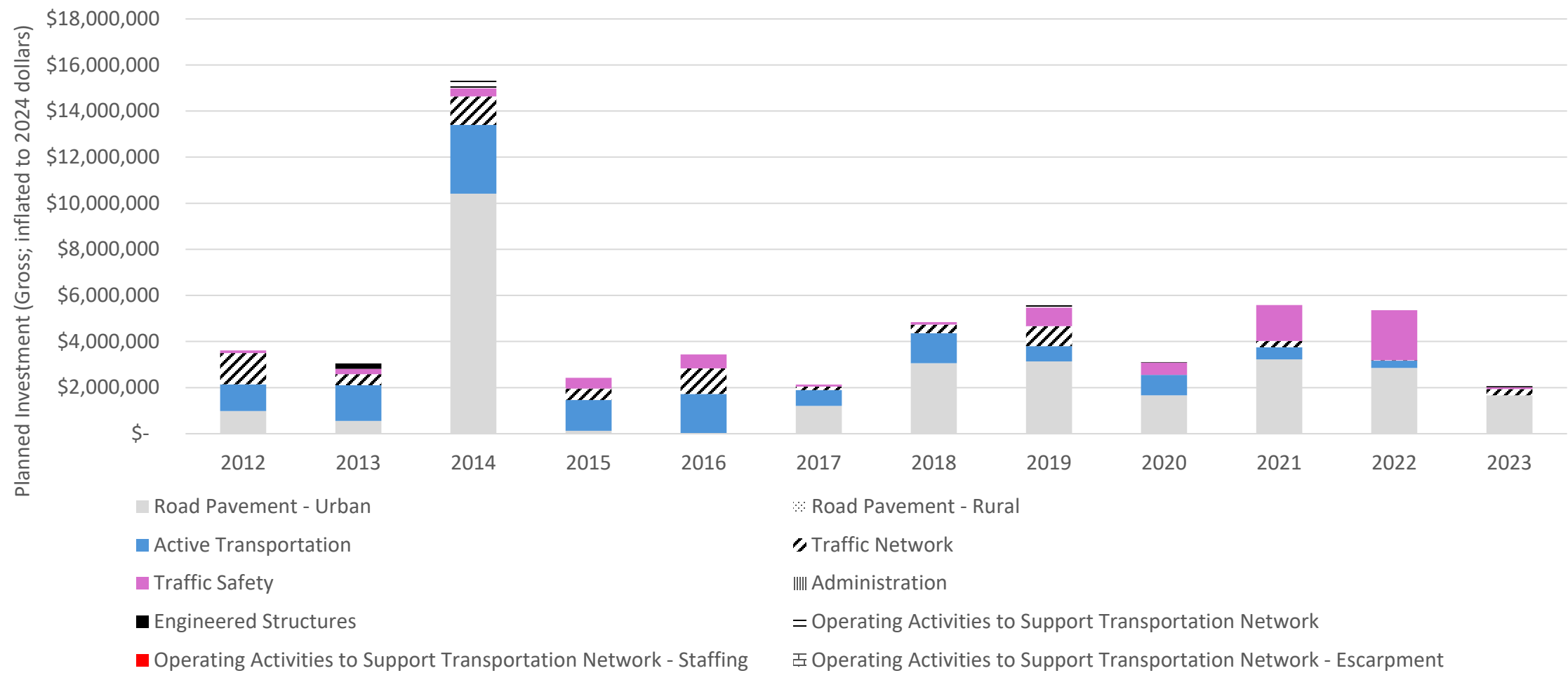
Key Findings from the Review: Historic Funding Levels

Planned Investment in the Transportation Network Approved through Tax Supported Capital Budget

- Historical investments (2012-2023) have been adjusted for inflation in the comparator data to represent “\$2024”
- The City increased gross investment in the Transportation network steadily each year since 2012
- The extraordinary inflation in 2022-2023 eroded purchasing power and much of the progress gained in addressing the infrastructure gap
- In response to the inflationary pressures faced by the City, City Council augmented the 2022 capital budget with one-time additional funding (detailed in a later slide)

Key Findings from the Review: Historic Funding Levels

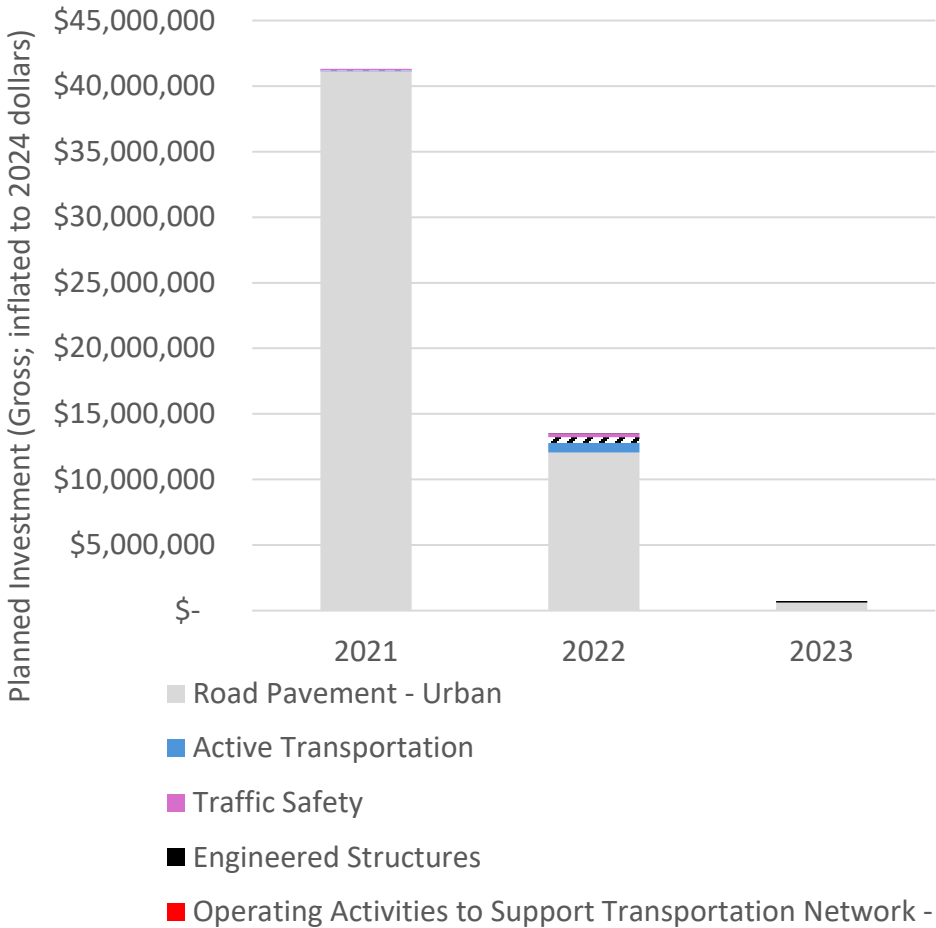
Planned Investment in the Transportation Network
Approved through Area Rating – by Asset
(Gross, inflated to 2024 dollars)



Key Findings from the Review: Historic Funding Levels

Planned Investment in the Transportation Network

Approved through Capital In-Year Budget Adjustments – by Asset
(Gross, inflated to 2024 dollars)



2021 – Primarily one-time Canada Community-Building Fund funding

2022 – Primarily related to Report FCS22067 Increase in Capital Project Expenses

Key Findings from the Review

Capital Planning Procedure

No specific findings; process documented in report

Project Categorization

- Transportation network categories evolved over time
- Challenges in categorizing projects affecting multiple assets
- Opportunities to incorporate asset lifecycle into future analyses

Historic Funding Levels

- Underfunding of the transportation network
- Transitional plan to increase the Roads / Bridges / Sidewalk / Streetlighting / Traffic block to \$193.5 M in 2033 is a critical step
- Continuing to leverage the Area Rating Special Capital Re-investment Fund remains important

12

Recommendations

- (a) That staff be directed to **use the categorization for projects within the Roads / Bridges / Sidewalk / Street Lighting / Traffic budget as described in this report and detailed in Appendix “A”** attached to Report PW24054/FCS24045, and that the General Manager, Public Works, or their designate, in consultation with the General Manager, Finance and Corporate Services or their designate, be authorized to revise categories as required;
- (b) **That staff be directed to align budget and financing plan documents with the Transportation Asset Management Plan**, including changing references to the Roads / Bridges / Sidewalk / Street Lighting / Traffic Budget to the Transportation Network Budget;
- (c) That the information contained in Report PW24054/FCS24045 **be considered when proposed Levels of Service for the Transportation Network are brought forward in accordance with report PW22048** and;
- (d) That the information contained in Report PW24054/FCS24045 including the categories as identified in Appendix “A” attached to Report PW24054/FCS24045, **be considered as part of the annual budget process.**

Future Recommendations and Next Steps

- Better categorization of projects that affect multiple assets
- Consideration of asset lifecycle in future categorization and/or analyses
- Leveraging the Area Rating Special Capital Re-investment Fund
- Consideration of benchmarking with other municipalities in future analyses
- Improve how we apply equity to the transportation network budgets and projects

Many Thanks to the Team

Public Works

- Engineering Services – Jackie Kennedy and Team
- Transportation – Carolyn Ryall and Team
- Corporate Asset Management – Andrea Vargas and Team

Corporate Services

- Financial Planning Administration and Policy – Kirk Weaver and Team

Planning and Economic Development

- Growth Management and Development Engineering – Ashraf Hanna and Team
- Transportation Planning and Parking – Brian Hollingworth and Team



Hamilton

THANK YOU



MAYOR'S TASK FORCE ON TRANSPARENCY, ACCESS AND ACCOUNTABILITY REPORT 24-007

10:00 a.m.

Wednesday, September 18, 2024

Room 264, 2nd Floor

Hamilton City Hall

71 Main Street West

Present: J. Santucci (Co-Chair), M. Stewart (Co-Chair), M. Verhovsek (virtual) and T. Wingfield

Also Present: W. Baker, Stakeholder Relations and Strategic Initiatives Specialist, Office of the Mayor
R. Banky, Project Manager - Community Inclusion and Equity
T. Hildebrandt, Hamilton Social Planning Research Council
L. Kolar, Legislative Coordinator
C. Mutch, Manager, Community Initiatives
J. Shea, Director, Public Affairs, Enterprise Canada
G. Tedesco, Senior Project Manager - Community Engagement

THE MAYOR'S TASK FORCE ON TRANSPARENCY, ACCESS AND ACCOUNTABILITY PRESENTS REPORT 24-007 AND RESPECTFULLY RECOMMENDS:

1. Discussion Items (Items 9.1 to 9.3)

That the following Discussion Items be received:

- (i) Mayor's Task Force on Transparency, Access and Accountability Project Progress Review (Item 9.1)
- (ii) Mayor's Task Force on Transparency, Access and Accountability Project Workplan Review (Item 9.2)
- (iii) Mayor's Task Force on Transparency, Access and Accountability Focus Groups Approach Review (Item 9.3)

FOR INFORMATION:

Mark Stewart, Co-Chair, called the meeting to order. A land acknowledgement was read into the record.

(a) APPROVAL OF AGENDA (Item 1)

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

9. DISCUSSION ITEMS

- 9.2 Mayor's Task Force on Transparency, Access and Accountability Project Workplan Review
 - a. Workplan
- 9.3 Mayor's Task Force on Transparency, Access and Accountability Focus Groups Approach Review
 - a. Draft Survey Questions
 - b. Focus Group Outline

ITEM WITHDRAWN:

6. DELEGATIONS

- 6.1 B. McHattie, respecting the identification of transparency issues with the City's land use planning process - WITHDRAWN

The agenda for the September 18, 2024 Mayor's Task Force on Transparency, Access and Accountability meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no Declarations of Interest.

(c) MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) August 14, 2024 (Item 3.1)

The Minutes of August 14, 2024 meeting of the Mayor's Task Force on Transparency, Access and Accountability, were approved, as presented.

(d) **ADJOURNMENT (Item 14)**

There being no further business, the Mayor's Task Force on Transparency, Access and Accountability adjourned at 11:14 a.m.

Respectfully submitted,

Mark John Stewart, Co-Chair
Mayor's Task Force on Transparency,
Access and Accountability

Joanne Santucci, Co-Chair
Mayor's Task Force on Transparency,
Access and Accountability

Loren Kolar
Legislative Coordinator
Office of the City Clerk



Hamilton

**CLEANLINESS AND SECURITY IN THE DOWNTOWN CORE TASK
FORCE
REPORT 24-004**

2:00 p.m.

Thursday, April 11, 2024

Room 192/193, Hamilton City Hall (Hybrid)

71 Main Street West

Present: Councillor C. Kroetsch (Chair)
S. Braithwaite (Vice-Chair), International Village BIA
K. Roe, Citizen Member (virtually)
E. Wakeford, Citizen Member
H. Caplette, Citizen Member (virtually)

Absent

With Regrets: E. Walsh, Downtown BIA

**THE CLEANLINESS AND SECURITY IN THE DOWNTOWN CORE TASK FORCE
PRESENTS REPORT 24-004 FOR INFORMATION:**

(a) APPROVAL OF AGENDA (Item 1)

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

9. DISCUSSION ITEMS

9.12 BIA Activities

CHANGE TO THE ORDER OF ITEMS

Item 9.12 is to be considered following Item 7.3, Waste Receptacles in the Downtown Core.

The Agenda for the September 12, 2024 meeting of the Cleanliness and Security in the Downtown Core Task Force was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) April 11, 2024 (Item 3.1)

The Minutes of the April 11, 2024, meeting of the Cleanliness and Security in the Downtown Core Task Force were approved, as presented.

(d) STAFF PRESENTATIONS (Item 7)

(i) Ferguson Avenue North Fountain (Item 7.1)

Kara Bunn, Manager - Parks and Cemeteries, addressed Committee respecting the Ferguson Avenue North Fountain, with the aid of a PowerPoint presentation.

The presentation from Kara Bunn, Manager - Parks and Cemeteries, respecting the Ferguson Avenue North Fountain, was received.

(ii) Graffiti on Public Assets (Item 7.2)

Committee reviewed the Graffiti on Public Assets presentation.

(iii) Waste Receptacles in the Downtown Core (Item 7.3)

Committee reviewed the Waste Receptacles in the Downtown Core presentation.

(iv) The following Staff Presentations were received:

(a) Graffiti on Public Assets (Item 7.2)

(b) Waste Receptacles in the Downtown Core (Item 7.3)

(e) DISCUSSION ITEMS (Item 9)

S. Braithwaite chaired the meeting, during Councillor C. Kroetsch's verbal updates respecting BIA Activities, the Community Points Program, the Selection Process for New Members to the Cleanliness and Security in the Downtown Core Task Force and Noise Control By-law and Street Performance Policy.

(i) BIA Activities (Added Item 9.12)

Councillor C. Kroetsch provided the Committee with a verbal update respecting the BIA Activities.

The verbal update from Councillor C. Kroetsch respecting BIA Activities, was received.

(ii) Community Points Program (Item 9.1)

Councillor C. Kroetsch provided the Committee with a verbal update respecting the Community Points Program.

The verbal update from Councillor C. Kroetsch respecting the Community Points Program, was received.

(iii) Power Washing Schedule (Item 9.2)

S. Braithwaite provided Committee with a verbal update respecting the Power Washing Schedule.

The verbal update from S. Braithwaite, respecting the Power Washing Schedule, was received.

(iv) Jarvis Street Parking Lot (Item 9.3)

S. Braithwaite provided Committee with a verbal update respecting the Jarvis Street Parking Lot.

The verbal update from S. Braithwaite, respecting the Jarvis Street Parking Lot, was received.

(v) Intersection at King Street East and Walnut Street North (Item 9.4)

S. Braithwaite provided a verbal update respecting the Intersection at King Street East and Walnut Street North.

The verbal update from S. Braithwaite, respecting the Intersection at King Street East and Walnut Street North, was received.

(vi) Street Light Bases (Item 9.5)

Carolyn Ryall, Director of Transportation, provided a verbal update respecting Street Light Bases.

The verbal update from Carolyn Ryall, Director of Transportation, respecting Street Light Bases, was received.

(vii) Selection Process for New Members to the Cleanliness and Security in Downtown Core Task Force (Item 9.6)

Councillor C. Kroetsch provided the Committee with a verbal update respecting the Selection Process for New Members to the Cleanliness and Security in the Downtown Core Task Force.

The verbal update from Councillor C. Kroetsch respecting the Selection Process for New Members to the Cleanliness and Security in the Downtown Core Task Force, was received.

(viii) Public Safety Issues for Businesses (Item 9.7)

S. Braithwaite provided a verbal update respecting Public Safety Issues for Businesses.

The verbal update from S. Braithwaite respecting Public Safety Issues for Businesses, was received.

(ix) Street Lighting (Item 9.8)

No update.

(x) Flyers / Posters on Lights Poles (Item 9.9)

Joel McCormick, Manager - Waste Collections, provided a verbal update respecting Flyers / Posters on Light Poles.

The verbal update from Joel McCormick, Manager – Waste Collections, respecting Flyers/Posters on Light Poles, was received.

(xi) Noise Control By-law and Street Performance Policy (Item 9.10)

Councillor C. Kroetsch provided the Committee with a verbal update respecting licensing of buskers.

By-law and Tourism and Culture staff were invited to speak to Committee respecting licensing of buskers.

(xii) Ferguson Station Remediation (Item 9.11)

S. Braithwaite provided a verbal update respecting Ferguson Station Remediation.

The verbal update from S. Braithwaite respecting Ferguson Station Remediation, was received.

(f) GENERAL INFORMATION / OTHER BUSINESS (Item 12)

(i) Amendments to the Outstanding Business List (Item 12.1)

The following amendments to the Cleanliness and Security in the Downtown Core Task Force's Outstanding Business List, were approved:

Cleanliness and Security in the Downtown Core Task Force September 12, 2024
Report 24-004 Page 5 of 5

- (1) Items Considered Complete and to be Removed (Item 12.1(a):
- (i) Waste Receptacles in the Downtown Core
 Added: February 1, 2024 (Cleanliness and Security in the Downtown Core Task Force Report 24-001, Item (g)(i))
 Addressed as Item 7.3 on today's Agenda
 - (ii) Community Points Program (Item 12.1(a)(b))
 Added: Cleanliness & Security in the Downtown Core Task Force Report 24-001 (Item (g)(ii))
 Addressed as Item 9.1 on today's Agenda
 - (iii) Ferguson Avenue North Fountain (Item 12.1(a)(c))
 Added: Cleanliness & Security in the Downtown Core Task Force Report 24-002 (Item (d)(ii))
 Addressed as Item 7.1 on today's Agenda
 - (iv) Graffiti on Public Assets
 Added: Cleanliness & Security in the Downtown Core Task Force 24-002 (Item (d)(iii)(1))
 Addressed as Item 7.2 on today's Agenda
 - (v) Graffiti on Public Assets
 Added: Cleanliness & Security in the Downtown Core Task Force 24-002 (Item (d)(iii)(2))
 Addressed as Item 7.2 on today's Agenda

(g) ADJOURNMENT (Item 14)

There being no further business, the Cleanliness and Security in the Downtown Core Task Force adjourned at 2:49 p.m.

Respectfully submitted,

Councillor C. Kroetsch
 Chair, Cleanliness and Security in
 the Downtown Core Task Force

Carrie McIntosh
 Legislative Coordinator
 Office of the City Clerk



Hamilton

BUSINESS IMPROVEMENT AREA SUB-COMMITTEE REPORT 24-006

10:30 a.m.

Tuesday, September 10, 2024

**Room 264, 2nd Floor
Hamilton City Hall
71 Main Street West**

Present: S. Braithwaite (Chair) – International Village BIA
Councillor T. Hwang
Councillor E. Pauls
T. MacKinnon – Westdale Village BIA and Stoney Creek BIA
S. Pennie (Vice-Chair) – Waterdown BIA
H. Peter – Ancaster BIA
D. Sanchez – Concession Street BIA
N. Ubl – Barton Village BIA
E. Walsh – Downtown Hamilton BIA
S. Weiler – Ottawa Street BIA

**Absent with
Regrets:** Councillor M. Wilson – Personal
K. Nydam – Dundas BIA
B. Schormann – Locke Street BIA

THE BUSINESS IMPROVEMENT AREA SUB-COMMITTEE PRESENTS REPORT 24-006 AND RESPECTFULLY RECOMMENDS:

1. Concession Street Business Improvement Area Expenditure Requests (Item 11.1)

That the expenditure request from the Concession Street Business Improvement Area, in the amount of \$11,412.46 be spent on holiday decorations and office furniture and equipment to be funded from the Contribution to Operating Budget Program for the Business Improvement Areas (BIA Payments Account 815010-56905), be approved.

2. Downtown Dundas Business Improvement Area Expenditure Requests (Item 11.2)

- (a) That the expenditure request from the Downtown Dundas Business Improvement Area, in the amount of \$13,953.66.00 be spent on holiday

**Business Improvement Area
Sub-Committee Report 24-006****September 10, 2024
Page 2 of 4**

decorations and their maintenance to be funded from the Contribution to Operating Budget Program for the Business Improvement Areas (BIA Payments Account 815010-56905), be approved; and

- (b) That the expenditure request from the Downtown Dundas Business Improvement Area, in the amount of \$24,568.94 be spent on holiday decorations and event programming to be funded from the Parking Revenue Sharing Program (Parking Revenue Account 815010-52505), be approved.

3. Waterdown Business Improvement Area Expenditure Requests (Item 11.3)

That the expenditure request from the Waterdown Business Improvement Area, in the amount of \$5,005.61 be spent on the purchase and maintenance of 32 hanging baskets to be funded from the Contribution to Operating Budget Program for the Business Improvement Areas (BIA Payments Account 815010-56905), be approved.

4. International Village Business Improvement Area Expenditure Requests (Item 11.4)

That the expenditure request from the International Village Business Improvement Area, in the amount of \$7,581.15 be spent on decor and graffiti removal to be funded from the Contribution to Operating Budget Program for the Business Improvement Areas (BIA Payments Account 815010-56905), be approved.

FOR INFORMATION:**(a) CHANGES TO THE AGENDA (Item 2)**

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

The agenda for the September 10, 2024 Business Improvement Area Sub-Committee meeting was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**(i) July 9, 2024 (Item 4.1)**

The July 9, 2024 Minutes of the Business Improvement Area Sub-Committee were approved, as presented.

(d) PRESENTATIONS (Item 8)**(i) City Enrichment Fund - Communities, Culture and Heritage (Item 8.1)**

Kristina Durka, Policy Analyst, Grants, addressed Committee respecting the City Enrichment Fund - Communities, Culture and Heritage, with the aid of a presentation.

The presentation from Kristina Durka, Policy Analyst, Grants, respecting the City Enrichment Fund - Communities, Culture and Heritage, was received.

(ii) Hamilton Day 2024 - Business Improvement Area Partnership Proposal (Item 8.2)

Katie Stiel, Senior Manager of Strategic Initiatives, Hamilton Chamber of Commerce, addressed Committee respecting a Hamilton Day 2024 - Business Improvement Area Partnership Proposal, with the aid of a presentation.

The presentation from Katie Stiel, Senior Manager of Strategic Initiatives, Hamilton Chamber of Commerce, respecting a Hamilton Day 2024 - Business Improvement Area Partnership Proposal, was received.

(e) MOTIONS (Item 11)

S. Braithwaite relinquished the Chair to S. Pennie to introduce the following motion:

(i) International Village Business Improvement Area Expenditure Requests (Item 11.4)

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

(e) GENERAL INFORMATION/OTHER BUSINESS (Item 13)**(i) Updates from Business Development Office (Item 13.1)**

Cristina Geissler, Business Development and Business Improvement Area (BIA) Officer, addressed the Committee respecting Updates from the Business Development Office.

The verbal update from Cristina Geissler, Business Development and Business Improvement Area (BIA) Officer, respecting Updates from the Business Development Office, was received.

(ii) Statements by Members (Item 13.2)

BIA Members used this opportunity to discuss matters of general interest.

**Business Improvement Area
Sub-Committee Report 24-006**

**September 10, 2024
Page 4 of 4**

The updates from Committee Members, were received.

(f) ADJOURNMENT (Item 15)

There being no further business, the Business Improvement Area Sub-Committee was adjourned at 11:44 a.m.



Respectfully submitted,

Susie Braithwaite
Chair,
Business Improvement Area Sub-Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	October 2, 2024
SUBJECT/REPORT NO:	Municipal Capital Facility John C. Munro Hamilton International Airport (PED24061) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	David McCullagh (905) 546-2424 Ext. 1647
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	
SUBMITTED BY:	Raymond Kessler Chief Corporate Real Estate Officer Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the lands contained and described in a new Lease with TradePort International Corporation pursuant to confidential Report PED19084(j) known as the John C. Munro Hamilton International Airport, municipally located at 9300 Airport Road, Mount Hope (Hamilton) Ontario, be a municipal capital facility operating as an international airport (CYHM, YHM), be exempted from taxation for municipal and school purposes;
- (b) That the Mayor and City Clerk be authorized and directed to execute Municipal Capital Facility Agreement, and any ancillary documents, substantially in the form attached as Appendix "A" to Report PED24061, with such amendments deemed reasonable and necessary to the satisfaction of the City Solicitor effective on the

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

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

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

SUBJECT: Municipal Capital Facility John C. Munro Hamilton International Airport (PED24061) (City Wide) - Page 2 of 5

new Lease commencement date made pursuant to confidential Report PED19084(j) of the John C. Munro Hamilton International Airport;

- (c) That the By-law, attached as Appendix "B" to Report PED24061, to establish the Municipal Capital Facility designation for the John C. Munro Hamilton International Airport, be passed;
- (d) That, upon approval by Council, staff be directed to give written notice of the By-law in respect of Recommendation (c) of Report PED24061 to the secretary of the school boards having jurisdiction, and the Municipal Property Assessment Corporation;
- (e) That the Clerk be directed to give written notice of the By-law approving this Report PED24061 in respect of Recommendation (c) to the Minister of Finance.

EXECUTIVE SUMMARY

This Report recommends the continued designation of John C. Munro Hamilton International Airport, subject to a new Lease Agreement between the City of Hamilton and TradePort International Corporation (TradePort), as a municipal capital facility and the continued exemption of this facility from taxation for municipal and school purposes pursuant to section 110(6) of the *Municipal Act*, 2001 and Ontario Regulation 603/06, section 2(1).

The new Lease Agreement between the City of Hamilton and TradePort to be effective September 13, 2024, as recommended by Staff in confidential Report PED19084(j) to Airport Subcommittee on May 9, 2024, provides that the City would formally enact a By-law declaring John C. Munro Hamilton International Airport to continue as a municipal capital facility.

This Report PED24061 is updating what the existing status currently is with John C. Munro Hamilton International Airport including certain vested lands into the airport's leased area. The Municipal Capital Facility By-law must be enacted contiguous with the effective date of the new Lease Agreement with TradePort.

The municipal capital facility designation is consistent with the terms of the new Lease Agreement and with that as is currently in place for this airport with updates that include those lands being vested and have been vested through various amendments to the existing Lease that are being used for purposes in accordance with the *Municipal Act*. Any land that ceases to be used for eligible for purposes are excluded from this designation.

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: Municipal Capital Facility John C. Munro Hamilton International Airport (PED24061) (City Wide) - Page 3 of 5

The updated By-law designating John C. Munro Hamilton International Airport continuing as a municipal capital facility will be provided to Municipal Property Assessment Corporation and the secretaries of local school boards as required by the *Municipal Act* to ensure the tax exemption is implemented.

For greater clarity by passing of the By-law TradePort will not be receiving any additional municipal tax benefit beyond what is currently in place and as outlined in the new Lease Agreement recommended by Staff in confidential Report PED19084(j) to the Airport Sub-committee on May 9, 2024.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Currently the subleased commercial and leased/licensed components of the airport facility are not exempt from assessment and taxation, so this updated municipal capital facility designation retains the status quo towards the continued billing and collection of property taxes for these components.

Staffing: None.

Legal: The City has authority under the *Municipal Act*, 2001, section 110(6) to exempt from all or part of the taxes levied for municipal and school purposes land or a portion of it on which municipal capital facilities are or will be located. The *Municipal Act* requires a tax exemption under section 110(6) to be supported by a Municipal Capital Facilities Agreement, and also that the lands be owned or leased by the person or entity providing municipal capital facilities.

In new Lease Agreement with TradePort both the City and TradePort consent to the recommended changes. TradePort's representatives have agreed to these terms in the new Lease Agreement, so the City needs to approve execution of the new Lease Agreement before it is effective.

HISTORICAL BACKGROUND

A Municipal Capital Facility By-law that was passed in 1996 expired December 31, 2012. On November 14, 2012, Council approved the extension of this Municipal Capital Facility by way of By-law 12-257 in approving General Issues Committee Report 12-032 (Item #11(b)) approving Airport Implementation Task Force Report 12-002 approving Report PED12202 Municipal Capital Facility Status of John C. Munro Hamilton International Airport.

SUBJECT: Municipal Capital Facility John C. Munro Hamilton International Airport (PED24061) (City Wide) - Page 4 of 5

On March 30, 2022, Council approved General Issues Committee Report 22-006 approving Airport Sub-committee Report 22-001 (item 14.2) approving Report PED19084(f) entitled TradePort/City Lease Negotiation Status Update and directed staff to negotiate salient lease extension terms, consistent with those outlined terms attached as Appendix “A” to Report PED19084(f).

Consequently, on May 9, 2024, Staff brought forward confidential Report PED19084(j) to the Airport Sub-committee recommending a new Lease Agreement following these approved negotiations.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Municipal Act* contains three legislative requirements following enactment of a municipal capital facility by-law:

1. Notice of the tax exemption by-law to Municipal Property Assessment Corporation;
2. Notice of the tax exemption by-law to the secretaries of all school boards having jurisdiction, and;
3. Notice of the municipal capital facility agreement by-law to the Minister of Finance.

RELEVANT CONSULTATION

- Corporate Services Department, Legal and Risk Management Services Division;
- Corporate Services Department, Financial Services, Taxation and Corporate Controller Division; and,
- Economic Development Division, Planning and Economic Development Department.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

When creating the existing Municipal Capital Facility By-law 12-257, the City was then facing an unfunded expenditure related to assessment of the airport for municipal taxes which was then avoided through designation of John C. Munro Hamilton International Airport as a Municipal Capital Facility. The City was able to delay and avoid entirely the taxation consequences by extending the Municipal Capital Facility designation through a By-law. The recommended new By-law and designation has no impact on the amounts otherwise coming due from TradePort through Payment in Lieu of Taxes Payments in Lieu of Taxes based on the recommended new Lease Agreement as brought forward in confidential Report PED19084(j) to Airport Sub-committee on May 9,

SUBJECT: Municipal Capital Facility John C. Munro Hamilton International Airport (PED24061) (City Wide) - Page 5 of 5

2024. The new Lease Agreement as recommended by city staff ensures continued Payments in Lieu of Taxes to the City from TradePort, as outlined in this new Lease Agreement. The recommended Municipal Capital Facility By-law and Agreement as outlined in this Report PED24061 will continue to save the City from expenditures equal to the educational portion of taxes. This savings for the City would continue as long as the new Municipal Capital Facility By-law is in place.

ALTERNATIVES FOR CONSIDERATION

By not approving this Report PED24061, the alternative of allowing taxation of John C. Munro Hamilton International Airport will increase the assessment base of the City. Consequently, the City as property owner will be responsible for paying property taxes on the airport lands and must find a funding source for these property taxes starting from the January 1, 2024, commencement date of the new Lease Agreement, if approved, and future years during its 49-year term. As contained in the new Lease Agreement, as recommended, TradePort will make payments on account of property taxes as negotiated based on payment in lieu of taxes Payments in Lieu of Taxes framework, but these negotiated amounts will be insufficient to pay even the educational portion. As a result, the city would have to pay the educational portion. This alternative is not recommended by Staff as the City can avoid the annual financial impacts by adopting the recommendations of this Report PED24061. In the event that this alternative is chosen, a funding source to cover the property tax recovery will need to be identified.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED24061 – Municipal Capital Facility Agreement (form)

Appendix “B” to Report PED24061 – Municipal Capital Facility By-law – John C. Munro Hamilton International Airport

MUNICIPAL CAPITAL FACILITY AGREEMENT

THIS AGREEMENT dated the 1st day of January 2024 (the "**Effective Date**").

BETWEEN:

CITY OF HAMILTON

(hereinafter referred to as the "**City**")

AND:

TRADEPORT INTERNATIONAL CORPORATION

(hereinafter referred to as "**TradePort**")

Each a "**Party**" and collectively the "**Parties**"

WHEREAS, the City owns the lands known as John C. Munro Hamilton International Airport (CYHM, YHM (the "**Airport Lands**") in the City of Hamilton, which lands are more particularly described in Schedule "A" hereto;

AND WHEREAS, TradePort will be entering into a new Lease Agreement as at the Effective Date with the City as Landlord and TradePort as Tenant for the use of the Airport Lands (the "**Lease Agreement**");

AND WHEREAS, the Parties wish, pursuant to Section 110 of the *Municipal Act, 2001*, to enter into an agreement with the other for continued use of the Airport Lands as a municipal capital facility;

AND WHEREAS, The City wishes, pursuant to Section 110 of the *Municipal Act, 2001*, to declare the Airport Lands and infrastructure as a municipal capital facility; and,

AND WHEREAS, the Lands will continue to be used for purposes of an international airport, CYHM, YHM, thus qualifying the Airport Lands as a class of municipal capital facility described in Ontario Regulation 603/06, section 2(1).

THEREFORE, in consideration of the making of this Agreement and the mutual covenants contained herein, the Parties undertake, covenant, and agree as follows:

DESIGNATION

1. The city will by by-law designate the Airport Lands as a municipal capital facility and for public use.

Appendix "A" to Report PED24061**Page 2 of 5****TERM**

2. The term of this Agreement and the designation of the Airport Lands as a municipal capital facility shall be from the Effective Date to the earliest of:
 - (a) The day the Lease Agreement expires, is surrendered, or terminates;
 - (b) The day the Airport Lands cease to be used as a municipal capital facility as that term is described in Ontario Regulation 603/06 or amendments thereto;
 - (c) The day the city ceases to be the Landlord without assigning the Lease Agreement to its successor; and,
 - (b) The day the TradePort ceases to be the tenant without assigning the Lease to its successor with landlord consent.

ZONING

3. For the purposes of clarity, the City acknowledges and agrees that neither this Agreement nor the proposed By-law shall in any way affect the zoning of the Airport Lands or the permitted uses of the Airport Lands under applicable laws.

OBLIGATIONS AS COVENANTS

4. Each obligation expressed in this Agreement, even though not expressed as a covenant, is considered to be a covenant for all purposes.

ENTIRE AGREEMENT

5. This Agreement contains all the covenants, agreements and understandings between the Parties concerning its subject matter.

ENUREMENT

6. This Agreement shall enure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

PARTIAL INVALIDITY

7. If any provision of this Agreement or the application of it to any person or circumstances is held to any extent invalid or unenforceable, the remainder of this Agreement or the application of the provisions to persons or circumstances other than those as to which it is held invalid or unenforceable is not affected.

Appendix "A" to Report PED24061**Page 3 of 5****FURTHER ASSURANCES**

8. The Parties shall do and execute all such further acts, deeds, instruments or things as may be necessary or desirable for the purpose of carrying out the intent of this Agreement.

COUNTERPARTS

9. This Agreement may be executed in counterparts, each of which will be deemed to be an original and all of which together will be deemed to be one and the same document. This Lease may be executed by electronic signature (including by way of example, DocuSign or Onespan/E-SignLite) and delivered by electronic transmission in ".pdf" or similar universally readable format and the addressees of this Agreement may rely upon all such electronic signatures as though such electronic signatures were original signatures.

IN WITNESS WHEREOF the Parties hereto have duly executed this Agreement.

TRADEPORT INTERNATIONAL CORPORATION

Per: _____

Name:

Title:

Per: _____

Name:

Title:

I/We have the authority to bind the corporation

CITY OF HAMILTON

Per: _____

Name: Andrea Horwath

Title: Mayor

Per: _____

Name: Janet Pilon

Title: City Clerk

Appendix "A" to Report PED24061

Page 4 of 5

SCHEDULE "A"**LEGAL DESCRIPTION OF THE AIRPORT LANDS KNOWN AS JOHN C. MUNRO
HAMILTON INTERNATIONAL AIRPORT (CTHM, YHM)****Firstly**

LT20-21 PL 1230; PT LT 18-19 PL 1230; PT PCL B PL 1230; PT LT 46-49 CON 5 ANCASTER; PT LT 1-5 CON 3 GLANFORD; SAVE AND EXCEPT PARTS 3, 4 AND 5 ON 62R18932; PT LT 1-5 CON 4 GLANFORD; PT ROAL BTN LT 48 & 49 CON 5 ANCASTER; PT ROAL BTN TWP OF ANCASTER AND GLANFORD PT 2,4,5 & 8 62R11334 SRO EXCEPT PT 1 62R14613, PT 2 62R17188 *srr* VM236902; *srr* INTEREST IN VM236902 T/W VM236902 (FIRSTLY); *srr* VM238143 CITY OF HAMILTON

Being all of PIN 17399-0480 (LT)

Secondly

PT LT 5 CON 3 GLANFORD; SAVE AND EXCEPT PARTS 3, 4 AND 5 ON 62R18932; *Sff* VM236902; *srr* GL9651 PARTIALLY RELEASED BY GL10681; *srr* INTEREST IN VM236902; T/W VM236902(FIRSTLY) SUBJECT TO AN EASEMENT AS IN VM238143 CITY OF HAMILTON

Being all of PIN 17399-0479 (LT)

Thirdly

PT LT 45 CON 5 ANCASTER PT 1 62R11334 SRO EXCEPT PT 18 62R14623 *srr* VM236902; *srr* AN26343, VM35953; CITY OF HAMILTON

Being all of PIN 17399-0331 (LT)

Fourthly

PT LT 4 CON 4 GLANFORD PT 2 62R10716 except PT 3, 5, 6 62R17188: CITY OF HAMILTON

Being all of PIN 17399-0306 (LT)

Fifthly

PT LT 46 CON 5 ANCASTER BEING PT 1 62R17310; CITY OF HAMILTON

Being part of PIN 17399-0293 (LT)

Appendix "A" to Report PED24061
Page 5 of 5**Sixthly**

PT LT 4 CON 4 GLANFORD PT 1 on 62R10716; CITY OF HAMILTON

Being all of PIN 17399-0196 (LT)

Seventhly

PT LT 2 CON 5 GLANFORD PT 1 on 62R18716; GLANBROOK CITY OF HAMILTON

Being all of PIN 17400-0301 (LT)

Eighthly

PT LT 1 CON 5 GLANFORD PT 1 on 62R18409; CITY OF HAMILTON

Being all of PIN 17400-0005 (LT)

Ninthly

PT LT 1 CON 5 GLANFORD PT 11 on 62R14843; GLANBROOK CITY OF HAMILTON

Being all of PIN 17400-0937 (LT)

Tenthly

PT LT 1 CON 5 GLANFORD PT 1 on 62R18559; CITY OF HAMILTON

Being all of PIN 17400-0309 (LT)

Eleventhly

PT LT 48 CON 5 ANCASTER, AS IN AB162045; EXCEPT CM1325A; HAMILTON

Being all of PIN 17399-0057 (LT)

Twelfthly

PT LT 1 CON 4 GLANFORD, AS IN VM182176; CITY OF HAMILTON

Being all of PIN 17399-0215 (LT)

Appendix "B" to Report PED24061
Page 1 of 5

Authority: Item General Issues Committee
Report 24-XXX (PED24061)
CM:

Bill No. XXX

CITY OF HAMILTON

By-law No. ____

BEING A BY-LAW TO EXEMPT FROM TAXATION FOR MUNICIPAL AND SCHOOL BOARD PURPOSES THE LEASEHOLD INTEREST OF TRADEPORT INTERNATIONAL CORPORATION IN THE LANDS COMPRISING HAMILTON INTERNATIONAL AIRPORT AS A MUNICIPAL CAPITAL FACILITY PURSUANT TO THE PROVISIONS OF SUBSECTION 110(6) OF THE *MUNICIPAL ACT, 2001* AND ONTARIO REGULATION 603/06

WHEREAS subsection 110(6) of the *Municipal Act, 2001* provides that the council of a municipality may exempt from taxation for municipal and school board purposes, land or a portion of it on which municipal capital facilities are or will be located;

AND WHEREAS pursuant to Ontario Regulation 603/06, section 2(1) two of the classes of municipal capital facilities that are eligible municipal capital facilities for the purposes of a tax exemption under subsection 110(6) of the *Municipal Act, 2001* are.

"5. Municipal facilities related to the provision of telecommunications, transit and transportation systems.

13. Parking facilities ancillary to facilities described in any of paragraphs 1 to 12."

AND WHEREAS the City of Hamilton (the "**City**") and TradePort International Corporation ("**TradePort**") entered into an agreement for the provision of municipal capital facilities at John C. Munro Hamilton International Airport (the "**Airport**");

AND WHEREAS the City and TradePort have agreed that the TradePort tenancy of the Airport would not give rise to liability for taxation for municipal and school board purposes except as described in the Lease Agreement between them, which agreement was effective on January 1, 2024, effect to which is intended to be continued by the terms of this By-law;

AND WHEREAS this by-law is to replace By-law No. 12-257, passed and enacted by the City of Hamilton on the 14th day of November 2012.

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

1. In this By-law:

"Airport" means the lands and premises comprising John C. Munro Hamilton International Airport (CYHM, YHM) as currently described in Schedule "A" hereto, together with all future lands acquired from time to time by the City of Hamilton and vested for the purposes of the Airport;

"Air Terminal Building" means facilities, buildings and structures at the Airport utilized to facilitate passenger traffic at the Airport, both enplaned and

[Type here]

Appendix "B" to Report PED24061
Page 2 of 5

deplaned, and related passenger services, including adjacent or attached parking garages, concession and retail services, restaurants, licensed liquor establishments, duty free shops, baggage handling, customs, and security clearance;

"Agreement" means the Lease Agreement between the City of Hamilton and TradePort International Corporation effective on January 1, 2024, for the provision of municipal capital facilities at the Airport within the meaning of s. 110(6) of the *Municipal Act, 2001* and any subsequent amendments thereto;

"City" means the geographical area of the City of Hamilton or the municipal corporation as the context requires;

"Clerk" means the City Clerk;

"Land" means all lands and premises vested comprising the Airport from time to time; and

"Person" means any individual, company, corporation, partnership, firm, trust, sole proprietorship, government or government agency, authority or entity, however designated or constituted.

Municipal Capital Facility

2. The Airport continues to be subject to an Agreement between the City and TradePort for the provision of municipal capital facilities with the meaning of subsection 110(6) of the *Municipal Act, 2001*.
3. This By-law shall exempt from taxation for municipal and school board purposes the leasehold interest of TradePort in the Airport and shall not operate in any manner whatsoever so as to exempt from taxation for municipal and school board purposes any other leasehold interest, tenancy, sub-lease, sub-tenancy, occupancy, license, user or other interest held by any other tenant, lessee, sub-tenant, sub-lessee, occupant, licensee, user or any other Person at the Airport.
4. This By-law, and the treatment of TradePort hereunder, shall not be construed to affect the liability to assessment and taxation for municipal and school board purposes of any other Person, tenant, occupant, user or land at the Airport which is occupied or used by any other Person.

Municipal Assessment Liability

5. Land at the Airport leased, occupied, or used by TradePort shall be exempt from taxation for municipal and school board purposes, including assessment for vehicle parking lots, except when subject to a further tenancy, occupant or user agreement with any other Person.
6. TradePort shall be exempt from taxation for municipal and school purposes including assessment for vehicle parking lots for Land at the Airport leased, occupied, or used by TradePort at the Airport, except to the extent that Land at the Airport is subject to a further tenancy, occupancy, or user agreement with any other Person.
7. Any part of the Airport Terminal Building leased, occupied, or used by TradePort shall be exempt from taxation for municipal and school board purposes except when subject to a further tenancy, occupancy, or user agreement with any other Person.

Appendix "B" to Report PED24061
Page 3 of 5

Effective Date

8. The tax exemption provided for herein shall take effect on January 1, 2024.

Notices

9. Upon passing this By-law, the Clerk, or his or her designate, shall give written notice of this By-law and of the Agreement to:
- (a) Municipal Property Assessment Corporation (MPAC);
 - (b) the secretaries of all school boards having jurisdiction where includes the Land exempted by this By-law; and,
 - (c) the Minister of Finance.
10. This By-law shall not be considered to provide for a tax exemption in respect of a special levy under sections 311 or 312 of the *Municipal Act, 2001*, for sewer and water.
11. Section 357 of the *Municipal Act, 2001*, applies with necessary modifications to allow for a cancellation, reduction or refund of taxes that are no longer payable as a result of this By-law.

This By-law is deemed to come into force on January 1, 2024.

PASSED this ____ day of _____, 2024.

Per: _____
Name: Andrea Horwath
Title: Mayor

Per: _____
Name: Janet Pilon
Title: City Clerk

Appendix "B" to Report PED24061
Page 4 of 5

SCHEDULE 'A'

LEGAL DESCRIPTION

Firstly

LT20-21 PL 1230; PT LT 18-19 PL 1230; PT PCL B PL 1230; PT LT 46-49 CON 5 ANCASTER; PT LT 1-5 CON 3 GLANFORD; SAVE AND EXCEPT PARTS 3, 4 AND 5 ON 62R18932; PT LT 1-5 CON 4 GLANFORD; PT ROAL BTN LT 48 & 49 CON 5 ANCASTER; PT ROAL BTN TWP OF ANCASTER AND GLANFORD PT 2,4,5 & 8 62R11334 SRO EXCEPT PT 1 62R14613, PT 2 62R17188 *srr* VM236902; *srr* INTEREST IN VM236902 T/W VM236902 (FIRSTLY); *srr* VM238143 CITY OF HAMILTON

Being all of PIN 17399-0480 (LT)

Secondly

PT LT 5 CON 3 GLANFORD; SAVE AND EXCEPT PARTS 3, 4 AND 5 ON 62R18932; Sff VM236902; *srr* GL9651 PARTIALLY RELEASED BY GL10681; *srr* INTEREST IN VM236902; T/W VM236902(FIRSTLY) SUBJECT TO AN EASEMENT AS IN VM238143 CITY OF HAMILTON

Being all of PIN 17399-0479 (LT)

Thirdly

PT LT 45 CON 5 ANCASTER PT 1 62R11334 SRO EXCEPT PT 18 62R14623 *srr* VM236902; *srr* AN26343, VM35953; CITY OF HAMILTON

Being all of PIN 17399-0331 (LT)

Fourthly

PT LT 4 CON 4 GLANFORD PT 2 62R10716 except PT 3, 5, 6 62R17188; CITY OF HAMILTON

Being all of PIN 17399-0306 (LT)

Fifthly

PT LT 46 CON 5 ANCASTER BEING PT 1 62R17310; CITY OF HAMILTON

Being part of PIN 17399-0293 (LT)

Sixthly

PT LT 4 CON 4 GLANFORD PT 1 on 62R10716; CITY OF HAMILTON

Being all of PIN 17399-0196 (LT)

Appendix "B" to Report PED24061
Page 5 of 5

Seventhly

PT LT 2 CON 5 GLANFORD PT 1 on 62R18716; GLANBROOK CITY OF HAMILTON

Being all of PIN 17400-0301 (LT)

Eighthly

PT LT 1 CON 5 GLANFORD PT 1 on 62R18409; CITY OF HAMILTON

Being all of PIN 17400-0005 (LT)

Ninthly

PT LT 1 CON 5 GLANFORD PT 11 on 62R14843; GLANBROOK CITY OF HAMILTON

Being all of PIN 17400-0937 (LT)

Tenthly

PT LT 1 CON 5 GLANFORD PT 1 on 62R18559; CITY OF HAMILTON

Being all of PIN 17400-0309 (LT)

Eleventhly

PT LT 48 CON 5 ANCASTER, AS IN AB162045; EXCEPT CM1325A; HAMILTON

Being all of PIN 17399-0057 (LT)


Twelfthly

PT LT 1 CON 4 GLANFORD, AS IN VM182176; CITY OF HAMILTON

Being all of PIN 17399-0215 (LT)



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	October 2, 2024
SUBJECT/REPORT NO:	Establishing a Process to Appoint a Municipal Representative to the Hamilton-Oshawa Port Authority Board of Directors (PED23021(a)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Norm Schleeahn (905) 546-2424 Ext. 2669
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the City of Hamilton endorse the following process to Appoint a Municipal Representative to the Hamilton-Oshawa Port Authority Board of Directors;

- (i) Coinciding with the municipal election cycle and council term, the Hamilton-Oshawa Port Authority releases, on behalf of the City of Hamilton and the City of Oshawa, an open call for interested individuals who wish to serve on the Hamilton-Oshawa Port Authority Board of Directors as the municipally appointed director;
- (ii) The Hamilton-Oshawa Port Authority evaluates all applications received for the municipally appointed director, and provides a recommended candidate based on qualifications and eligibility criteria, for the City of Hamilton and City of Oshawa's consideration and endorsement;
- (iii) That if either the City of Hamilton or the City of Oshawa does not endorse the Hamilton-Oshawa Port Authority's candidate, the Board shall put forth the next highest-ranking candidate for endorsement, until such time that both Councils endorse the same candidate;

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: Establishing a Process to Appoint a Municipal Representative to the Hamilton-Oshawa Port Authority Board of Directors (PED23021(a)) (City Wide) - Page 2 of 5

- (iv) The municipally appointed director shall serve a four-year term, coinciding with the municipal election cycle and council term., understanding that the first director so appointed will serve a truncated term so as to synchronize with the current council term;
- (v) That City of Hamilton staff and City of Oshawa staff be directed and authorized to work with Hamilton-Oshawa Port Authority staff to develop a recruitment package to ensure consistency and fairness in the recruitment process, with such recruitment package to include, but not necessarily be limited to, a role description, eligibility criteria and minimum qualifications.

EXECUTIVE SUMMARY

On February 9, 2023, Hamilton City Council approved and provided the following direction:

“That a City of Hamilton working group comprised of two Councillors, together with the Mayor, be established to determine a process for jointly appointing a new municipal representative to the Hamilton-Oshawa Port Authority Board of Directors in collaboration with a similar working group of City of Oshawa elected officials;”

“That the collective results of the working groups be reported back to the General Issues Committee with a recommended process for jointly appointing a single municipal representative to the Hamilton-Oshawa Port Authority Board of Directors”.

On February 2, 2024, the joint working groups for both the City of Hamilton and City of Oshawa conducted a virtual meeting which brought forward recommendations that were endorsed by both working groups, but ultimately not approved by Oshawa City Council. Oshawa City Council provided alternative recommendations for consideration for the Hamilton working group – Appendix “A” to Report PED23021(a). These alternative recommendations were unanimously approved by the Hamilton working group at meeting on May 30, 2024 along with an additional recommendation that if either the City of Hamilton or the City of Oshawa does not endorse the Hamilton-Oshawa Port Authority’s candidate, the Board shall put forth the next highest-ranking candidate for endorsement, until such time that both Councils endorse the same candidate

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no known financial implications for the City of Hamilton.

SUBJECT: Establishing a Process to Appoint a Municipal Representative to the Hamilton-Oshawa Port Authority Board of Directors (PED23021(a)) (City Wide) - Page 3 of 5

Staffing: There are no known staffing implications for the City of Hamilton.

Legal: There are no known legal implications for the City of Hamilton.

HISTORICAL BACKGROUND

On February 9, 2019, based on a recommendation from the Minister of Transport, the Governor General in Council issued a notice of a Certificate of Intent to amalgamate the Oshawa and Hamilton Port Authorities and invited comments to be submitted within 30 days of the notice. The objective of the proposal was to strengthen the Canadian supply chain in Ontario by providing a coordinated approach to port development, land use and marketing.

During the 30-day post certificate consultation period, City staff presented a report to GIC on February 20, 2019 (PED19065) which was ratified by Hamilton City Council on February 27, 2019. The Report included several recommendations that were forwarded to the Minister of Transport regarding the proposed amalgamation including the City of Hamilton's preference that both the City of Hamilton and the City of Oshawa be given a seat on the Board of Directors of the Hamilton-Oshawa Port Authority. This recommendation was not accepted by the Department of Transport.

On June 8, 2019, the Department of Transport issued a Certificate of Amalgamation of Port Authorities to create the new Hamilton-Oshawa Port Authority. The Certificate of Amalgamation included the Letters Patent of the Hamilton-Oshawa Port Authority. See Appendix "B" to Report PED23021(a), attached to this Report. According to the Hamilton-Oshawa Port Authority Letters Patent, as issued by the Department of Transport on June 8, 2019. The Certificate states the following:

"The HOPA Board of Directors shall be composed of seven directors appointed to hold office as follows:

- (e) The Governor in Council appoints one individual nominated by the Minister;
- (f) The City of Hamilton and the City of Oshawa, in consultation with the City of Burlington, appoints one individual;
- (g) The Province of Ontario appoints one individual; and,
- (h) The Governor General in Council appoints four remaining individuals nominated by the Minister in consultation with the users selected by the Minister or with the classes of users."

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: Establishing a Process to Appoint a Municipal Representative to the Hamilton-Oshawa Port Authority Board of Directors (PED23021(a)) (City Wide) - Page 4 of 5

The Letters Patent state that there is to be one municipal representative on the Hamilton-Oshawa Port Authority Board of Directors, however, they did not provide direction on how this municipal appointment is to be determined.

After discussion with senior staff from both the City of Hamilton and the City of Oshawa, the recommended approach of two municipal working groups collaborating to determine an appointment process was put forward.

The City of Hamilton working group was initially comprised of Mayor Horwath and Councillors Francis, Hwang, and Nann. In May 2024, Councillor McMeekin took the place of Mayor Horwath on the working group.

City of Hamilton staff worked with City of Oshawa staff to develop an agenda and schedule a meeting for both working groups to jointly discuss a preferred process for appointing the new municipal representative to the Hamilton-Oshawa Port Authority Board of Directors in 2024, and for any future appointments.

On February 2, 2024, the joint working groups for both the City of Hamilton and City of Oshawa conducted a virtual meeting which brought forward recommendations that were endorsed by both working groups, but ultimately not approved by Oshawa City Council.

Oshawa City Council provided alternative recommendations for consideration for the Hamilton working group – Appendix “A” to Report PED23021(a). These alternative recommendations were unanimously approved by the Hamilton working group at its meeting on May 30, 2024 along with an additional recommendation that if either the City of Hamilton or the City of Oshawa does not endorse the Hamilton-Oshawa Port Authority’s candidate, the Board shall put forth the next highest-ranking candidate for endorsement, until such time that both Councils endorse the same candidate.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

RELEVANT CONSULTATION

- Ian Hamilton, CEO, Hamilton Oshawa Port Authority; and,
- City of Oshawa.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The City of Hamilton working group and Oshawa City Council are both in agreement that an open call for the municipal representative for the Hamilton-Oshawa Port Authority board would be a fair and equitable way to resolve the issue of a single municipal representative. In addition, Hamilton-Oshawa Port Authority has indicated that

SUBJECT: Establishing a Process to Appoint a Municipal Representative to the Hamilton-Oshawa Port Authority Board of Directors (PED23021(a)) (City Wide) - Page 5 of 5

they are willing to administer the recruitment and selection process and provide a candidate that would need to be approved by both the City of Hamilton and City of Oshawa councils.

ALTERNATIVES FOR CONSIDERATION

Council could choose not to approve the suggested recommendations and direct the working groups to reconvene to develop and propose alternative solutions. This approach is not recommended as the municipal appointee position for the Hamilton-Oshawa Port Authority board has been vacant since the passing of Mr. Jim Howlett in April of 2023 and reconvening the working groups would further delay having municipal representation on the board.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23021(a) – Process and Options for Appointment to the Hamilton-Oshawa Port Authority Board of Directors

Appendix “B” to Report PED23021(a) – Department of Transport Certificate of Amalgamation of Port Authorities

File: 03-05

February 28, 2024

DELIVERED BY E-MAIL
(janet.pilon@hamilton.ca)

City of Hamilton

Re: Process and Options for Appointment to the Hamilton-Oshawa Port Authority Board of Directors (All Wards)

Oshawa City Council considered the above matter at its meeting of February 26, 2024 and voted against the recommendation of the Joint Hamilton-Oshawa Working Group.

Oshawa City Council adopted the following resolution concerning the process for jointly appointing a new municipal representative to the Hamilton-Oshawa Port Authority Board of Directors:

“Whereas, in accordance with the Letters Patent of the Hamilton-Oshawa Port Authority, both the City of Hamilton and the City of Oshawa, in consultation with the City of Burlington, shall appoint one (1) individual to the Hamilton-Oshawa Port Authority Board of Directors; and,

Whereas, although jointly appointed by the City of Hamilton and the City of Oshawa, the municipally appointed director has a fiduciary duty to act solely in the best interest of the Hamilton-Oshawa Port Authority, and as such, has no role to advance the interests of one or both of the host municipalities who appointed said individual; and,

Whereas, the Letters Patent of the Hamilton-Oshawa Port Authority is silent on the process by which the City of Hamilton and the City of Oshawa are to jointly appoint one (1) individual to the Hamilton-Oshawa Port Authority Board of Directors,

Therefore be it resolved that the Council of the City of Oshawa recommend to the Council of the City of Hamilton, that the following process be adopted for jointly appointing a new director to the Hamilton-Oshawa Port Authority Board of Directors:

- a) Coinciding with the municipal election cycle and council term, the Hamilton-Oshawa Port Authority releases, on behalf of the City of Hamilton and the City of Oshawa, an open call for interested individuals who wish to serve on the Hamilton-Oshawa Port Authority Board of Directors as the municipally appointed director; and,

- b) The Hamilton-Oshawa Port Authority evaluates all applications received for the municipally appointed director, and provides a recommended candidate based on qualifications and eligibility criteria, for the City of Hamilton and City of Oshawa's consideration and endorsement; and,
- c) The municipally appointed director shall serve a four (4) year term, coinciding with the municipal election cycle and council term., understanding that the first director so appointed will serve a truncated term so as to synchronize with the current council term; and,
- d) City of Hamilton and City of Oshawa staff shall work with Hamilton-Oshawa Port Authority staff to develop a recruitment package to ensure consistency and fairness in the recruitment process, with such recruitment package to include, but not necessarily be limited to, a role description, eligibility criteria and minimum qualifications."

Oshawa City Council respectfully requests that Hamilton City Council consider the above resolution concerning the process for jointly appointing a new municipal representative to the Hamilton-Oshawa Port Authority Board of Directors.



Mary Medeiros
Director, Legislative Services/City Clerk

/fb

- c: Economic and Development Services Department
Tracy Adams, CAO
Members of the Joint Hamilton-Oshawa Working Group

SUPPLEMENT Vol. 153, No. 23

SUPPLÉMENT Vol. 153, n° 23

Canada Gazette

Part I



Gazette du Canada

Partie I

OTTAWA, SATURDAY, JUNE 8, 2019

OTTAWA, LE SAMEDI 8 JUIN 2019

Department of Transport

Ministère des Transports

Certificate of amalgamation of
port authorities

Certificat de fusion
d'administrations portuaires

(Order in Council P.C. 2019-732)

(Décret C.P. 2019-732)

Hamilton-Oshawa Port Authority

Administration portuaire Hamilton-Oshawa

ORDERS IN COUNCIL

DEPARTMENT OF TRANSPORT

Certificate of amalgamation of port authorities

P.C. 2019-732 May 30, 2019

Her Excellency the Governor General in Council, on the recommendation of the Minister of Transport, pursuant to section 59.1 of the *Port Authorities Management Regulations*, hereby issues the annexed certificate of amalgamation of the port authorities specified in the certificate.

CERTIFICATE OF AMALGAMATION OF PORT AUTHORITIES

WHEREAS pursuant to Order in Council P.C. 2019-70 a certificate of intent to amalgamate the Hamilton Port Authority and the Oshawa Port Authority was issued on January 31, 2019;

AND WHEREAS the notice requirements pertaining to the certificate of intent to amalgamate set out in subsection 59.1(2) of the *Port Authorities Management Regulations* have been met;

AND WHEREAS the Minister of Transport has recommended that the Hamilton Port Authority and the Oshawa Port Authority be amalgamated and continue as one port authority to be named the Hamilton-Oshawa Port Authority;

AND WHEREAS, pursuant to paragraph 59.7(k) of the *Port Authorities Management Regulations*, the letters patent contained in this certificate of amalgamation are the letters patent of the Hamilton-Oshawa Port Authority;

NOW THEREFORE under the authority of section 59.1 of the *Port Authorities Management Regulations*, it is hereby certified that the Hamilton Port Authority and the Oshawa Port Authority are amalgamated and continue as one port authority to be named the Hamilton-Oshawa Port Authority, effective June 18, 2019.

EXPLANATORY NOTE

(This note is not part of the Order.)

Proposal

That the Governor in Council (GiC) issue a Certificate of Amalgamation for the Canada Port Authorities (CPAs) of Hamilton and Oshawa, pursuant to subsection 59.1(1) of the *Port Authorities Management Regulations* (PAMR), which permits the Governor in Council to amalgamate

DÉCRETS EN CONSEIL

MINISTÈRE DES TRANSPORTS

Certificat de fusion d'administrations portuaires

C.P. 2019-732 Le 30 mai 2019

Sur recommandation du ministre des Transports, et en vertu de l'article 59.1 du *Règlement sur la gestion des administrations portuaires*, Son Excellence la Gouverneure générale en conseil délivre le certificat de fusion des administrations portuaires qui y sont précisées, ci-après.

CERTIFICAT DE FUSION D'ADMINISTRATIONS PORTUAIRES

ATTENDU QUE, en vertu du décret C.P. 2019-70, un certificat d'intention de fusionner l'Administration portuaire Hamilton et l'Administration portuaire Oshawa a été délivré le 31 janvier 2019;

ATTENDU QUE les exigences en matière d'avis concernant le certificat d'intention de fusionner énoncées au paragraphe 59.1(2) du *Règlement sur la gestion des administrations portuaires* ont été respectées;

ATTENDU QUE le ministre des Transports a recommandé que l'Administration portuaire Hamilton et l'Administration portuaire Oshawa fusionnent et continuent en tant qu'administration portuaire unique nommée Administration portuaire Hamilton-Oshawa,

ATTENDU QUE, conformément à l'alinéa 59.7k) du *Règlement sur la gestion des administrations portuaires*, les lettres patentes contenues dans ce certificat de fusion sont les lettres patentes d'Administration portuaire Hamilton-Oshawa ;

À CES CAUSES, en vertu de l'article 59.1 du *Règlement sur la gestion des administrations portuaires*, il est certifié que l'Administration portuaire Hamilton et l'Administration portuaire Oshawa ont fusionné et continuent en tant qu'autorité portuaire unique nommée Administration portuaire Hamilton-Oshawa, à compter du 18 juin 2019.

NOTE EXPLICATIVE

(La présente note ne fait pas partie du Décret.)

Proposition

Que la gouverneure en conseil délivre un certificat de fusion pour les administrations portuaires canadiennes (APC) de Hamilton et d'Oshawa, aux termes du paragraphe 59.1(1) du *Règlement sur la gestion des administrations portuaires* (RGAP), qui permet à la gouverneure

two or more port authorities and continue as one port authority.

Objective

To ensure the long-term sustainability of port operations and strengthen the Canadian supply chain in Ontario by providing a coordinated approach to port management, development, land use and marketing.

Background

The Governor in Council (GiC), on the recommendation of the Minister of Transport, issued a certificate of intent to amalgamate these two CPAs on February 9, 2019. The Minister of Transport is amalgamating the Hamilton Port Authority (HPA) and the Oshawa Port Authority (OPA) to form the Hamilton-Oshawa Port Authority (HOPA), effective June 18, 2019.

Canada is a trading nation that relies on its port system. Eighteen CPAs are part of Canada's national port system. CPAs like the HPA and OPA are non-share capital corporations incorporated under the 1998 *Canada Marine Act* (CMA) that have been recognized to be of strategic significance to Canada's trade. CPAs handle approximately 60 percent of Canada's marine commercial cargo tonnage and contribute over \$25 billion to Canada's gross domestic product. The HPA was established in 2001 and is the largest CPA in Ontario, whereas the OPA, established in 2012, is the smallest CPA both in terms of revenues generated and volume of cargo handled.

A certificate of intent to amalgamate was published in the *Canada Gazette*, Part I, on February 9, 2019, and signaled the Government of Canada's interest in amalgamating the HPA and OPA. Consistent with subsection 59.1(2) of the PAMR, a consultation period followed where interested persons were invited to submit their comments. This public consultation period was originally scheduled to end on March 11, 2019. In response to requests by certain stakeholders for additional time to submit their input, Transport Canada extended the duration of the consultation period from 30 to 45 days; bringing the end of the consultation period to March 26, 2019.

Implications

Consideration was given to the following implications of an amalgamation between the HPA and the OPA.

en conseil de fusionner deux ou plusieurs administrations portuaires en une seule et même administration portuaire.

Objectif

Assurer la durabilité à long terme des activités portuaires et renforcer la chaîne d'approvisionnement canadienne en Ontario en offrant une approche coordonnée pour la gestion des ports, le développement, l'utilisation des terrains et la commercialisation.

Contexte

La gouverneure en conseil, sur la recommandation du ministre des Transports a délivré un certificat d'intention de fusion pour ces deux APC le 9 février 2019. Le ministre des Transports fusionne l'Administration portuaire de Hamilton (APH) et l'Administration portuaire d'Oshawa (APO) pour former l'Administration portuaire de Hamilton-Oshawa (APHO), ce qui entrera en vigueur le 18 juin 2019.

Le Canada est une nation commerçante qui s'appuie sur le réseau portuaire. Ce dernier est constitué de 18 APC. Les APC comme l'APH et l'APO sont des sociétés sans capital-actions incorporées en vertu de la *Loi maritime du Canada* (LMC) de 1998 qui ont été reconnues comme ayant une importance stratégique pour le commerce du Canada. Les APC traitent environ 60 % du tonnage des cargaisons commerciales maritimes et génèrent plus de 25 milliards de dollars du produit intérieur brut du Canada. L'APH a été établie en 2001 et est la plus grosse APC en Ontario, alors que l'APO, établie en 2012, est la plus petite APC en ce qui a trait aux revenus générés et au volume de cargaisons manutentionné.

Un certificat d'intention de fusion a été publié dans la *Gazette du Canada*, Partie I, le 9 février 2019 et signalait l'intérêt du gouvernement du Canada pour la fusion de l'APH et de l'APO. Conformément au paragraphe 59.1(2) du RGAP, il y a ensuite eu une période de consultation à laquelle les personnes intéressées ont été invitées à présenter leurs commentaires. Cette période de consultation publique devait, à l'origine, se terminer le 11 mars 2019. En réponse aux demandes de certains intervenants pour plus de temps afin de présenter leurs données, Transports Canada a prolongé la durée de la période de consultation de 30 à 45 jours; la date de fin de la période de consultation étant le 26 mars 2019.

Répercussions

On a tenu compte des répercussions suivantes en ce qui a trait à la fusion de l'APH et de l'APO.

Financial

An amalgamation under the PAMR is administrative in nature and will not represent further financial costs for the Government of Canada or to the Canadian public.

Operations at both ports will continue without disruption as all current contracts and liabilities will continue under an amalgamated port. The amalgamated port is expected to be in a strong financial position, in particular due to the strong financial performance of the HPA. The forecasted performance of the amalgamated port indicates positive growth for the foreseeable future.

Environmental

There are no expected environmental implications, as no changes to the current land holdings, infrastructure, or real property of the HPA and OPA are being made. Provisions have been made to protect a buffer zone that is federal real property and that is adjacent to the Second Marsh Wildlife Area in Oshawa.

Economic

No job losses are expected from the amalgamation of these two CPAs. Rather, amalgamation is expected to strengthen the Lake Ontario transportation corridor by allowing the amalgamated port authority the ability to strategically plan and invest, improve port efficiencies, and leverage key investments as well as connect to global markets and contribute to Canada's competitiveness. In addition, the amalgamated port authority is expected to be better able to attract long-term investment more strategically, based on the ability to plan from a region wide perspective, and to improve port efficiencies. Continuity of operations at both ports will result in continued direct and indirect economic benefits for surrounding communities.

Consultations

Through a 45-day consultation period, Transport Canada received a total of 26 submissions/inquiries and engaged directly with a variety of stakeholders with an interest in the future of the HPA and the OPA, including Members of Parliament, the province of Ontario, municipalities, each ports' Board of Directors and management, port users, Indigenous communities, transportation and marine specialists, and the general public.

Overall, stakeholders recognized and/or supported Transport Canada's rationale for pursuing amalgamation. One of the most common views expressed was a desire for constructive dialogue between stakeholders and the

Financières

Une fusion en vertu du RGAP est de nature administrative et n'entraînera aucun coût supplémentaire pour le gouvernement du Canada ou les Canadiens.

Les activités menées dans les deux ports se poursuivront sans interruption puisque tous les contrats actuels et les responsabilités continueront dans le cadre d'un port issu d'une fusion. Le port fusionné devrait être dans une bonne position financière, particulièrement en raison du bon rendement financier de l'APH. En termes de rendement, on s'attend à ce qu'un port fusionné connaisse une croissance positive dans un avenir prévisible.

Environnementales

La fusion ne devrait pas avoir de répercussions environnementales, car aucun changement aux infrastructures, aux biens immobiliers ou aux propriétés foncières de l'APH et de l'APO ne sont apportées. Des dispositions ont été prises afin de protéger une zone tampon qui est un bien immobilier fédéral et qui est adjacent à la zone faunique du marais Second à Oshawa.

Économiques

Aucune perte d'emploi n'est prévue à la suite de la fusion de ces deux APC. La fusion devrait plutôt renforcer le corridor de transport du lac Ontario en offrant à l'administration portuaire fusionnée de planifier et d'investir de manière stratégique, d'améliorer les gains d'efficacité du port et de tirer parti des investissements clés et avoir accès aux marchés mondiaux, et contribuer à la compétitivité du Canada. De plus l'administration portuaire fusionnée devrait être plus en mesure d'attirer des investissements à long terme de façon plus stratégique, en fonction de la capacité de planifier du point de vue de la région entière, et d'améliorer les gains d'efficacité du port. La continuité des activités dans les deux ports procurerait des avantages économiques directs et indirects aux collectivités environnantes.

Consultations

Grâce à une période de consultation de 45 jours, Transports Canada a reçu un total de 26 présentations/demandes de renseignements et a consulté directement un éventail d'intervenants ayant un intérêt dans l'avenir de l'APH et l'APO, dont des députés, la province de l'Ontario, des municipalités, le conseil d'administration et la direction de chaque port, les usagers des ports, des collectivités autochtones, des spécialistes des transports et du secteur maritime et le grand public.

Globalement, les intervenants ont accepté et appuyé la raison fournie par Transports Canada pour l'éventuelle fusion. Un des points de vue les plus souvent exprimés était le souhait qu'il y ait un dialogue constructif entre les

amalgamated port authority to ensure its success. Stakeholders in the Hamilton area were overall supportive. Meanwhile, stakeholders in Oshawa expressed a combination of support and understanding for the proposed amalgamation as well as some concern over the length of the consultation period and the specific business case for amalgamation. Both municipalities expressed their concern that care be given to ensure appropriate municipal representation exist on an amalgamated Board of Directors and economic development under an amalgamated entity not favour one region over another.

Media coverage on the proposed amalgamation appeared balanced and suggested a general agreement that an amalgamated port authority would be able to better leverage available financial, human and operational resources and promote efficiencies within the supply chain.

Transport Canada took into consideration the views raised during the consultation period as it considered whether or not to amalgamate the two port authorities. As a result, measures were taken to address concerns raised during the consultation period, including:

- extending the consultation period by 15 days to provide stakeholders additional time to submit their views, as well as to allow Transport Canada to respond to concerns expressed about the rationale for amalgamation;
- making provisions to protect a buffer zone that separates port operations from the adjacent Second Marsh Wildlife Area in Oshawa, responding to concerns regarding local and development issues.
- identifying the legal name of the amalgamated entity based on the comments received and the attributes of the existing port authorities;

In addition, steps are being taken to ensure an appropriately balanced Board of Directors for the amalgamated port authority that ensures representation from both the municipalities of Hamilton and Oshawa.

Contact

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intervenants et l'administration portuaire fusionnée pour garantir son succès. Les intervenants dans la région de Hamilton étaient généralement favorables, les intervenants à Oshawa ont exprimé une combinaison de soutien et de compréhension pour la fusion proposée et des préoccupations au sujet de la durée de la période de consultation et l'analyse de rentabilisation précise pour la fusion. Les deux municipalités ont mentionné qu'il fallait prendre soin de s'assurer qu'une représentation municipalité appropriée existe au conseil d'administration issu de la fusion et que le développement économique dû à cette entité issue d'une fusion ne favorise pas une région plutôt qu'une autre.

La couverture médiatique sur la fusion proposée semble équilibrée et suggère un accord général que la fusion des administrations portuaires permettrait de mieux mettre à profit les ressources financières, humaines et opérationnelles et favoriserait les gains d'efficacité dans la chaîne d'approvisionnement.

Transports Canada a pris en compte les points de vue soulevés durant la période de consultation, tandis qu'il évaluait s'il fusionnerait ou non les deux administrations portuaires. Par conséquent, des mesures ont été prises pour répondre aux préoccupations soulevées lors de la période de consultation, y compris ce qui suit :

- prolonger la période de consultation de 15 jours afin de donner plus de temps aux intervenants pour présenter leur point de vue, en plus de permettre à Transports Canada de répondre aux préoccupations soulevées à propos de la raison de la fusion;
- prendre des dispositions pour protéger une zone tampon qui protège les activités de la zone faunique du marais Second adjacente à Oshawa, répondant ainsi aux préoccupations concernant les enjeux locaux et de développement;
- déterminer le nom juridique de l'entité issue de la fusion en fonction des commentaires obtenus et des attributs des administrations portuaires existantes.

De plus, des mesures sont prises pour s'assurer qu'un conseil d'administration correctement équilibré est mis en place pour l'administration portuaire issue de la fusion afin de garantir une représentation pour la municipalité de Hamilton et celle d'Oshawa.

Personne-ressource

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HAMILTON-OSHAWA PORT AUTHORITY

WHEREAS Letters Patent were issued by the Minister of Transport under the authority of the *Canada Marine Act* ("Act") for the Hamilton Port Authority (effective May 1, 2001) and the Oshawa Port Authority (effective January 25, 2012);

AND WHEREAS, on the recommendation of the Minister of Transport, the Governor In Council issued a Certificate of Intent to Amalgamate the Hamilton Port Authority and the Oshawa Port Authority to continue as one port authority;

AND WHEREAS the Certificate of Amalgamation continues the Amalgamating Port Authorities as one Port Authority to be named the Hamilton-Oshawa Port Authority;

NOW THEREFORE, pursuant to paragraph 59.7(k) of the *Port Authorities Management Regulations*, the Letters Patent contained in the Certificate of Amalgamation are the Letters Patent of the Hamilton-Oshawa Port Authority, and are as follows:

ARTICLE 1

EFFECTIVE DATE, DEFINITIONS AND INTERPRETATION

1.1 Effective Date. These Letters Patent take effect on the day specified in the Certificate of Amalgamation.

1.2 Definitions. In these Letters Patent, unless the context otherwise requires, terms used herein shall have the meaning ascribed to such terms in the Act and in addition:

"Act" means the *Canada Marine Act* as amended from time to time; (*Loi*)

"Appointing Body" means, in relation to a director, the body, entity or authority appointing such director; (*organisme de nomination*)

"Authority" means the Hamilton-Oshawa Port Authority; (*administration*)

"Board" means the board of directors of the Authority; (*conseil*)

"Borrowing" has the meaning ascribed to such term in section 9.3; (*emprunts*)

"Capital Investment" means in relation to a Subsidiary, an amount equal to the aggregate of the aggregate potential liability of the Authority pursuant to the terms of a Permitted Indemnity or Guarantee and any contribution of

ADMINISTRATION PORTUAIRE HAMILTON-OSHAWA

ATTENDU QUE le ministre des Transports, en vertu des pouvoirs prévus dans la Loi maritime du Canada (« Loi »), a produit des Lettres patentes pour l'Administration portuaire Hamilton (en vigueur depuis le 1^{er} mai 2001) et l'Administration portuaire Oshawa (en vigueur depuis le 25 janvier 2012);

ET ATTENDU QUE le gouverneur en conseil, sur l'avis du ministre des Transports a délivré un certificat d'intention de fusionner l'Administrations portuaires Hamilton et l'Administration portuaire Oshawa en une seule et même administration portuaire;

ET ATTENDU QUE le certificat de fusion fusionne les administrations portuaires fusionnantes en une seule et même administration portuaire qui sera appelée l'Administration portuaire Hamilton-Oshawa;

À CES CAUSES, en vertu de l'alinéa 59.7k) du *Règlement sur la gestion des administrations portuaires*, les Lettres patentes incluses dans le certificat de fusion sont les Lettres patentes de l'Administration portuaire Hamilton-Oshawa, et sont comme suit:

ARTICLE 1

DATE D'ENTRÉE EN VIGUEUR, DÉFINITIONS ET INTERPRÉTATION

1.1 Date d'entrée en vigueur. Les présentes Lettres patentes entrent en vigueur à la date précisée dans le certificat de fusion.

1.2 Définitions. Dans les présentes Lettres patentes, sauf si le contexte exige une autre interprétation, les termes utilisés ont la même signification que celle qui leur est donnée dans la Loi, et en outre les définitions suivantes s'appliquent :

« administrateur » Membre du conseil d'administration. (*Director*)

« administrateur représentatif des utilisateurs » Administrateur devant être nommé en vertu de l'alinéa 14(1)d) de la Loi. (*User Director*)

« administration » L'administration portuaire Hamilton-Oshawa. (*Authority*)

« capital engagé » Relativement à une Filiale, montant correspondant à la somme de l'ensemble du passif éventuel de l'Administration aux termes d'une Indemnité ou garantie autorisée et de toute contribution en espèces ou en biens faite par l'Administration à une Filiale, que ce soit sous forme de prêt aux actionnaires, de souscription d'actions, de donation ou autres, à l'exclusion des contributions faites par l'Administration à la Filiale au moyen d'un bail ou d'un permis à juste valeur marchande

cash or property made by the Authority to such Subsidiary whether by way of outstanding shareholder loan, subscription for shares, gift or otherwise, other than contributions by the Authority to the Subsidiary by way of a lease or licence of property held or administered by the Authority for fair market value; (*capital engagé*)

“Capitalized Lease Liabilities” means all monetary obligations of the Authority under any leasing or similar arrangements which, in accordance with GAAP, would be classified as capitalized leases and the amount of such obligations for the purposes of calculating Borrowing shall be the capitalized amount thereof, determined in accordance with GAAP; (*passif de contrat de location-acquisition*)

“Classes of users” means the classes of users for the purposes of subparagraph 8(2)(f)(iv) of the Act which are described in the annexed Schedule D; (*catégories d'utilisateurs*)

“Code of Conduct” means the code of conduct governing the conduct of directors and officers set forth in the annexed Schedule E; (*code de déontologie*)

“Contingent Liability” means any agreement, undertaking or arrangement by which the Authority guarantees, endorses or otherwise becomes or is contingently liable upon (by direct or indirect agreement, contingent or otherwise, to provide funds for payment, to supply funds to, or otherwise to invest in, a debtor, or otherwise to assure a creditor against loss) the indebtedness, obligation or any other liability of any other person or entity (other than by endorsements of instruments in the course of collection), or guarantees the payment of dividends or other distributions. The amount of any obligation under any Contingent Liability shall (subject to any limitation set forth therein) be deemed to be the outstanding principal amount (or maximum principal amount, if larger) of the debt, obligation or other liability guaranteed thereby; (*élément de passif éventuel*)

“Director” means a member of the Board; (*administrateur*)

“Fair market value” means for a good, service, facility or right, the amount which would be paid or received by an arm’s length third party acting free from compulsion or duress in an open market for a comparable good, service, right or facility available on comparable terms; (*juste valeur marchande*)

“Fiscal Year” means the fiscal year of the Authority, as established by the Authority from time to time; (*exercice*)

“GAAP” means generally accepted accounting principles in Canada; (*PCGR*)

“Gross Revenue Charge” has the meaning ascribed in such term in section 6.2; (*frais sur les revenus bruts*)

concernant des biens que possède ou gère l’Administration. (*Capital Investment*)

« catégories d'utilisateurs » Catégories d'utilisateurs pour l'application du sous-alinéa 8(2)f(iv) de la Loi, décrites à l'Annexe « D ». (*Classes of Users*)

« code de déontologie » Code de déontologie régissant la conduite des administrateurs et des dirigeants, qui figure à l'Annexe « E ». (*Code of Conduct*)

« Comité de mise en candidature » Comité décrit au paragraphe 4.6. (*Nominating Committee*)

« conseil » Le conseil d'administration de l'Administration. (*Board*)

« contrat de travail » S'entend au sens du paragraphe 8.4. (*Work Contract*)

« dirigeant » Dirigeant de l'Administration. (*Officer*)

« élément de passif éventuel » Toute entente, tout engagement ou tout arrangement par lequel l'Administration garantit, cautionne ou devient éventuellement responsable (par entente directe ou indirecte, éventuelle ou autre, de verser les fonds de paiement, de fournir les fonds ou d'investir des fonds à un débiteur, ou encore d'assurer un créancier contre la perte) de la dette, de l'obligation ou d'un élément de passif de toute personne ou entité (autrement que par endossement des instruments au moment de la perception), ou garantit le paiement de dividendes ou autre distribution. Le montant de toute obligation prévue à l'Élément de passif éventuel (sous réserve des limites qui y sont prévues) est réputé être le montant du solde du principal (ou montant maximal du principal, s'il est plus élevé) de la dette, de l'obligation ou de l'élément de passif garanti dans le document. (*Contingent Liability*)

« emprunts » S'entend au sens du paragraphe 9.3. (*Borrowing*)

« exercice » Exercice de l'Administration, tel que déterminé par cette dernière de temps à autre. (*Fiscal Year*)

« filiale » Toute filiale à cent pour cent de l'Administration constituée de temps à autre en vertu de la Loi et des présentes Lettres patentes. (*Subsidiary*)

« frais sur les revenus bruts » S'entend au sens du paragraphe 6.2. (*Gross Revenue Charge*)

« indemnité ou garantie autorisée » Aide financière qu'accorde l'Administration aux Filiales, sous forme d'indemnité, de garantie ou autrement, et qui fait état de l'ensemble du passif éventuel de l'Administration en dollars. (*Permitted Indemnity or Guarantee*)

« juste valeur marchande » Relativement à un bien, un service, une installation ou un droit, le montant qui serait payé ou reçu par une tierce partie sans lien de dépendance

“Her Majesty” means Her Majesty in Right of Canada; (*Sa Majesté*)

“Letters Patent” means these letters patent as amended by supplementary letters patent, if any, and includes any schedules hereto and thereto; (*Lettres patentes*)

“Minister” means the Minister of Transport; (*ministre*)

“Nominating Committee” means the committee described in section 4.6 (*Comité de mise en candidature*)

“Officer” means an officer of the Authority; (*dirigeant*)

“Permitted Indemnity or Guarantee” means financial assistance given by the Authority for the benefit of any Subsidiary, whether by way of indemnity, guarantee or otherwise which financial assistance must state the aggregate potential liability of the Authority in dollar terms; (*indemnité ou garantie autorisée*)

“Regulations” means the regulations made under the Act; (*règlement*)

“Significant Legal Proceedings” means legal proceedings for which the Authority or any Subsidiary has been served with written notice of the commencement of legal proceedings where such notice claims damages in excess of \$250,000; (*procédure judiciaire importante*)

“Subsidiary” means any wholly-owned subsidiary of the Authority incorporated from time to time in accordance with the Act and these Letters Patent; (*filiale*)

“Sufficient Return” means monies paid to the Authority in a Fiscal Year by a Subsidiary in which the Authority has made a Capital Investment in an amount no less than the annual yield which would have been received by the Authority had it invested an amount equal to the Capital Investment, less the amount of the aggregate potential liability of the Authority pursuant to the terms of any Permitted Indemnity or Guarantee, if any, comprised in such Capital Investment, in non-callable Government of Canada bonds, issued at par, in Canada on the closest issue date to the date upon which the Capital Investment was made by the Authority and maturing ten years from the date of issue; (*rendement suffisant*)

“User Director” means a director to be appointed pursuant to paragraph 14(1)(d) of the Act; (*administrateur représentatif des utilisateurs*)

“Work Contract” has the meaning ascribed to such term in section 8.4; (*contrat de travail*)

et agissant sans contrainte dans un marché libre, pour un bien, un service, une installation ou un droit comparable disponible à des conditions comparables. (*Fair Market Value*)

« Lettres patentes » Les présentes lettres patentes telles que modifiées par lettres patentes supplémentaires, le cas échéant, et comprenant leurs annexes respectives. (*Letters Patent*)

« Loi » La *Loi maritime du Canada* telle que modifiée. (*Act*)

« ministre » Le ministre des Transports. (*Minister*)

« organisme de nomination » À l'égard d'un administrateur, l'organisme, l'entité ou l'autorité qui l'a nommé. (*Appointing Body*)

« passif de contrat de location-acquisition » Toute obligation monétaire de l'Administration aux termes d'une entente de location ou entente semblable qui, conformément aux PCGR, serait considérée comme un contrat de location-acquisition, et le montant de ces obligations pour les fins du calcul des Emprunts est le montant capitalisé de ces derniers, déterminé conformément aux PCGR. (*Capitalized Lease Liabilities*)

« PCGR » S'entend des principes comptables généralement reconnus au Canada. (*GAAP*)

« procédure judiciaire importante » S'entend des procédures dont avis écrit a été signifié à l'Administration ou toute Filiale si l'avis du début des procédures indique une réclamation de dommages-intérêts de plus de 250 000 \$. (*Significant Legal Proceedings*)

« règlement » Règlement pris en application de la Loi. (*Regulations*)

« rendement suffisant » Au cours d'un Exercice, montants versés à l'Administration par une Filiale dans laquelle l'Administration a mis du Capital engagé dont le montant correspond au moins au rendement annuel que l'Administration aurait reçu si elle avait investi un montant équivalent, moins l'ensemble du passif éventuel de l'Administration aux termes de toute Indemnité ou garantie autorisée, si le Capital engagé en comportait, dans des obligations non remboursables du gouvernement du Canada, émises au pair au Canada à la date d'émission la plus rapprochée de la date à laquelle l'Administration a mis son Capital engagé et venant à échéance dix ans après la date d'émission. (*Sufficient Return*)

« Sa Majesté » Sa Majesté du chef du Canada. (*Her Majesty*)

1.3 Conflicts with Act or Regulations. If there is any conflict between the Letters Patent and the Act or Regulations, the Act or Regulations shall prevail.

1.3 Conflit avec la Loi ou un Règlement. En cas de conflit entre les Lettres patentes et la Loi ou un Règlement, la Loi ou le Règlement a préséance.

1.4 Conflicts with By-laws. If there is any conflict between the Letters Patent and the by-laws of the Authority, the Letters Patent shall prevail.

ARTICLE 2

DESCRIPTION OF AUTHORITY

2.1 Name of Authority. The corporate name of the Authority is the Hamilton-Oshawa Port Authority.

2.2 Registered Office of Authority. The registered office of the Authority is located at 605 James Street N, Suite 600, Hamilton, Ontario L8L 1K1.

ARTICLE 3

DESCRIPTIONS OF NAVIGABLE WATERS AND PROPERTY

3.1 Description of Navigable Waters. The description of the navigable waters that are within the jurisdiction of the Authority is set out in Schedule A hereto.

3.2 Description of Federal Real Property. The federal real property that is managed by the Authority is described in Schedule B hereto.

3.3 Description of Real Property other than Federal Real Property. The real property, other than federal real property, held or occupied by the Authority is described in Schedule C hereto.

3.4 Estoppel Respecting Property Descriptions. The descriptions of federal real property, real property other than federal real property and navigable waters referred to in this article shall not be interpreted as a representation, warranty or admission and shall not operate as an estoppel by or against any person, including Her Majesty, in respect of title, including aboriginal title, or any beneficial interest in, or any claim to such property.

ARTICLE 4

DIRECTORS AND DIRECTORS' MEETINGS

4.1 Number of Directors. The Board shall consist of seven (7) directors.

4.2 Qualifications of Directors. The following individuals may not be directors:

- (a) an individual who is a mayor, councillor, officer or employee of one of the municipalities described in sub-section 4.4(b) below;

1.4 Conflit avec des règlements administratifs. En cas de conflit entre les Lettres patentes et les règlements administratifs de l'Administration, les Lettres patentes ont préséance.

ARTICLE 2

DESCRIPTION DE L'ADMINISTRATION

2.1 Dénomination de l'Administration. La dénomination sociale de l'Administration est : Administration portuaire Hamilton-Oshawa.

2.2 Siège social de l'Administration. Le siège social de l'Administration est situé au 605, rue James Nord, Pièce 600, Hamilton (Ontario) L8L 1K1.

ARTICLE 3

DESCRIPTIONS DES EAUX NAVIGABLES ET DES BIENS

3.1 Description des eaux navigables. Les eaux navigables qui relèvent de la compétence de l'Administration sont décrites à l'Annexe « A ».

3.2 Description des immeubles fédéraux. Les immeubles fédéraux dont la gestion est confiée à l'Administration sont décrits à l'Annexe « B ».

3.3 Description des immeubles autres que des immeubles fédéraux. Les immeubles, autres que des immeubles fédéraux, que détient ou qu'occupe l'Administration sont décrits à l'Annexe « C ».

3.4 Préclusion concernant les descriptions des biens. Les descriptions des immeubles fédéraux, des immeubles autres que les immeubles fédéraux et des eaux navigables mentionnées au présent article ne doivent pas être interprétées comme une représentation, une garantie ou une admission et ne doivent pas servir de préclusion par ou contre une personne, y compris Sa Majesté, relativement au titre de propriété, y compris un titre autochtone, ou relativement à tout intérêt bénéficiaire ou autre titre quant à ces immeubles.

ARTICLE 4

ADMINISTRATEURS ET RÉUNIONS DU CONSEIL

4.1 Nombre d'administrateurs. Le Conseil comprend sept (7) administrateurs.

4.2 Exclusions. Les personnes suivantes ne peuvent être administrateurs :

- a) le maire, les conseillers, dirigeants et employés de l'une des municipalités énumérées à l'alinéa 4.4b) ci-dessous;

(b) an individual who is a member of the legislature of the Province of Ontario, or an officer or employee of the public service or of a Crown corporation of the province of Ontario;

(c) a Senator or a member of the House of Commons;

(c.1) an officer or employee of the federal public administration, a federal Crown corporation or a port authority;

(d) an individual who is not a resident Canadian, as defined in subsection 2(1) of the *Canada Business Corporations Act*;

(e) an individual who is a director, officer or employee of a person who is a user of the port;

(f) an individual who is under 18 years of age;

(g) an individual who has been declared mentally incompetent by a court in Canada or elsewhere; or

(h) an undischarged bankrupt.

4.3 Quorum for Meeting of Directors. The quorum necessary for the transaction of business at a meeting of the Board shall be a majority of the number of directors in office of which the Authority has actual knowledge of their appointment. A quorum of directors may exercise all powers of the Board.

4.4 Appointment of Directors. The directors of the Authority shall be appointed to hold office as follows:

(a) the Governor in Council appoints one (1) individual nominated by the Minister;

(b) the City of Hamilton and the City of Oshawa, in consultation with the City of Burlington, appoints one (1) individual;

(c) the Province of Ontario appoints one (1) individual; and

(d) the Governor in Council appoints the four (4) remaining individuals nominated by the Minister in consultation with the users selected by the Minister or with the classes of users.

4.5 Committees of the Board. The Board may appoint from among its number one or more committees of the Board, however designated, and delegate to any such committee any of the powers of the Board, except the Board shall not delegate to any committee the power to:

(a) fill a vacancy in the office of the auditor of the Authority;

b) les députés de la législature de la province d'Ontario et les dirigeants et employés de l'administration publique provinciale ou d'une société d'État provinciale de l'Ontario;

c) les sénateurs et les députés fédéraux;

c.1) les dirigeants et employés de l'administration publique fédérale, d'une société d'État fédérale ou d'une administration portuaire;

d) les personnes qui ne sont pas résidents canadiens au sens du paragraphe 2(1) de la *Loi canadienne sur les sociétés par actions*;

e) les administrateurs, dirigeants et employés d'un utilisateur du port;

f) les personnes âgées de moins de dix-huit (18) ans;

g) les personnes atteintes d'une déficience mentale qui ont été reconnues comme telles par un tribunal même étranger;

h) les faillis non libérés.

4.3 Quorum. La majorité des administrateurs en fonction dont la nomination est communiquée à l'Administration constitue le quorum; lorsque celui-ci est atteint, les administrateurs peuvent exercer leurs pouvoirs.

4.4 Nomination des administrateurs. Les administrateurs sont nommés en conformité avec les règles suivantes :

a) le gouverneur en conseil nomme un (1) administrateur dont la nomination est proposée par le Ministre;

b) la ville de Hamilton et la ville d'Oshawa, en consultation avec la ville de Burlington, nomme un (1) administrateur;

c) la province d'Ontario nomme un (1) administrateur;

d) le gouverneur en conseil nomme les quatre (4) autres candidats dont la nomination est proposée par le Ministre en consultation avec les utilisateurs qu'il choisit ou avec les catégories d'utilisateurs.

4.5 Comités du Conseil. Le Conseil peut nommer, parmi les administrateurs, un ou plusieurs comités du conseil, quels qu'ils soient, et leur déléguer ses pouvoirs, à l'exception des pouvoirs suivants :

a) combler une vacance au poste de vérificateur de l'Administration;

- (b) issue debt obligations except in the manner and on the terms authorized by the Board;
- (c) approve the audited financial statements of the Authority;
- (d) adopt, amend or repeal by-laws; or
- (e) authorize or ratify any activity carried on or to be carried on or any power exercised or to be exercised by a Subsidiary.

4.5.1 Duties of the Board Respecting Appointment of Directors. The Board shall perform the following functions:

- (a) develop and annually update a long-term plan for the composition of the Board, in terms of the optimal combination of skills, background or experience, which plan shall take into consideration the skills, background and experience of existing directors, retirement dates and the strategic direction of the Authority;
- (b) at least six (6) months prior to the expiry of the term of a director appointed by the Governor in Council under paragraph 14(1)(a) of the Act, by the municipality under paragraph 14(1)(b) of the Act and by the province of Ontario under paragraph 14(1)(c) of the Act, provide notice to the Appointing Body that the term of its appointee is about to expire and request an appointment; where the Appointing Body is the Governor in Council, the notice required hereunder shall be sent to the Minister;
- (c) at least six (6) months prior to the expiry of the term of office of a director appointed by the Governor in Council under paragraph 14(1)(d) of the Act, provide notice to the Minister with a copy to the Nominating Committee that the term of such appointee is about to expire and request an appointment;
- (d) provide to each Appointing Body, a current copy of the plan described in subsection 4.5.1(a) and also provide a profile of the skills, background and experience of the continuing directors; and
- (e) in the event a User Director ceases to hold office, the Board shall forthwith provide to the Minister and the Nominating Committee, and if any other director ceases to hold office, the chairperson of the Board shall forthwith provide to the Appointing Body, a written request for a new appointment to fill such vacancy together with a copy of the plan described in subsection 4.5.1(a) and the profile described in subsection 4.5.1(d); where the Appointing Body is the Governor in Council, the request required hereunder shall be sent to the Minister.

- b) émettre des titres de créance, sauf dans les cas et de la façon autorisés par le Conseil;
- c) approuver les états financiers vérifiés de l'Administration;
- d) adopter, modifier ou révoquer les règlements administratifs;
- e) autoriser ou ratifier toute activité exercée ou devant être exercée ou tout pouvoir exercé ou devant être exercé par une Filiale.

4.5.1 Fonctions du Conseil relativement à la nomination des administrateurs. Le Conseil s'acquitte des fonctions suivantes :

- a) élaborer et mettre à jour chaque année un plan à long terme en matière de composition du Conseil, relativement à la combinaison optimale de compétences et d'expérience; ce plan prendra en considération les compétences et l'expérience des administrateurs en fonction, la date d'expiration de leur mandat et l'orientation stratégique de l'Administration;
- b) au moins six (6) mois avant l'expiration du mandat d'un administrateur nommé par le gouverneur en conseil conformément à l'alinéa 14(1)a) de la Loi, par la municipalité conformément à l'alinéa 14(1)b) de la Loi ou par la province d'Ontario conformément à l'alinéa 14(1)c) de la Loi des présentes Lettres patentes, signaler à l'Organisme de nomination pertinent que le mandat de l'administrateur qu'il avait nommé au Conseil est sur le point de prendre fin et demander une nouvelle nomination; lorsque l'Organisme de nomination est le gouverneur en conseil, l'avis requis par cet alinéa doit être envoyé au Ministre;
- c) au moins six (6) mois avant l'expiration du mandat d'un administrateur nommé par le gouverneur en conseil conformément à l'alinéa 14(1)d) de la Loi, donner un avis au Ministre, avec copie au Comité de mise en candidature, que le mandat de cet administrateur est sur le point de prendre fin et par cet avis demander une nouvelle nomination;
- d) donner à chaque Organisme de nomination une copie à jour du plan décrit à l'alinéa 4.5.1a) et fournir un profil des compétences et de l'expérience des administrateurs dont le mandat se poursuit;
- e) pour le cas où le mandat d'un Administrateur représentatif des utilisateurs prend fin, le Conseil présente immédiatement au Ministre et à l'Organisme de nomination, et pour le cas où le mandat de tout autre administrateur prend fin, le président du Conseil doit immédiatement fournir à l'Organisme de nomination, une demande écrite de nomination pour combler cette vacance ainsi qu'une copie du plan décrit à

4.6 Nomination Process for User Directors. The classes of users established for the purpose of providing recommendations for nominations for User Directors are listed in Schedule D. The users within Class 1 will recommend potential candidates for one of the User Director positions; the users within Class 2 will recommend potential candidates for two of the User Director positions; and the users within Class 3 will recommend potential candidates for one of the User Director positions.

A permanent Nominating Committee shall be formed and be composed of four members; one person to be appointed by users in Class 1; two persons to be appointed by users in Class 2; and one person to be appointed by users in Class 3.

The chief executive officer of the Authority is not a member of the Nominating Committee, however, the chief executive officer, or such other person who may be designated by the Board in the absence of the chief executive officer, will provide administrative support to the Nominating Committee and the nomination process. If there is a vacant User Director position, or an anticipated vacancy, the chief executive officer, in consultation with the Nominating Committee, shall coordinate the development of a list of potential candidates by administering and facilitating the following process in a timely manner so as to ensure that the length of any User Director vacancy is minimized:

- (a) contact the members of the appropriate class of users by any method(s) the chief executive officer and the Nominating Committee deem appropriate but including advertising by public notice with a view to inviting individuals to submit their names as potential candidates for the User Director vacancy. Recommendations for nomination must include the curriculum vitae and qualifications of the potential candidates together with the confirmation of acceptance of the potential nomination and a statement of willingness to serve on the Board from each such candidate;
- (b) compile a list of potential candidates from all the names of candidates received;
- (c) the Nominating Committee shall ensure that there is a minimum of two and a maximum of four potential candidates for each User Director position;

l'alinéa 4.5.1a) et du profil décrit à l'alinéa 4.5.1d); lorsque l'Organisme de nomination est le gouverneur en conseil, la demande requise par cet alinéa doit être envoyée au Ministre.

4.6 Processus de mise en candidature des Administrateurs représentatifs des utilisateurs. Les catégories d'utilisateurs établies aux fins de la recommandation de mises en candidature des Administrateurs représentatifs des utilisateurs figurent à l'annexe « D ». Les utilisateurs de la catégorie 1 recommandent des candidats potentiels pour un poste d'Administrateur représentatif des utilisateurs; les utilisateurs de la catégorie 2 recommandent des candidats potentiels pour deux postes d'Administrateur représentatif des utilisateurs; les utilisateurs de la catégorie 3 recommandent des candidats potentiels pour un poste d'Administrateur représentatif des utilisateurs.

Un Comité permanent de mise en candidature est formé et compte quatre membres : une personne nommée par les utilisateurs de la catégorie 1, deux personnes nommées par les utilisateurs de la catégorie 2 et une personne nommée par les utilisateurs de la catégorie 3.

Le premier dirigeant de l'Administration ne fait pas partie du comité de mise en candidature. Cependant, le premier dirigeant, ou toute autre personne que le Conseil peut désigner en son absence, fournit un soutien administratif au Comité de mise en candidature et au processus de mise en candidature. Advenant la vacance d'un poste d'Administrateur représentatif des utilisateurs, ou une vacance prévue, le premier dirigeant, en consultation avec le Comité de mise en candidature, coordonne la compilation d'une liste de candidats potentiels en administrant et facilitant le processus suivant en temps opportun dans le but de réduire au minimum la durée de la vacance d'un poste d'Administrateur représentatif des utilisateurs :

- a) communiquer avec les membres de la catégorie d'utilisateurs appropriée en utilisant toute méthode que le premier dirigeant et le comité de mise en candidature jugent indiquée, notamment la publication d'un avis public, en vue d'inviter les personnes à soumettre leur candidature pour combler la vacance au poste d'Administrateur représentatif des utilisateurs. Les recommandations de mise en candidature comprennent le curriculum vitae et une mention des qualifications des candidats potentiels ainsi que l'acceptation de la mise en candidature potentielle au Conseil et la confirmation que les candidats sont disposés à y siéger;
- b) compiler la liste des candidats avec les noms de candidats reçus;
- c) le comité de mise en candidature s'assure qu'il y a un minimum de deux et un maximum de quatre candidats

(d) the Nominating Committee shall be responsible for reviewing the recommendations from the applicable class of users ensuring that the potential candidates have the skills, background and experience required of a director of the Authority as specified in the Act, and for forwarding recommendations to the Minister; and

(e) the nomination process shall adopt and follow such other procedures, as the Nominating Committee deems appropriate to solicit potential candidate nominations including advertising by public notice.

The chief executive officer, in consultation with the Nominating Committee, shall develop and maintain a data base of port users in each class of users.

4.7 Scope of Process. Nothing in the process described in section 4.6 is intended to or shall derogate from, interfere with, or substitute for, any consultation, inquiry, public input or process the Minister chooses to undertake in determining the candidates to be nominated by the Minister pursuant to the provision of paragraph 14(1)(d) of the Act. The Minister, in consultation with users, selected by the Minister or the classes of users mentioned in Schedule D, shall at all times have the flexibility and discretion to nominate as User Directors persons other than those persons recommended by the Nominating Committee to ensure an appropriate mix of the Board members at all times.

4.8 Duties of Directors Respecting Contracting. The directors shall take all necessary measures to ensure:

(a) that the Authority and any Subsidiary that enters into a contract, including a contract for the borrowing of money, other than as agent of Her Majesty shall do so in its own name, and that such contract expressly states that the Authority or Subsidiary is entering into the contract on its own behalf and not as agent of Her Majesty; and

(b) that any subcontract arising directly or indirectly from a contract described in subsection 4.8(a) expressly states that the Authority or Subsidiary, as the case may be, enters into the contract on its own behalf and not as agent of Her Majesty.

potentiels pour chaque poste d'Administrateur représentatif des utilisateurs;

d) le comité de mise en candidature s'assure que les candidats potentiels recommandés par les catégories d'utilisateurs pertinentes possèdent l'expérience et les compétences nécessaires pour siéger à titre d'administrateur de l'Administration conformément à la Loi, et transmet les recommandations au ministre;

e) le comité de mise en candidature adopte et applique d'autres procédures qu'il estime indiquées pour solliciter des mises en candidature notamment la publication d'un avis public.

Le premier dirigeant, en consultation avec le Comité de mise en candidature, développe et maintient une base de données des utilisateurs portuaires de chaque catégorie d'utilisateurs.

4.7 Portée du processus. Rien dans le processus décrit au paragraphe 4.6 ne vise à déroger, à nuire ou à se substituer à la consultation, à l'enquête, à la participation ou au processus que le Ministre choisit d'appliquer pour sélectionner les candidats dont il propose la nomination conformément aux dispositions de l'alinéa 14(1)d) de la Loi. En consultation avec les utilisateurs de l'Administration qu'il a choisis ou les catégories d'utilisateurs énumérées à l'annexe « D », le Ministre peut en tout temps, à sa discrétion, proposer la nomination de personnes aux postes d'Administrateurs représentatifs des utilisateurs autres que celles recommandées par le Comité de mise en candidature pour que le Conseil ait une composition adéquate en tout temps.

4.8 Fonctions des administrateurs relativement aux contrats. Les administrateurs doivent prendre toutes les mesures nécessaires pour veiller :

a) à ce que l'Administration et toute Filiale de celle-ci qui concluent un contrat, y compris un contrat d'emprunt de fonds, autrement qu'à titre de mandataire de Sa Majesté, le fassent sous leur propre nom; le contrat doit indiquer expressément que l'Administration ou la Filiale le conclut pour son propre compte et non à titre de mandataire de Sa Majesté;

b) à ce que tout contrat de sous-traitance résultant directement ou indirectement d'un contrat visé à l'alinéa 4.8a) indique expressément que l'Administration ou la Filiale, selon le cas, a conclu le contrat pour son propre compte et non à titre de mandataire de Sa Majesté.

ARTICLE 5

CODE OF CONDUCT

5.1 Code of Conduct. The Code of Conduct governing the conduct of the directors and officers is set out in Schedule E hereto.

ARTICLE 6

GROSS REVENUE CHARGE

6.1 Interpretation. For the purposes of this article, the following terms shall have the following meanings:

(a) **“Applicable Tax”** means, with respect to a particular Fiscal Year, the aggregate amount of income tax payable by the Authority and Subsidiaries to Her Majesty but excluding any income tax payable by Subsidiaries whose Revenue for such Fiscal Year is a Permitted Exclusion pursuant to paragraph 6.1(d)(ii); (*Impôt applicable*)

(b) **“Calculated Gross Revenue”** means, for a particular Fiscal Year, the amount determined by subtracting the amount equal to the aggregate of the Permitted Exclusions for such Fiscal Year from the Revenue for such Fiscal Year; (*Revenu brut calculé*)

(c) **“Disclosure Statement”** has the meaning ascribed to such term in section 6.4; (*Déclaration*)

(d) **“Permitted Exclusions”** means:

(i) any gains or losses realized by the Authority or a Subsidiary on the sale by the Authority or a Subsidiary of federal real property pursuant to the *Federal Real Property Act*;

(ii) all Revenue of a Subsidiary, provided that:

(A) the Subsidiary is subject to pay income tax to Her Majesty on such Revenue; and

(B) the Authority has not, at any time, made a Capital Investment in or benefiting the Subsidiary in an amount greater than \$1,000 or, if in excess of such amount:

(1) such Capital Investment has yielded a Sufficient Return for the relevant Fiscal Year; or

(2) the Authority and the Subsidiary are in compliance with such terms and conditions, including any related to financial return, imposed by the Minister at the time the Capital Investment in or benefiting such Subsidiary was made; and

ARTICLE 5

CODE DE DÉONTOLOGIE

5.1 Code de déontologie. Le Code de déontologie régissant la conduite des administrateurs et dirigeants figure à l'Annexe « E » aux présentes.

ARTICLE 6

FRAIS SUR LES REVENUS BRUTS

6.1 Interprétation. Les définitions qui suivent s'appliquent au présent article :

a) « **Impôt applicable** » Relativement à un Exercice donné, montant total d'impôt sur le revenu payable par l'Administration et les Filiales à Sa Majesté, à l'exclusion de tout impôt sur le revenu payable par les Filiales dont le Revenu pour l'Exercice visé constitue une Exclusion autorisée conformément au sous-alinéa 6.1d)(ii). (*Applicable Tax*)

b) « **Revenu brut calculé** » Relativement à un Exercice donné, montant obtenu en soustrayant le montant correspondant à l'ensemble des Exclusions autorisées pour l'Exercice visé du Revenu pour cet Exercice. (*Calculated Gross Revenue*)

c) « **Déclaration** » S'entend au sens qui lui est donné au paragraphe 6.4. (*Disclosure Statement*)

d) « **Exclusions autorisées** » S'entend de

(i) tout produit ou perte réalisés par l'Administration ou une Filiale de la vente d'immeubles fédéraux par l'Administration ou la Filiale conformément à la *Loi sur les immeubles fédéraux*;

(ii) tout Revenu d'une Filiale, sous réserve que :

(A) la Filiale doit payer à Sa Majesté de l'impôt sur ce Revenu;

(B) le Capital engagé à tout moment par l'Administration dans la Filiale ou au profit de celle-ci ne dépasse pas 1 000 \$ ou, s'il dépasse ce montant :

(1) le Capital engagé a donné un Rendement suffisant à l'Administration pour l'Exercice pertinent;

(2) l'Administration et la Filiale observent les modalités, notamment celles relatives au rendement financier, qu'a imposées le Ministre au moment où l'Administration a mis le Capital engagé dans la Filiale ou en a fait profiter celle-ci;

(iii) the aggregate amount of all reasonable allowances and write-offs of receivables which have been determined by the Authority within the particular Fiscal Year not to be collectible or likely to be collectible provided such determination is made in accordance with GAAP; and (*Exclusions autorisées*)

(e) “**Revenue**” means the aggregate amount of all revenue recognized by the Authority and all Subsidiaries in accordance with GAAP. (*Revenu*)

6.2 Calculation of Gross Revenue Charge. The Authority shall annually pay to the Minister a charge (the “Gross Revenue Charge”) to maintain the Letters Patent in good standing equal to the aggregate of the following amounts:

- (a) 2% of the first \$10,000,000 of Calculated Gross Revenue for the Fiscal Year to which the charge relates;
- (b) 4% of the amount of any Calculated Gross Revenue between \$10,000,001 and \$20,000,000 for the Fiscal Year to which the charge relates;
- (c) 6% of the amount of any Calculated Gross Revenue between \$20,000,001 and \$60,000,000 for the Fiscal Year to which the charge relates;
- (d) 4% of the amount of any Calculated Gross Revenue between \$60,000,001 and \$70,000,000 for the Fiscal Year to which the charge relates; and
- (e) 2% of the amount of any Calculated Gross Revenue in excess of \$70,000,001 for the Fiscal Year to which the charge relates;

less Applicable Tax, if any, for the Fiscal Year to which the charge relates.

6.3 Payment of Gross Revenue Charge. The Authority shall pay the Gross Revenue Charge for each Fiscal Year to the Minister no later than ninety (90) days from the end of each Fiscal Year.

6.4 Disclosure Statement. The Authority shall include with every Gross Revenue Charge payment a disclosure statement (the “Disclosure Statement”) in the form prescribed by the Minister from time to time setting forth, *inter alia*, an itemized list of the sources of revenue comprising the Calculated Gross Revenue and Permitted Exclusions.

6.5 Acceptance of Payment by Minister. The acceptance by the Minister of any Gross Revenue Charge payment made hereunder or the issuance of a certificate of good standing pursuant to section 6.10 in respect of such payment shall not preclude the Minister from disputing the calculation, inclusion or omission of any item in connection with the calculation of such Gross Revenue Charge and adjusting the amount of the Gross Revenue Charge

(iii) le montant global des provisions et radiations raisonnables visant les créances qui, selon l'Administration, ne sont pas recouvrables ou sont peu susceptibles d'être recouvrables dans l'Exercice visé, pourvu que les PCGR aient été respectés au moment de cette détermination; (*Permitted Exclusions*)

e) « **Revenu** » S'entend du montant global de revenu reconnu par l'Administration et les Filiales conformément aux PCGR. (*Revenue*)

6.2 Calcul des Frais sur les revenus bruts. L'Administration est tenue de payer chaque année au Ministre des frais (ci-après les « Frais sur les revenus bruts ») pour le maintien en vigueur des Lettres patentes se chiffrant au total des montants suivants :

- a) 2 % des premiers 10 000 000 \$ des Revenus bruts calculés pour l'Exercice auquel les frais s'appliquent;
- b) 4 % du montant des Revenus bruts calculés entre 10 000 001 \$ et 20 000 000 \$ pour l'Exercice auquel les frais s'appliquent;
- c) 6 % du montant des Revenus bruts calculés entre 20 000 001 \$ et 60 000 000 \$ pour l'Exercice auquel les frais s'appliquent;
- d) 4 % du montant des Revenus bruts calculés entre 60 000 001 \$ et 70 000 000 \$ pour l'Exercice auquel les frais s'appliquent;
- e) 2 % du montant des Revenus bruts calculés en sus de 70 000 001 \$ pour l'Exercice auquel les frais s'appliquent;

moins l'Impôt applicable, le cas échéant, pour l'Exercice auquel les frais s'appliquent.

6.3 Paiement des Frais sur les revenus bruts. L'Administration est tenue de payer au Ministre les Frais sur les revenus bruts d'un Exercice donné dans les quatre-vingt-dix (90) jours suivant la fin de cet Exercice.

6.4 Déclaration. Lors du paiement des Frais sur les revenus bruts, l'Administration est tenue de joindre une déclaration (ci-après la « Déclaration ») en la forme prescrite de temps à autre par le Ministre, présentant entre autres une liste détaillée des sources de revenus composant les Revenus bruts calculés et les Exclusions autorisées.

6.5 Acceptation du paiement par le Ministre. L'acceptation par le Ministre du paiement des Frais sur les revenus bruts en vertu du présent article ou la délivrance d'un certificat de conformité en vertu du paragraphe 6.10 relativement à ce paiement n'empêche aucunement le Ministre de contester le calcul, l'inclusion ou l'omission de certains éléments dans le calcul desdits Frais sur les revenus bruts et de rajuster le montant des Frais sur les

payable by the Authority in a particular Fiscal Year pursuant to section 6.7.

6.6 Audit and Inspection. In addition to any disclosure required under the Act in connection with a special examination respecting the Authority, the Minister shall be entitled at any time to review the books, records, systems and practices of the Authority and Subsidiaries and take copies and extracts from the books and records of the Authority and Subsidiaries for the purposes of verifying the information contained in the Disclosure Statement provided by the Authority and Subsidiaries to the Minister pursuant to section 6.4. The Authority and Subsidiaries shall furnish to the Minister all information in its possession or to which it is entitled to possession that may be required by the Minister in connection with an audit and inspection by the Minister.

6.7 Adjustment of Gross Revenue Charge. If an audit and investigation conducted pursuant to section 6.6 or a review by the Minister of the Disclosure Statement discloses a difference between the amount which in the Minister's opinion should have been paid by the Authority as Gross Revenue Charge for a particular Fiscal Year and the amount actually paid by the Authority for such Fiscal Year, the Minister may readjust the Gross Revenue Charge payable by the Authority for such Fiscal Year. In the event that the readjustment results in the Authority paying a further amount to the Minister in respect of the Gross Revenue Charge for a particular Fiscal Year, the Minister shall invoice the Authority for such amount. The Authority shall pay the Minister the invoiced amount together with all interest accrued thereon on or before thirty (30) days following the date of receipt of the invoice.

6.8 Set-Off. The Minister shall be entitled to set-off any amount owing to Her Majesty by the Authority against any payment owing to the Authority by the Minister in accordance with the provisions of the *Financial Administration Act*. If an audit, investigation or review by the Minister contemplated by section 6.7 discloses amounts owed by the Minister to the Authority, the Authority shall be entitled to set-off such amount against any payment owed to the Minister by the Authority.

6.9 Interest on Outstanding Amounts. Interest shall accrue annually on any outstanding balance owing to the Minister in respect of a Gross Revenue Charge payment or on any payment to be made by the Authority or the Minister in connection with a readjustment of a Gross Revenue Charge payment, at the interest rate equal to the prime rate of interest established by the Bank of Canada from time to time plus 2%.

6.10 Certificate of Good Standing. Forthwith, upon receipt from the Authority of the full amount of the Gross Revenue Charge for a particular Fiscal Year, the Minister shall issue to the Authority a certificate of good standing

revenus bruts payables par l'Administration pour un Exercice donné conformément au paragraphe 6.7.

6.6 Vérification et inspection. Outre la Déclaration exigée par la Loi relativement à un examen spécial visant l'Administration, le Ministre est habilité en tout temps à examiner les documents, moyens et méthodes de l'Administration et des Filiales et à prendre des copies et des extraits des documents de l'Administration et des Filiales pour vérifier les renseignements contenus dans la Déclaration fournie par l'Administration et les Filiales au Ministre en vertu du paragraphe 6.4. L'Administration et les Filiales doivent fournir au Ministre tous les renseignements qu'elles possèdent ou qu'elles sont autorisées à posséder dont il peut avoir besoin pour effectuer la vérification ou l'inspection.

6.7 Rajustement des Frais sur les revenus bruts. Si la vérification et l'enquête menées en vertu du paragraphe 6.6 ou l'examen de la Déclaration, par le Ministre, révèlent une différence entre le montant qui, de l'avis du Ministre, aurait dû être payé par l'Administration à titre de Frais sur les revenus bruts et le montant réellement payé par l'Administration pour l'Exercice, le Ministre peut rajuster les Frais sur les revenus bruts à payer par l'Administration pour l'Exercice. Advenant que le rajustement entraîne un paiement additionnel de l'Administration au Ministre relativement aux Frais sur les revenus bruts pour un Exercice donné, le Ministre doit facturer ce montant à l'Administration. L'Administration doit payer le montant figurant sur la facture ainsi que tous les intérêts accumulés dans les trente (30) jours suivant réception de la facture.

6.8 Compensation. Le Ministre est habilité à opérer compensation entre tout montant que doit l'Administration à Sa Majesté et tout paiement qu'il doit à l'Administration conformément aux dispositions de la *Loi sur la gestion des finances publiques*. Si une vérification, une enquête ou un examen du Ministre prévu au paragraphe 6.7 révèle des montants que doit le Ministre à l'Administration, l'Administration est habilitée à opérer compensation entre ce montant et tout paiement qu'elle doit au Ministre.

6.9 Intérêt sur les montants en souffrance. Des intérêts s'accumulent annuellement sur les soldes impayés au Ministre relativement aux Frais sur les revenus bruts ou tout autre paiement que doit faire l'Administration ou le Ministre à titre de rajustement au paiement des Frais sur les revenus bruts au taux d'intérêt correspondant au taux d'intérêt préférentiel établi par la Banque du Canada de temps à autre plus 2 %.

6.10 Certificat de conformité. Dès réception du montant total des Frais sur les revenus bruts de l'Administration pour un Exercice donné, le Ministre doit délivrer à l'Administration un certificat de conformité, en la forme

in a form to be determined by the Minister confirming that the Letters Patent are in good standing as of the date of the certificate. Provided there are no amounts owing to the Minister by the Authority under this article 6, including any amounts owed pursuant to an adjustment of the Gross Revenue Charge under section 6.7, the Minister shall, upon request by the Authority at any time during a Fiscal Year, issue a certificate of good standing to the Authority confirming the Letters Patent are in good standing as of the date of the certificate.

ARTICLE 7

ACTIVITIES AND POWERS OF THE AUTHORITY AND SUBSIDIARIES

7.1 Activities of the Authority Related to Certain Port Operations. To operate the port, the Authority may undertake the port activities referred to in paragraph 28(2)(a) of the Act to the extent specified below:

(a) development, application, enforcement and amendment of rules, orders, by-laws, practices or procedures and issuance and administration of authorizations respecting use, occupancy or operation of the port and enforcement of Regulations or making of Regulations pursuant to subsection 63(2) of the Act;

(b) management, leasing or licensing the federal real property described in Schedule B or described as federal real property in any supplementary letters patent, subject to the restrictions contemplated in sections 8.1 and 8.3 and provided such management, leasing or licensing is for, or in connection with, the following:

- (i) those activities described in sections 7.1 and 7.2;
- (ii) those activities described in section 7.3 provided such activities are carried on by Subsidiaries or other third parties pursuant to leasing or licensing arrangements;
- (iii) the following uses to the extent such uses are not described as activities in section 7.1, 7.2 or 7.3:
 - (A) uses related to shipping, navigation, transportation of passengers and goods, handling of goods and storage of goods;
 - (B) provision of municipal services or facilities in connection with such federal real property; public parks and recreation; social services; and marine related activities carried on by government departments or agencies;
 - (C) uses not otherwise within subparagraph 7.1(b)(iii)(A), (B) or (D) that are described in supplementary letters patent; and

qu'il détermine, confirmant que les lettres patentes sont maintenues en vigueur à la date indiquée sur le certificat. À condition qu'il n'y ait aucun montant dû au Ministre par l'Administration en vertu du présent article 6, notamment tout montant dû par suite d'un rajustement des Frais sur les revenus bruts prévu au paragraphe 6.7, le Ministre doit, sur demande de l'Administration et en tout temps au cours de l'Exercice, délivrer un certificat de conformité à l'Administration confirmant que les Lettres patentes sont maintenues en vigueur à la date indiquée sur le certificat.

ARTICLE 7

ACTIVITÉS ET POUVOIRS DE L'ADMINISTRATION ET DES FILIALES

7.1 Activités de l'Administration liées à certaines opérations portuaires. Pour exploiter le port, l'Administration peut se livrer aux activités portuaires mentionnées à l'alinéa 28(2)a) de la Loi dans la mesure précisée ci-dessous :

a) élaboration, application, contrôle d'application et modification de règles, d'ordonnances, de règlements administratifs, de pratiques et de procédures; délivrance et administration de permis concernant l'utilisation, l'occupation ou l'exploitation du port; contrôle d'application des Règlements ou prise de Règlements conformément au paragraphe 63(2) de la Loi;

b) sous réserve des restrictions prévues aux paragraphes 8.1 et 8.3, gestion, location ou octroi de permis relativement aux immeubles fédéraux décrits à l'Annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux, à condition que la gestion, la location ou l'octroi de permis vise ce qui suit :

- (i) les activités décrites aux paragraphes 7.1 et 7.2;
- (ii) les activités décrites au paragraphe 7.3 pourvu qu'elles soient menées par des Filiales ou des tierces parties conformément aux arrangements de location ou d'octroi de permis;
- (iii) les utilisations suivantes dans la mesure où elles ne figurent pas dans les activités décrites aux paragraphes 7.1, 7.2 ou 7.3 :
 - (A) utilisations liées à la navigation, au transport des passagers et des marchandises et à la manutention et à l'entreposage des marchandises;
 - (B) prestation de services ou d'installations municipaux relativement à ces immeubles fédéraux; parcs publics et installations récréatives; services sociaux; activités maritimes effectuées par des ministères ou organismes fédéraux;

(D) government sponsored economic development initiatives approved by Treasury Board;

provided such uses are carried on by third parties, other than Subsidiaries, pursuant to leasing or licensing arrangements;

(c) exchanging federal real property described in Schedule B or described as federal real property in any supplementary letters patent for other real property of comparable market value subject to the issuance of supplementary letters patent that describe the other real property as federal real property;

(d) mortgaging, pledging or otherwise creating a security interest in any fixture on federal real property described in Schedule B or as federal real property in any supplementary letters patent provided that:

(i) such mortgage, pledge or other security interest charges only the fixture or fixtures which is or are acquired, built, restored, enhanced or replaced with proceeds received by the Authority and secured by such mortgage, pledge or other security interest; and

(ii) the party receiving such mortgage, pledge or other security interest agrees that upon the exercise of the right to remove such fixtures from the federal real property such exercise shall be conducted in a manner that causes no greater damage or injury to such federal real property and to the other property situated on it or that puts the occupier of the federal real property or the Authority to no greater inconvenience than is necessarily incidental to the removal of the fixtures;

(e) disposition of any fixtures on federal real property described in Schedule B or as federal real property in any supplementary letters patent whether by way of removal, demolition, sale, lease, license or exchange;

(f) construction, establishment, repair, maintenance, operation, removal or demolition of:

(i) disposal sites for carrying out the activities contemplated by paragraph 7.1(i)(ii);

(ii) berths, wharfs, anchorages, breakwaters, waterways, docks, dockwalls, channels, fill sites, erosion control and shore protection works;

(iii) facilities for vessel fuelling stations incidental to the handling and shipping of goods as limited to the port, within the City of Oshawa and Part 2 of Schedule A;

(iv) facilities or equipment for finish or assembly work incidental to the handling or shipping of goods;

(C) utilisations qui ne sont pas prévues aux divisions 7.1b)(iii)(A), (B) ou (D) mais qui sont décrites dans des lettres patentes supplémentaires;

(D) projets de développement économique émanant du gouvernement et approuvés par le Conseil du Trésor;

pourvu qu'elles soient menées par des tierces parties, à l'exception des Filiales, conformément aux arrangements de location ou d'octroi de permis;

c) échange d'immeubles fédéraux décrits à l'Annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux pour d'autres immeubles, dont la valeur marchande est comparable, sous réserve de la délivrance de lettres patentes supplémentaires qui décrivent les autres immeubles comme étant des immeubles fédéraux;

d) fait d'hypothéquer, de donner en gage ou autrement de créer une sûreté relativement à tout accessoire fixé à demeure sur les immeubles fédéraux décrits à l'Annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux à condition que :

(i) l'hypothèque, le gage ou la sûreté ne vise que l'acquisition, la construction, la restauration, l'amélioration ou le remplacement de tels accessoires fixés à demeure au moyen des produits financiers que reçoit l'Administration et qui sont garantis par l'hypothèque, le gage ou la sûreté;

(ii) la partie qui reçoit cette hypothèque, ce gage ou cette sûreté convient que, lorsqu'elle exercera son droit d'enlever de tels accessoires fixés à demeure sur les immeubles fédéraux, elle procédera de façon à ne causer aux immeubles fédéraux et aux autres biens s'y trouvant ou à l'occupant des immeubles fédéraux ou à l'Administration que le dommage ou les inconvénients nécessairement accessoires à l'enlèvement des accessoires fixés à demeure;

e) aliénation de tout accessoire fixé à demeure sur des immeubles fédéraux décrits à l'Annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux, soit par enlèvement, démolition, vente, location, octroi de permis ou échange;

f) construction, établissement, réparation, entretien, exploitation, enlèvement ou démolition de :

(i) décharges pour effectuer les activités décrites au sous-alinéa 7.1(i)(ii);

(ii) mouillages, quais, postes d'amarrage, brise-lames, voies navigables, quais, quais massifs, chenaux, sites d'enfouissement, ouvrages de contrôle de l'érosion et de protection de rivage;

(v) transportation, terminal, warehousing and other port facilities or equipment;

(vi) office premises to be utilized by the Authority in the conduct of its activities; and

(vii) facilities for vehicle storage, repair and fuelling stations incidental to the handling or shipping of goods;

within the port or for users of the port in connection with their use of the port and its facilities;

(g) operation or maintenance of a railway within the port;

(h) operation or maintenance of a marina or cruise ship terminal as limited to the port, within the City of Hamilton and the City of Burlington and Part 1 of Schedule A;

(i) the provision of services or carrying out of activities within the port or to or for users of the port in connection with their use of the port and its facilities as follows:

(i) environmental assessment, audit, remediation, rehabilitation of marine habitat or other such services;

(ii) dredging, waste and dredgeate disposal and sale of dredgeate (except that contaminated waste and contaminated dredgeate disposal services can be provided only for users of the port in connection with their use of the port and its facilities);

(iii) navigational services and aids;

(iv) stevedoring services;

(v) building, design, maintenance, engineering, repair and operation of vessels owned by the Authority or leased by the Authority from third parties;

(vi) emergency planning and response;

(vii) vehicle parking, control or marshalling facilities;

(viii) manufacture or distribution of utilities, including the provision of communication facilities and telecommunication services;

(ix) multi-modal facilities and services;

(x) transport services within the port or transport services within or between the Cities of Hamilton and Burlington, to provide access to or from the port and its facilities;

(iii) des installations de ravitaillement en carburant pour des navires liées à la manutention et à l'expédition de marchandises, limité au port, dans la ville d'Oshawa et à la partie 2 de l'Annexe « A »;

(iv) installations ou équipements pour travaux de finition ou d'assemblage accessoires à la manutention ou à l'expédition de marchandises;

(v) installations ou équipements de transport, de terminal, d'entrepôt ou autres installations ou équipements portuaires;

(vi) locaux à bureau devant être utilisés par l'Administration dans l'exercice de ses activités;

(vii) installations d'entreposage, de réparation et de ravitaillement de véhicules accessoires à la manutention et à l'expédition de marchandises;

dans le périmètre du port ou pour les utilisateurs du port relativement à leur utilisation du port et de ses installations;

g) exploitation ou entretien d'un chemin de fer dans le périmètre du port;

h) exploitation ou entretien d'une marina ou d'une gare pour passagers de navires de croisière, limité au port, dans les villes de Hamilton et de Burlington et dans la partie 1 de l'Annexe « A »;

i) fourniture des services suivants, ou exécution des activités suivantes, dans le périmètre du port ou aux utilisateurs du port ou pour ceux-ci, relativement à leur utilisation du port et de ses installations :

(i) services d'évaluation, de vérification et d'assainissement environnementaux, de réhabilitation du milieu marin ou autres services semblables;

(ii) dragage, enlèvement des déchets et des déblais de dragage et vente des déblais de dragage (sauf que les services d'élimination des déchets contaminés et des déblais de dragage contaminés peuvent être offerts uniquement aux utilisateurs du port dans le cadre de l'utilisation qu'ils font du port et de ses installations);

(iii) services et aides à la navigation;

(iv) services d'arrimage;

(v) construction, conception, entretien, mécanique, réparation et exploitation de navires que possède l'Administration ou que loue l'Administration auprès de tiers;

(vi) planification et intervention d'urgence;

- (xi) providing information and information technology to users of the port;
 - (xii) salvage and seizure;
 - (xiii) warehousing and distribution of goods and services;
 - (xiv) security services and dispatching services;
 - (xv) harbour patrol services for the navigable waters of the port;
 - (xvi) providing expertise in connection with software or know-how developed in the course of conducting the activities described in the provisions of this section 7.1; and
 - (xvii) winter berthing and storage of vessels;
- (j) undertaking research and development related to the activities described in this section 7.1;
- (k) promoting, marketing and undertaking public or governmental relations to promote use of the port;
- (l) producing, co-ordinating, sponsoring and hosting of public or civic events;
- (m) in pursuing or exercising the remedies available to it as lessor or licensor of premises on federal real property described in Schedule B or described as federal real property in any supplementary letters patent, the conduct of any business or activity from such premises for a period limited to one year unless supplementary letters patent are issued; and
- (n) carrying on activities described in section 7.1 on real property other than federal real property described in Schedule C or described as real property other than federal real property in any supplementary letters patent;
- provided that in conducting such activities the Authority shall not enter into or participate in any commitment, agreement or other arrangement whereby the Authority is liable jointly or jointly and severally with any other person for any debt, obligation, claim or liability.
- (vii) stationnements, installations de contrôle ou de triage;
 - (viii) production ou distribution des services publics, y compris la fourniture d'installations de communication et de services de télécommunication;
 - (ix) installations et services multimodaux;
 - (x) services de transport dans le périmètre du port, dans les limites des villes de Hamilton et Burlington ou entre ces dernières à destination ou en provenance du port et de ses installations;
 - (xi) fourniture de services d'information et d'informatique aux utilisateurs du port;
 - (xii) sauvetage et saisie;
 - (xiii) entreposage et distribution de biens et services;
 - (xiv) services de sûreté et de répartition;
 - (xv) service de patrouille portuaire pour les eaux navigables du port;
 - (xvi) fourniture d'expertise relativement à des logiciels ou du savoir-faire mis au point dans le cadre des activités décrites dans les dispositions du présent paragraphe 7.1;
 - (xvii) mouillage et entreposage des bâtiments l'hiver;
- j) recherche et développement liés aux activités décrites dans les dispositions du présent paragraphe 7.1;
- k) promotion, marketing, relations publiques ou gouvernementales pour promouvoir l'utilisation du port;
- l) production, coordination, parrainage et accueil d'événements publics et civils;
- m) dans l'exercice des recours qu'elle a en sa qualité de locateur ou de concédant des lieux sur des immeubles fédéraux décrits à l'Annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux, exécution de toute activité depuis ces lieux ou utilisation de ces lieux pour une période d'un an au plus, sauf si des lettres patentes supplémentaires sont délivrées;
- n) exécution des activités décrites au paragraphe 7.1 sur des immeubles, autres que des immeubles fédéraux, décrits à l'Annexe « C » ou décrits dans des lettres patentes supplémentaires comme étant des immeubles autres que des immeubles fédéraux;

7.2 Activities of the Authority Necessary to Support Port Operations. To operate the port, the Authority may undertake the following activities which are deemed necessary to support port operations pursuant to paragraph 28(2)(b) of the Act:

- (a) subject to the provisions of article 9 below:
 - (i) borrowing money upon the credit of the Authority;
 - (ii) limiting or increasing the amount to be borrowed;
 - (iii) issuing bonds, debentures or other securities of the Authority;
 - (iv) pledging or selling such bonds, debentures or other securities for such sums and at such prices as may be deemed expedient;
 - (v) securing any such bonds, debentures or other securities, or any other present or future borrowing or liability of the Authority, by mortgage, charge, pledge or other security interest relating to all or any currently owned or subsequently acquired real and personal, movable and immovable, property and leasehold interests and reversionary interests of the Authority, and the undertaking and rights of the Authority, provided, however, that the Authority may not mortgage, hypothecate, pledge or otherwise create a security interest in federal real property described in Schedule B or as federal real property in any supplementary letters patent other than to:
 - (A) pledge the revenues of the federal real property described in Schedule B or as federal real property in any supplementary letters patent; or
 - (B) create, pursuant to the exercise of the powers of the Authority contemplated by subsection 7.1(d), a mortgage, pledge or other security interest in fixtures on federal real property described in Schedule B or as federal real property in any supplementary letters patent; and
 - (vi) issuing a Permitted Indemnity or Guarantee, provided that the cumulative amount of all such Permitted Indemnities or Guarantees shall at no time exceed one-tenth of the aggregate Borrowing maximum amount specified in section 9.2;

provided that any contract, bond, debenture or financial assistance related to such borrowing, issuance,

pourvu que l'Administration ne s'engage pas de façon conjointe ou solidaire avec toute autre personne à une dette, obligation, réclamation ou exigibilité lorsqu'elle prend un engagement, conclut une entente ou participe à un arrangement dans l'exercice de ses activités.

7.2 Activités de l'Administration nécessaires aux opérations portuaires. Pour exploiter le port, l'Administration peut se livrer aux activités suivantes jugées nécessaires aux opérations portuaires conformément à l'alinéa 28(2)b) de la Loi :

- a) sous réserve des dispositions de l'article 9 ci-après :
 - (i) emprunt de fonds sur le crédit de l'Administration;
 - (ii) limitation ou augmentation du montant à emprunter;
 - (iii) émission d'obligations, de bons ou d'autres titres de créance de l'Administration;
 - (iv) fait de donner en gage ou de vendre ces obligations, bons ou autres titres de créance pour les montants et les prix jugés opportuns;
 - (v) fait de garantir les obligations, bons ou autres titres de créance, ou autre emprunt ou obligation présent ou futur de l'Administration au moyen d'hypothèque, de charge, nantissement ou autre sûreté visant tout ou partie des biens meubles et immeubles, les intérêts à bail et les intérêts réversifs qu'elle possède actuellement ou dont elle fait l'acquisition ultérieurement, et l'entreprise et les droits de l'Administration, sous réserve toutefois que l'Administration ne peut grever les immeubles fédéraux décrits à l'Annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux d'une sûreté, notamment d'une hypothèque, sauf pour :
 - (A) donner en gage une somme égale au revenu qu'elle retire des immeubles fédéraux décrits à l'Annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux;
 - (B) conformément à l'exercice des pouvoirs de l'Administration mentionnés à l'alinéa 7.1d), grever d'une hypothèque, d'un gage ou d'une sûreté les accessoires fixés à demeure sur des immeubles fédéraux décrits à l'Annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux;
 - (vi) fait de donner une Indemnité ou garantie autorisée, à condition que le montant cumulatif de toutes les Indemnités ou garanties autorisées ne dépasse

pledging or securing shall contain a covenant, proviso or acknowledgement from the lender or counterparty that the lender or counterparty shall have no recourse against Her Majesty or any assets of Her Majesty;

(b) renting equipment;

(c) administration, leasing or licensing of real property other than federal real property described in Schedule C or described as real property other than federal real property in any supplementary letters patent, subject to the restrictions contemplated in sections 8.1 and 8.3 and provided such administration, leasing or licensing is for, or in connection with, the following:

(i) those activities described in sections 7.1 and 7.2;

(ii) those activities described in section 7.3 provided such activities are carried on by Subsidiaries or other third parties pursuant to leasing or licensing arrangements;

(iii) the following uses to the extent such uses are not described as activities in sections 7.1, 7.2 or 7.3:

(A) uses related to shipping, navigation, transportation of passengers and goods, handling of goods and storage of goods, including the following uses to or for users of the port in connection with their use of the port and its facilities: marine and marina services; processing work incidental to the handling or shipping of goods through the port to the extent compatible with the land-use plan for the port referred to in section 48 of the Act; restaurants, retail operations, tourist services and similar tourism-related activities located in passenger terminal facilities provided such uses are related to the transportation of passengers through the port and are compatible with the land-use plan of the port referred to in section 48 of the Act; towing or tug services; operation of union hiring halls for the purposes of union business, including the assembling, hiring, paying and dispatching of union labour, and other related union activities, for actual and potential employees of users of the port;

(B) provision of municipal services or facilities in connection with such real property; public parks and recreation; social services; and marine related activities carried on by government departments or agencies;

(C) residual office premises as limited to the port, within the City of Hamilton and the City of Burlington;

(D) media productions; manufacturing or processing of goods or conduct of small-scale

en aucun temps un dixième du montant maximal d'Emprunt prévu au paragraphe 9.2;

sous réserve que tout contrat, obligation, bon ou aide financière lié à tout emprunt, émission ou mise en gage doit comporter une clause, une disposition ou une reconnaissance du prêteur ou du cocontractant attestant que le prêteur ou le cocontractant n'aura aucun recours contre Sa Majesté ou ses éléments d'actif;

b) location d'équipement;

c) sous réserve des restrictions prévues aux paragraphes 8.1 et 8.3, administration, location ou octroi de permis relativement aux immeubles autres que des immeubles fédéraux décrits à l'Annexe « C » ou dans des lettres patentes supplémentaires comme étant des immeubles autres que des immeubles fédéraux, à condition que l'administration, la location ou l'octroi de permis vise ce qui suit :

(i) les activités décrites aux paragraphes 7.1 et 7.2;

(ii) les activités décrites au paragraphe 7.3 pourvu qu'elles soient menées par des Filiales ou des tierces parties conformément aux arrangements de location ou d'octroi de permis;

(iii) les utilisations suivantes dans la mesure où elles ne figurent pas dans les activités décrites aux paragraphes 7.1, 7.2 ou 7.3 :

(A) utilisations liées à la navigation, au transport des passagers et des marchandises et à la manutention et à l'entreposage des marchandises, notamment les utilisations suivantes à l'intention des utilisateurs du port, relativement à l'utilisation qu'ils font du port et de ses installations : services maritimes et de marina; travaux de traitement accessoires à la manutention ou à l'expédition de marchandises transitant par le port dans la mesure où ces utilisations sont compatibles avec le plan d'utilisation des sols pour le port prévu à l'article 48 de la Loi; restaurants, commerces au détail, services de tourisme et activités de tourisme semblables situées dans les installations terminales pour passagers pourvu que ces utilisations soient liées au transport des passagers dans le port et qu'elles soient compatibles avec le plan d'utilisation des sols du port prévu à l'article 48 de la Loi; remorquage ou services de remorqueurs; administration de services d'embauche des syndicats pour les activités des syndicats, y compris réunir, embaucher, payer et affecter les employés syndiqués, et autres activités connexes des syndicats, pour les employés actuels et potentiels des utilisateurs du port;

wholesale or retail business in premises acquired or held for future development of the port provided they remain in total of a size and scope comparable to those uses existing on May 1, 2001, to the extent compatible with port operations and the land-use plan for the port referred to in section 48 of the Act and without compromising the ability of the Authority to operate port facilities over the long term; food, beverage and retail services in support of the local tourism industry and for users of the port; and waterlots as may be required by abutting residential homeowners for the establishment of private docks for recreational use and private enjoyment; and

(E) government sponsored economic development initiatives approved by Treasury Board;

provided such uses are carried on by third parties, other than Subsidiaries, pursuant to leasing or licensing arrangements;

(d) carrying on activities described in section 7.2 on federal real property described in Schedule B or described as federal real property in any supplementary letters patent or on real property other than federal real property described in Schedule C or described as real property other than federal real property in any supplementary letters patent;

(e) acquisition, disposition, holding, leasing or licensing of personal property;

(f) incorporate a corporation all of whose shares on incorporation would be held by, on behalf of or in trust for the Authority provided that the Authority does not, at any time, make a Capital Investment in a Subsidiary such that the Authority's cumulative Capital Investment in all Subsidiaries exceeds an amount equal to:

(i) 50% of the net income of the Authority as shown in the last annual audited financial statements of the Authority submitted to the Minister prior to the making of such Capital Investment, before deducting from such net income the amounts shown in such statements for depreciation and/or amortization and excluding extraordinary items; or

(ii) if such statements have not yet been submitted, then 50% of the net income of the predecessor of the Authority as shown in the financial statements included in the last annual report of such predecessor submitted to the Minister prior to the making of such Capital Investment, before deducting from such net income the amounts shown in such statements for depreciation and/or amortization and excluding extraordinary items;

(B) prestation de services ou d'installations municipales relativement à ces immeubles; parcs publics et installations récréatives; services sociaux; activités maritimes effectuées par des ministères ou organismes fédéraux;

(C) locaux à bureaux résiduels, limités au port, dans les villes de Hamilton et de Burlington;

(D) productions des médias; fabrication ou traitement de marchandises ou petit commerce de vente en gros ou au détail dans des locaux acquis ou conservés pour le développement futur du port à la condition qu'ils demeurent d'une superficie et d'une vocation comparable aux utilisations existant le 1^{er} mai 2001, dans la mesure où ces utilisations sont compatibles avec les activités du port et le plan d'utilisation des sols pour le port prévu à l'article 48 de la Loi et où elles n'empêchent pas l'Administration d'exploiter les installations portuaires à long terme; services alimentaires et de commerce au détail à l'appui de l'industrie touristique locale et pour les utilisateurs du port; lots d'eau que pourraient exiger des propriétaires de terrains résidentiels attenants pour l'installation de quais privés à des fins récréatives et privées;

(E) projets de développement économique émanant du gouvernement et approuvés par le Conseil du Trésor;

pourvu qu'elles soient menées par des tierces parties autres que des Filiales, conformément aux arrangements de location ou d'octroi de permis;

d) exécution d'activités décrites au paragraphe 7.2 sur des immeubles fédéraux décrits à l'Annexe « B » ou dans des lettres patentes supplémentaires comme étant des immeubles fédéraux ou sur des immeubles décrits à l'Annexe « C » ou dans des lettres patentes supplémentaires comme étant des immeubles autres que des immeubles fédéraux;

e) acquisition, aliénation, détention, location ou octroi ou obtention de permis visant des biens meubles;

f) constitution d'une société dont toutes les actions, au moment de la constitution, seraient détenues par l'Administration, en son nom ou en fiducie, à condition que l'Administration ne mette à aucun moment du Capital engagé dans une Filiale, dont l'effet serait que le Capital engagé cumulatif dans les Filiales serait supérieur à un montant égal à :

(i) 50 % du revenu net de l'Administration selon les derniers états financiers vérifiés de l'Administration présentés au Ministre avant cet apport de Capital engagé, avant déduction de la dépréciation ou de

g) in pursuing or exercising the remedies available to it as lessor or licensor of premises on real property other than federal real property described in Schedule C or described as real property other than federal real property in any supplementary letters patent, the conduct of any business or activity from such premises; and

(h) development, operation, maintenance, renovation and demolition of rest areas, public parks, pedestrian and bicycle paths and observation areas within the boundaries of the port.

7.3 Activities of Subsidiaries Necessary to Support of Port Operations. A Subsidiary may undertake the following activities which are deemed necessary to support port operations pursuant to paragraph 28(2)(b) of the Act:

- (a) borrowing money on the credit of a Subsidiary;
- (b) limiting or increasing the amount to be so borrowed;
- (c) issuing bonds, debentures or other securities of the Subsidiary;
- (d) pledging or selling such bonds, debentures or other securities for such sums and at such prices as may be deemed expedient;
- (e) securing any bonds, debentures or other securities, or any other present or future borrowing or liability of the Subsidiary, by mortgage, charge, pledge or other security interest relating to all or any currently owned or subsequently acquired real and personal, moveable and immovable property and leasehold interests and reversionary interests of the Subsidiary and the undertaking and rights of the Subsidiary;
- (f) participating as a partner, shareholder or co-venturer in a partnership, corporation, joint venture or similar arrangement in connection with the activities described in this section 7.3 and pledging, selling or securing such participation, interest or investment by mortgage, charge, pledge or other security interest;

l'amortissement, en excluant les postes extraordinaires, ou

(ii) si ces états financiers n'ont pas encore été présentés, 50 % du revenu net du prédécesseur de l'Administration selon les états financiers compris dans le dernier rapport annuel de ce prédécesseur présenté au Ministre avant cet apport de Capital engagé, avant déduction sur le revenu net des montants figurant dans les états financiers pour la dépréciation ou l'amortissement, en excluant les postes extraordinaires;

g) dans l'exercice des recours qu'elle a en sa qualité de locateur ou de concédant des lieux sur des immeubles décrits à l'Annexe « C » ou dans des lettres patentes supplémentaires comme étant des immeubles autres que des immeubles fédéraux, exécution de toute activité depuis ces lieux ou utilisation de ces lieux;

h) développement, exploitation, entretien, rénovation et démolition d'aires de repos, de parcs publics, de sentiers piétonniers, de pistes cyclables et d'aires d'observation dans le périmètre du port.

7.3 Activités des Filiales nécessaires aux opérations portuaires. Une Filiale peut se livrer aux activités suivantes jugées nécessaires aux opérations portuaires conformément à l'alinéa 28(2)b) de la Loi :

- a) emprunt de fonds sur le crédit de la Filiale;
- b) limitation ou augmentation du montant à emprunter;
- c) émission d'obligations, de bons ou d'autres titres de créance de la Filiale;
- d) fait de donner en gage ou de vendre ces obligations, bons ou autres titres de créance pour les montants et les prix jugés opportuns;
- e) fait de garantir les obligations, bons ou autres titres de créance, ou autre emprunt ou obligation présent ou futur de la Filiale au moyen d'hypothèque, de charge, nantissement ou autre sûreté visant tout ou partie des biens meubles et immeubles, les intérêts à bail et les intérêts réversifs, qu'elle possède actuellement ou dont elle fait l'acquisition ultérieurement, et l'engagement et les droits de la Filiale;
- f) participation à titre d'associé, d'actionnaire ou de partenaire dans une société de personnes, une société, une co-entreprise ou autre arrangement lié aux activités mentionnées dans le présent paragraphe 7.3 et fait de donner en gage, de vendre ou de garantir cette participation, cet intérêt ou investissement au moyen d'hypothèque, de charge, nantissement ou autre sûreté;

(g) providing expertise to third parties, for use outside the boundaries of the port in connection with software or know-how developed in carrying out the activities specified in section 7.1(i)(xvi);

(h) acquisition, disposition, occupying, holding, developing, leasing or licensing, real property other than federal real property, for, or in connection with, the activities described in this article 7;

(i) carrying on activities described in section 7.3 on real property other than federal real property;

(j) leasing or licensing real property from the Authority for, or in connection with, the activities described in section 7.3;

(k) operation of freight forwarding, consolidating, trading or brokerage facilities or services and warehousing, storage and handling of cargo, freight and goods outside the port or in connection with persons who are not users of the port;

(l) operation of dry dock facilities;

(m) acquisition, disposition, holding, leasing or licensing of personal property;

(n) carrying out of the activities including the provision of services as follows:

(i) environmental assessment, audit, remediation or other such services;

(ii) navigational services and aids;

(iii) security and dispatching services;

(iv) stevedoring services;

(v) maintenance, repair and operation of vessels;

(vi) emergency planning and response;

(vii) vehicle parking, control or marshalling facilities; and

(viii) multi-modal facilities and services;

outside the port or in connection with persons who are not users of the port;

(o) operation of an industrial park for activities compatible with port operations and the land-use plan for the port referred to in section 48 of the Act; and

(p) in pursuing or exercising the remedies available to it as lessor or licensor of premises on real property other than federal real property described in Schedule C or described as real property other than federal real property in any supplementary letters patent, the

g) fourniture d'expertise à des tiers pour utilisation à l'extérieur du périmètre du port, relativement à des logiciels ou du savoir-faire mis au point conformément à l'exercice des activités prévues au sous-alinéa 7.1i)(xvi);

h) acquisition, aliénation, occupation, détention, développement, location, octroi ou obtention de permis à l'égard d'immeubles autres que des immeubles fédéraux dans le cadre des activités décrites au présent article 7;

i) exécution d'activités décrites au paragraphe 7.3 sur des immeubles autres que des immeubles fédéraux;

j) location d'immeubles de l'Administration ou obtention de permis visant des immeubles de l'Administration, pour les activités décrites au paragraphe 7.3;

k) exploitation d'installations ou fourniture de services de transit, de groupage, d'échange ou de courtage, et entreposage, stockage et manutention des cargaisons et des marchandises à l'extérieur du port ou à l'intention d'un groupe de personnes qui ne sont pas des utilisateurs du port;

l) exploitation d'installations de cale sèche;

m) acquisition, aliénation, détention, location ou octroi ou obtention de permis visant des biens meubles;

n) exécution d'activités, notamment prestation des services suivants :

(i) services d'évaluation, de vérification et d'assainissement environnementaux ou autres services semblables;

(ii) services et aides à la navigation;

(iii) services de sûreté et de répartition;

(iv) services d'arrimage;

(v) entretien, réparation et exploitation des bâtiments;

(vi) planification et intervention d'urgence;

(vii) stationnements, installations de contrôle ou de groupage;

(viii) installations et services multimodaux;

à l'extérieur du port ou à l'intention d'un groupe de personnes qui ne sont pas des utilisateurs du port;

o) exploitation d'un parc industriel pour l'exécution d'activités compatibles avec les activités du port et le plan d'utilisation des sols pour le port prévu à l'article 48 de la Loi;

conduct of any business or activity from such premises.

7.4 Restrictions Respecting Federal Real Property.

Notwithstanding any other provision of these Letters Patent, the federal real property described in this Article 7.4 paragraph (i) shall be maintained for the purpose of a buffer zone that is respectful of the environment of the Oshawa Second Marsh, and shall not be used for any purpose other than the use made of the federal real property on June 14, 2019.

(i) a portion of the federal real property described in plan 67590 of the Directory of Federal Real Property, as shown on the record produced by Transport Canada and identified as Plan TC-CPA-BZ-001, being the portion located between the Eastern boundary of the federal real property bordering on the Second Marsh Wildlife Area, the Eastern boundary of a port dredging material disposal area (mound), the Northern boundary being situated close to waterfront Trail and the Southern boundary being situated close to Lake Ontario. The parcel is of irregular shape, varying from approximately 60 to 100 meters in width and being approximately 570 meters in length, making up a total area of approximately 4.0 hectares.

7.5 Powers of the Authority and Subsidiaries. The Authority has the power to carry out the activities specified in sections 7.1 and 7.2. Subsidiaries have the power to carry out the activities specified in section 7.3.

ARTICLE 8

LEASING AND CONTRACTING

8.1 Restriction on Leasing and Licensing. The Authority shall not grant a lease or licence of real property for a term in excess of 60 years where such lease or licence is granted pursuant to section 7.1(b)(i), 7.1(b)(iii)(A), 7.1(b)(iii)(B), 7.2(c)(i), 7.2(c)(iii)(A) or 7.2(c)(iii)(B) or for a term in excess of 40 years where such lease or licence is granted pursuant to section 7.1(b)(ii), 7.1(b)(iii)(C), 7.1(b)(iii)(D), 7.2(c)(ii), 7.2(c)(iii)(D) or 7.2(c)(iii)(E) provided however that:

(a) with the written consent of the Minister, the Authority may lease or license such real property for a maximum term of 99 years; and

(b) nothing contained in this section shall restrict the ability of the Authority or a Subsidiary to grant a road

p) dans l'exercice des recours qu'elle a en sa qualité de locateur ou de concédant des lieux sur des immeubles décrits à l'Annexe « C » ou dans des lettres patentes supplémentaires comme étant des immeubles autres que des immeubles fédéraux, exécution de toute activité depuis ces lieux ou utilisation de ces lieux.

7.4 Restrictions relatives aux immeubles fédéraux.

Nonobstant toute autre disposition des présentes lettres patentes, le bien immobilier fédéral décrit à l'alinéa i) du présent article 7.4 devra être entretenu aux fins d'une zone tampon respectant l'environnement du secteur connu comme étant la réserve sauvage Second Marsh d'Oshawa et ne devra être utilisé à aucune autre fin que celle prévue pour le bien immobilier fédéral en date du 14 juin 2019.

i) une partie du bien immobilier fédéral décrit au plan 67590 du Répertoire des biens immobiliers fédéraux, telle qu'elle apparaît sur le document produit par Transports Canada et identifié comme étant le plan TC-CPA-BZ-001, c'est-à-dire la partie située entre la limite Est du bien immobilier fédéral bordant la zone faunique du marais Second, la limite Est d'une aire d'entreposage des matériaux de dragage du port (monticule), la limite Nord étant localisée à proximité du sentier Waterfront et la limite Sud étant le lac Ontario. La parcelle visée a une forme irrégulière, variant entre 60 et 100 mètres de largeur et ayant une longueur approximative de 570 mètres, couvrant une aire totale d'approximativement 4,0 hectares.

7.5 Pouvoirs de l'Administration et des Filiales.

L'Administration a tous les pouvoirs de se livrer aux activités prévues aux paragraphes 7.1 et 7.2. Les Filiales ont tous les pouvoirs de se livrer aux activités prévues au paragraphe 7.3.

ARTICLE 8

BAUX ET CONTRATS

8.1 Restrictions sur les baux et les permis.

L'Administration ne doit pas louer des immeubles ou octroyer des permis à leur égard pour une durée supérieure à 60 ans, lorsque ces baux ou permis sont octroyés en vertu du sous-alinéa 7.1b)(i), des divisions 7.1b)(iii)(A) ou 7.1b)(iii)(B), du sous-alinéa 7.2c)(i), des divisions 7.2c)(iii)(A) ou 7.2c)(iii)(B) ou pour une durée supérieure à 40 ans lorsque ces baux ou permis sont octroyés en vertu du sous-alinéa 7.1b)(ii), des divisions 7.1b)(iii)(C) et 7.1b)(iii)(D), du sous-alinéa 7.2c)(ii), ou des divisions 7.2c)(iii)(D) ou 7.2c)(iii)(E), sous réserve que :

a) avec l'autorisation écrite du Ministre, l'Administration peut consentir un bail ou un permis à l'égard de ces immeubles pour une durée maximale de 99 ans;

allowance, easement, right of way or licence for utilities, services or access for any term.

8.2 Calculation of Term of Lease or Licence. For the purpose of section 8.1, "term" shall mean, in relation to a lease or licence, the sum of:

- (a) the number of years for which a lessee or licensee has the right to occupy the demised premises or licensed area; and
- (b) the maximum number of years not included in the calculation under subsection 8.2(a) that, by the exercise of rights or options to renew or extend the lease or licence agreement, the lessee or licensee may occupy the demised premises or licensed area.

8.3 Fair Market Value Requirement. The Authority shall ensure that every lease or license of real property to be entered into following the effective date of the Letters Patent pursuant to which the lessees or licensees carry on uses described in subparagraph 7.1(b)(iii)(C), 7.1(b)(iii)(D), 7.2(c)(iii)(D), 7.2(c)(iii)(E) or activities described in section 7.2 or 7.3 shall be for not less than fair market value provided, however, that with the written consent of the Minister, the Authority may lease or licence such real property for uses described in subparagraph 7.1(b)(iii)(D) or 7.2(c)(iii)(E) at less than fair market value.

8.4 Tendering Requirement Respecting Work Contracts. The Authority shall establish and implement a written policy respecting the entering into by the Authority of any agreement (a "Work Contract") for the construction, renovation, repair or replacement of a building, structure, facility, work or undertaking, the excavation, filling or development of any real property or the provision of materials in connection therewith. Such policy shall set forth:

- (a) the requirements respecting the publication of a notice or advertisement requesting bids for Work Contracts;
- (b) the policies and procedures respecting bidding for Work Contracts;
- (c) the requirement to provide potential bidders for a Work Contract with reasonable access during normal business hours to the proposed work site for the purposes of assessing the site conditions relevant to the performance of the Work Contract; and

b) rien dans le présent article ne limite la capacité de l'Administration ou de la Filiale de consentir à leur égard des emprises routières, des servitudes ou permis pour des droits de passage ou d'accès ou des services publics pour quelque durée que ce soit.

8.2 Calcul de la durée du bail ou du permis. Pour les fins du paragraphe 8.1, « durée » signifie, relativement à un bail ou un permis, la somme :

- a) du nombre d'années au cours desquelles un locataire ou détenteur de permis a le droit d'occuper les lieux transportés à bail ou la zone visée par le permis;
- b) du nombre maximal d'années non comprises dans le calcul prévu à l'alinéa 8.2a) pendant lesquelles un locataire ou détenteur de permis qui se prévaut de ses droits ou options de renouvellement ou de prolongation du bail ou de l'entente de permis peut occuper les lieux transportés à bail ou la zone visée par le permis.

8.3 Juste valeur marchande. L'Administration doit s'assurer que la valeur de chaque bail ou permis visant des immeubles octroyé après l'entrée en vigueur des Lettres patentes en vertu duquel bail ou permis le locataire ou le détenteur de permis se livre aux utilisations décrites aux divisions 7.1b)(iii)(C), 7.1b)(iii)(D), 7.2c)(iii)(D) ou 7.2c)(iii)(E) ou aux activités décrites au paragraphe 7.2 ou 7.3, correspond au moins à la juste valeur marchande, sauf que l'Administration peut, avec le consentement écrit du Ministre, octroyer des baux ou des permis visant des immeubles pour les utilisations prévues aux divisions 7.1b)(iii)(D) ou 7.2c)(iii)(E) à une valeur inférieure à la juste valeur marchande.

8.4 Exigences d'appel d'offres concernant les marchés de services. L'Administration doit établir et appliquer une politique écrite concernant la conclusion, par l'Administration, de tout contrat (ci-après « Contrat de travail ») en vue de la construction, de la rénovation, de la réparation ou du remplacement d'un édifice, structure, installation, ouvrage ou projet, de l'excavation, du remplissage ou du développement d'un immeuble ou de la fourniture de matériel lié à ces travaux. Cette politique doit établir :

- a) les exigences concernant la publication d'un avis ou d'une annonce demandant des offres pour le Contrat de travail;
- b) les politiques et procédures relatives à ces soumissions pour les Contrats de travail;
- c) l'exigence de donner aux soumissionnaires potentiels un accès raisonnable pendant les heures d'ouverture à l'emplacement proposé pour fins d'évaluation des conditions pertinentes à l'exécution du Contrat de travail;

(d) exceptions to tendering requirements:

- (i) where there exists only one supplier of the work;
- (ii) for emergencies;
- (iii) where the Authority itself performs the work;
- (iv) where the delay resulting from compliance with formal tendering requirements is reasonably expected to be injurious to the public interest; and
- (v) for Work Contracts below a value determined by the Board.

ARTICLE 9

BORROWING

9.1 No Borrowing as an Agent. The Authority and any Subsidiaries may not borrow money as an agent of Her Majesty. Every contract for the borrowing of money shall contain an acknowledgement of the lender that it shall have no recourse against Her Majesty or any assets of Her Majesty.

9.2 Restriction on Incurrence of Borrowing. The Authority shall not incur any item of Borrowing so that the aggregate Borrowing of the Authority would exceed \$45,500,000.

9.3 Borrowing. "Borrowing" means the following items for the Authority (adjusted to give effect to the provisions of section 9.4), without duplication, as follows:

- (a) all obligations for borrowed money and all obligations evidenced by bonds, debentures, notes, or other similar instruments on which interest charges are customarily paid, recorded in accordance with GAAP;
- (b) all obligations, contingent or otherwise, relative to the face amount of all letters of credit, whether or not drawn, and bankers' acceptances issued;
- (c) any obligation as lessee under leases which have been or should be, in accordance with GAAP, recorded as Capitalized Lease Liabilities;
- (d) all obligations to pay the deferred purchase price of property or services, and indebtedness (excluding prepaid interest thereon) secured by a lien on property owned or being purchased by the Authority (including indebtedness arising under conditional sales or other title retention agreements), whether or not such indebtedness shall have been assumed by the Authority or is limited in recourse and recorded in the financial statements of the Authority and Subsidiaries for the most recently completed Fiscal Year;

d) les exemptions :

- (i) lorsqu'il n'y a qu'un seul fournisseur;
- (ii) en cas d'urgence;
- (iii) lorsque l'Administration effectue elle-même les travaux;
- (iv) lorsque le retard résultant de l'observation des exigences officielles de soumission pourrait être considéré préjudiciable à l'intérêt public;
- (v) pour les Contrats de travail dont la valeur est inférieure à un seuil déterminé par le Conseil.

ARTICLE 9

EMPRUNTS

9.1 Aucun emprunt à titre de mandataire. L'Administration et les Filiales ne peuvent emprunter des fonds à titre de mandataire de Sa Majesté. Tous les Emprunts contractés doivent contenir une clause précisant que le prêteur n'aura aucun recours contre Sa Majesté ou les éléments d'actif de Sa Majesté.

9.2 Restriction sur les Emprunts. L'Administration ne doit pas contracter des Emprunts dont le total serait supérieur à 45 500 000 \$.

9.3 Emprunts. « Emprunts » À l'égard de l'Administration, les éléments suivants (ajustés de façon à donner effet aux dispositions du paragraphe 9.4), sans dédoublement :

- a) toutes les obligations de l'Administration relativement à ses emprunts et toutes les obligations constatées par les obligations, bons, billets ou autres instruments similaires sur lesquels des intérêts sont normalement payés, comptabilisées conformément aux PCGR;
- b) toutes les obligations, éventuelles ou autres, relatives à la valeur nominale de toutes les lettres de crédit, qu'elles soient tirées ou non, et des acceptations bancaires émises;
- c) toute obligation de l'Administration à titre de locataire en vertu de baux qui ont été, ou devraient être, conformément aux PCGR, comptabilisés à titre d'éléments de Passif de contrat de location-acquisition;
- d) toutes les obligations de paiement du prix d'achat différé de biens ou de services, et l'endettement (à l'exclusion de l'intérêt payé d'avance à cet égard) garanti par un privilège sur des biens dont l'Administration est propriétaire ou fait l'acquisition (y compris l'endettement découlant de ventes conditionnelles ou autres

(e) accrued contingent losses reflected as a charge to income in accordance with GAAP and recorded in the financial statements of the Authority and Subsidiaries for the most recently completed Fiscal Year;

(f) all Contingent Liabilities of the Authority in respect of any of the foregoing; or

(g) the amount of the aggregate potential liability of the Authority pursuant to the terms of a Permitted Indemnity or Guarantee.

9.4 Exclusion of Subsidiaries. In determining the Borrowing pursuant to section 9.3, any amounts pertaining to Subsidiaries carrying on activities contemplated by paragraph 28(2)(b) of the Act shall be excluded.

9.5 Certificate of the Authority. Concurrent with the submission of financial statements to the Minister contemplated by subsection 37(4) of the Act, the Authority shall deliver to the Minister a certificate executed by the chief executive officer of the Authority stating:

(a) the amount of the aggregate Borrowing of the Authority at the end of the Fiscal Year to which such financial statements relate;

(b) that the Authority is not in default or has not committed an event of default under any of the terms of its Borrowing except those which it is contesting in good faith or if such default or event of default exists, the particulars thereof;

(c) that since the date of the last certificate provided hereunder the Authority has not been served with written notice of any Significant Legal Proceedings or, if the Authority has been served, particulars of such legal proceedings;

(d) if any Capital Investment in a Subsidiary has been made by the Authority during the Fiscal Year to which such financial statements relate, the amount of such Capital Investment, the annual rate of return required for such Capital Investment to yield a Sufficient Return and the amounts paid by all Subsidiaries on account of payment of Sufficient Return; and

(e) that the Authority is not aware of any contract for the borrowing of money on the amount exceeding \$1,000,000 which fails to contain the express statement stipulated in subsection 28(5) of the Act;

provided that the Authority may satisfy its obligations pursuant to this section through delivery to the Minister

ententes de réserve de propriété), que l'endettement ait ou non été assumé par l'Administration ou qu'il soit limité et comptabilisé dans les états financiers de l'Administration et des Filiales pour le dernier Exercice complété;

e) les pertes éventuelles accumulées qui seraient reflétées par une charge sur les revenus selon les PCGR et comptabilisées dans les états financiers de l'Administration et des Filiales pour le dernier Exercice complété;

f) tous les Éléments de passif éventuel de l'Administration relativement aux éléments susmentionnés;

g) l'ensemble du passif potentiel de l'Administration conformément à une Indemnité ou garantie autorisée.

9.4 Exclusion de Filiales. Pour déterminer les Emprunts conformément au paragraphe 9.3, tous les montants relatifs aux Filiales se livrant aux activités visées à l'alinéa 28(2)b) de la Loi doivent être exclus.

9.5 Certificat de l'Administration. Au moment de la présentation au Ministre des états financiers prévus au paragraphe 37(4) de la Loi, l'Administration doit délivrer au Ministre un certificat signé par le premier dirigeant de l'Administration attestant :

a) le montant total des Emprunts de l'Administration au terme de l'Exercice visé par les états financiers;

b) que l'Administration n'est pas en défaut, ni n'a commis d'acte de défaut, aux termes de l'un ou l'autre de ses Emprunts, à l'exception de ceux qu'elle conteste de bonne foi ou s'il existe un tel défaut ou acte de défaut, les détails de ce dernier;

c) que depuis la date du dernier certificat fourni en vertu des présentes, l'Administration n'a pas reçu d'actes de procédure amorçant des Procédures judiciaires importantes ou, si de tels actes lui ont été signifiés, les détails de ces procédures;

d) si l'Administration a mis du Capital engagé dans une Filiale au cours de l'Exercice visé par les états financiers, le montant du Capital engagé, le taux de rendement annuel requis pour que ce Capital engagé donne un Rendement suffisant, et les montants versés par toutes les Filiales en vue du paiement du Rendement suffisant;

e) que l'Administration n'a, à sa connaissance, conclu aucun contrat visant des Emprunts de plus de 1 000 000 \$ ne contenant pas la mention expresse prévue au paragraphe 28(5) de la Loi;

sous réserve que l'Administration puisse satisfaire à ses obligations conformément au présent article en remettant au Ministre copie de la lettre envoyée au vérificateur de

of a copy of the letter delivered to the auditor of the Authority in connection with the annual audit of the financial statements of the Authority which contains substantially the same information as contemplated by this section.

ARTICLE 10

SUBSIDIARIES

10.1 Constating Documents of Subsidiary. The constating documents of every Subsidiary shall state that the Subsidiary cannot exercise any power as an agent of Her Majesty.

10.2 Use of Authority Property and Employees. Prior to a Subsidiary utilizing the property, services, facilities or employees of the Authority in connection with the Subsidiary's activities or vice versa, the Subsidiary and Authority shall enter into a written agreement whereby the recipient covenants to pay fair market value for use of such property, services, facilities or employees.

10.3 Mandatory Standby Fee. Every Subsidiary shall pay and the Authority shall collect from each Subsidiary a one-time guarantee standby fee for each Permitted Indemnity or Guarantee given by or on behalf of the Authority which fee shall be in an amount not less than one-half of one percent of the maximum dollar amount of such Permitted Indemnity or Guarantee given by the Authority.

10.4 Prohibition on Indemnities. Other than Permitted Guarantees or Indemnities, no guarantee, indemnity or other agreement or commitment may be given by or on behalf of the Authority for the discharge of an obligation or liability of a Subsidiary, whether such obligation or liability be contingent or otherwise.

ARTICLE 11

FEDERAL OBLIGATIONS

11.1 International and Provincial Obligations. The Authority shall comply with all obligations applicable to the Authority arising under any international agreement, convention or arrangement, or any federal-provincial agreement, including:

- (a) Canadian Free Trade Agreement;
- (b) North American Free Trade Agreement;
- (c) Canada Chile Free Trade Agreement;

l'Administration au sujet de la vérification annuelle des états financiers de l'Administration qui contient dans une large mesure les mêmes renseignements que ceux qui sont envisagés par ce paragraphe.

ARTICLE 10

FILIALES

10.1 Actes constitutifs des Filiales. Les actes constitutifs des Filiales doivent préciser que la Filiale ne peut exercer aucun pouvoir à titre de mandataire de Sa Majesté.

10.2 Utilisation des biens ou recours aux employés. Avant de laisser une Filiale utiliser les biens, les services ou les installations, ou faire appel aux employés de l'Administration pour mener à bien ses propres activités ou l'inverse, la Filiale et l'Administration doivent conclure par écrit une entente selon laquelle le bénéficiaire convient de payer la juste valeur marchande pour l'utilisation de ces biens, services ou installations, ou le recours aux employés.

10.3 Droit d'usage obligatoire. Chaque Filiale devra verser un droit d'usage unique que percevra l'Administration pour chaque Indemnité ou garantie autorisée accordée par l'Administration ou en son nom. Ce droit se chiffrera à au moins un demi pour cent de la valeur maximale de l'Indemnité ou garantie autorisée accordée par l'Administration.

10.4 Interdiction d'indemnités. À l'exception des Garanties et indemnités autorisées, aucune garantie ou indemnité ou aucun autre accord ou engagement ne peut être donné par l'Administration ou au nom de celle-ci pour libérer une Filiale d'une obligation ou d'un élément de passif, qu'il s'agisse d'une obligation ou d'un élément de passif éventuel ou non.

ARTICLE 11

OBLIGATIONS FÉDÉRALES

11.1 Obligations internationales et provinciales. L'Administration est tenue de s'acquitter de toutes les obligations s'appliquant à elle qui découlent d'ententes, de conventions ou d'accords internationaux ou d'ententes fédérales-provinciales auxquelles Sa Majesté est partie, que cet accord, cette convention ou entente, ou entente fédérale-provinciale soit conclu avant ou après la date de délivrance des présentes Lettres patentes, notamment :

- a) Accord de libre-échange canadien;
- b) Accord de libre-échange nord-américain;

(d) World Trade Organization General Agreement on Trade in Services; and

(e) Port State Control Agreements;

to which Her Majesty is a party, whether such agreement, convention or arrangement, or federal provincial agreement is entered into before or after the date of issuance of these Letters Patent.

11.2 Federal Identity. The Authority shall:

(a) display the Canadian flag prominently at the port;

(b) display the "Canada" wordmark on a prominent building at the port; and

(c) apply the "Canada" wordmark prominently on all the Authority's identity applications.

11.3 Emergency Preparedness. The Authority shall, at the request of the Minister and in accordance with applicable policies established by Her Majesty from time to time, provide all the support required by the Minister to fulfil the responsibilities of the Minister under the *Emergency Management Act*, S.C. 2007, c. 15.

ARTICLE 12

BY-LAWS

12.1 By-Laws. The directors of the Authority may, by resolution, make, amend or repeal by-laws that regulate the affairs of the Authority or the duties of officers and employees.

ISSUED under my hand to be effective on the day specified in the Certificate of Amalgamation as the day upon which the amalgamation of the Hamilton Port Authority and the Oshawa Port Authority takes effect.

The Honourable Marc Garneau, P.C., M.P.

Minister of Transport

c) Accord de libre-échange Canada-Chili;

d) Accord général sur le commerce des services de l'Organisation mondiale du commerce;

e) Mémoires d'entente sur le contrôle des navires par l'État du port.

11.2 Image de marque. L'Administration doit :

a) mettre le drapeau canadien bien en évidence dans le port;

b) afficher le mot-symbole « Canada » sur un édifice bien en évidence dans le port;

c) mettre bien en évidence le mot-symbole « Canada » sur toutes les utilisations de son identité.

11.3 Protection civile. L'Administration doit, sur demande du ministre et conformément aux politiques applicables prises par Sa Majesté de temps à autre, fournir tout le soutien nécessaire au ministre pour s'acquitter des responsabilités qui lui incombent relativement au port en vertu de la *Loi sur la protection civile*, L.C. 2007, ch. 15.

ARTICLE 12

RÈGLEMENTS ADMINISTRATIFS

12.1 Règlements administratifs. Les administrateurs peuvent, par résolution, prendre, modifier ou révoquer des règlements administratifs portant sur les affaires de l'Administration ou sur les fonctions de ses dirigeants ou employés.

DÉLIVRÉES sous mon seing et en vigueur à compter de la date indiquée dans le certificat de fusion comme étant la date à laquelle la fusion de l'Administration portuaire de Hamilton et de l'Administration portuaire Oshawa entre en vigueur.

L'honorable Marc Garneau, C.P., député

Ministre des Transports

SCHEDULE A

HAMILTON-OSHAWA PORT AUTHORITY

DESCRIPTION OF NAVIGABLE WATERS

PART 1 (Hamilton)

ALL the waters of Hamilton Harbour (formerly Burlington Bay) together with all the inlets thereof, including Cootes Paradise, but excepting Burlington Channel.

PART 2 (Oshawa)

All the waters of Lake Ontario within the following limits: COMMENCING at the high water mark of Lake Ontario where it intercepts the easterly limit of Lot 1 of the broken front concession of the Township of East Whitby; THENCE, along the high water mark in a westerly direction to a point where it intercepts the westerly limit of Lot 17 of the broken front concession of the Township of East Whitby; THENCE, in a southerly direction 3,000 feet into Lake Ontario on the extension of the said westerly limit of Lot 17; THENCE, on a straight line in an easterly direction to a point on a southerly extension of the easterly limit of Lot 1, 3,000 feet from the high water mark; THENCE, in a northerly direction to the point of commencement and all water front property, wharves, piers, docks, buildings, shores and beaches in or along the said waters.

SCHEDULE B

HAMILTON-OSHAWA PORT AUTHORITY

DESCRIPTION OF FEDERAL REAL PROPERTY

PART 1 (Hamilton)

1. All and singular that certain parcel or tract of land situate, lying and being part of the Government Reserve (Canal Reserve), North of the Burlington Canal, in the Geographic Township of Saltfleet, now in the City of Burlington, in the Regional Municipality of Halton and being composed of Parts 1 and 2 on Reference Plan 20R-13281.

2. All and singular that certain parcel or tract of land situate, lying and being part of the Government Reserve (Canal Reserve), South of Burlington Canal, in the Geographic Township of Saltfleet, now in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and being composed of Parts 1, 2, 3, 4, 5 and 6 on Reference Plan 62R-15102.

ANNEXE « A »

ADMINISTRATION PORTUAIRE HAMILTON-OSHAWA

DESCRIPTION DES EAUX NAVIGABLES

PARTIE 1 (Hamilton)

TOUTES les eaux du havre de Hamilton (antérieurement la baie de Burlington) ainsi que toutes les baies qui s'y rattachent, incluant Cootes Paradise, mais à l'exception du chenal de Burlington.

PARTIE 2 (Oshawa)

La totalité des eaux du lac Ontario dans les limites suivantes : COMMENÇANT à la ligne des hautes eaux du lac Ontario où elle coupe la limite est du lot 1 de la concession de Broken Front du canton de East Whitby en bordure du lac; DE LÀ, suivant la ligne des hautes eaux en direction ouest jusqu'à un point où elle coupe la limite ouest du lot 17 de la concession de Broken Front du canton de East Whitby; DE LÀ, en direction sud 3 000 pieds dans le lac Ontario sur le prolongement de ladite limite ouest du lot 17; DE LÀ, en ligne droite dans une direction est jusqu'à un point sur un prolongement sud de ladite limite est du lot 1, 3 000 pieds de la ligne des hautes eaux; DE LÀ, dans une direction septentrionale jusqu'au point de départ; ainsi que toutes les propriétés faisant face à l'eau, tous les quais, jetées, bassins, bâtiments, grèves et plages à l'intérieur et le long desdites eaux.

ANNEXE « B »

ADMINISTRATION PORTUAIRE HAMILTON-OSHAWA

DESCRIPTION DES IMMEUBLES FÉDÉRAUX

PARTIE 1 (Hamilton)

1. La totalité de la parcelle de terrain située dans la réserve du gouvernement (réserve du canal), au nord du canal de Burlington, dans le canton de Saltfleet, maintenant dans la ville de Burlington, dans la municipalité régionale de Halton et composée des parties 1 et 2 sur le plan de renvoi 20R-13281.

2. La totalité de la parcelle de terrain située dans la réserve du gouvernement (réserve du canal), au sud du canal de Burlington, dans le canton de Saltfleet, maintenant dans la ville de Hamilton, dans la municipalité régionale de Hamilton-Wentworth et composée des parties 1, 2, 3, 4, 5 et 6 sur le plan de renvoi 62R-15102.

3. Any interests in land, whether or not registered, to the extent that they are interests in land in accordance with the *Federal Real Property Act*, in any way belonging or appertaining to, or, benefiting, any of the lands described above.

SAVE AND EXCEPT as to all the lands set out above:

(i) the federal real property listed above under the administration of a Member of the Queen's Privy Council for Canada other than the Minister of Transport or any successor thereto, if that Member has not given consent to the Minister in accordance with paragraph 44(2)(b) of the *Act*; and

(ii) all lands situate within the areas described above vested in the name of a person other than the Authority, The Hamilton Harbour Commissioners, Her Majesty the Queen in Right of Canada, His Majesty the King in Right of Canada, or any other name used to designate the Crown in Right of Canada.

PART 2 (Oshawa)

1. PIN 16380-0108 (LT), designated as Parts 2, 3 and 4 on Plan 40R-21634 deposited in the land registration system of Ontario.

2. PIN 16380-0105 (LT), designated as Parts 5, 6 and 7 on Plan 40R-21634 deposited in the land registration system of Ontario.

3. PIN 16378-0025 (LT), designated as Parts 1 and 2 on Plan 40R-21632 deposited in the land registration system of Ontario.

4. PIN 16378-0104 (LT), designated as Parts 1 to 9 on Plan 40R-21635 deposited in the land registration system of Ontario; SAVE and EXCEPT Parts 1, 2 and 3 on Plan 40R-26890.

5. PIN 16394-0108 (LT), designated as Part 11 on Plan 40R-21636 deposited in the land registration system of Ontario.

6. PIN 16394-0103 (LT), designated as Part 1 on Plan 40R-21636 deposited in the land registration system of Ontario.

7. PIN 16394-0107 (LT), designated as Part 4 on Plan 40R-21636 deposited in the land registration system of Ontario.

8. PIN 16394-0113 (LT), designated as Part 3 on Plan 40R-21636 deposited in the land registration system of Ontario.

3. Tous les autres intérêts fonciers, dans la mesure où il s'agit d'intérêts fonciers conformément à la *Loi sur les immeubles fédéraux*, enregistrés ou non, qui sont attachés aux terrains décrits ci-dessus, qui en dépendent ou qui leur procurent un avantage.

À L'EXCEPTION, relativement à tous les terrains mentionnés ci-dessus :

(i) des immeubles fédéraux mentionnés plus haut qui relèvent d'un membre du Conseil privé de la Reine du Canada autre que le ministre des Transports ou son successeur, si ce membre n'a pas fait part de son consentement au ministre en vertu de l'alinéa 44(2)b) de la *Loi*;

(ii) de tous les terrains situés dans le secteur décrit ci-dessus qui sont dévolus à des personnes autres que l'Administration, les Commissaires du port de Hamilton, Sa Majesté la Reine du chef du Canada, Sa Majesté le Roi du chef du Canada ou tout autre nom utilisé pour désigner la Couronne de chef du Canada.

PARTIE 2 (Oshawa)

1. NIP 16380-0108 (LT), désigné comme les parties 2, 3 et 4 sur le Plan 40R-21634 déposé au système d'enregistrement foncier de l'Ontario.

2. NIP 16380-0105 (LT), désigné comme les parties 5, 6 et 7 sur le Plan 40R-21634 déposé au système d'enregistrement foncier de l'Ontario.

3. NIP 16378-0025 (LT), désigné comme les parties 1 et 2 sur le Plan 40R-21632 déposé au système d'enregistrement foncier de l'Ontario.

4. NIP 16378-0104 (LT), désigné comme les parties 1 à 9 sur le Plan 40R-21635 déposé au système d'enregistrement foncier de l'Ontario ; à l'EXCEPTION des parties 1, 2 et 3 du Plan 40R-26890.

5. NIP 16394-0108 (LT), désigné comme la partie 11 sur le Plan 40R-21636 déposé au système d'enregistrement foncier de l'Ontario.

6. NIP 16394-0103 (LT), désigné comme la partie 1 sur le Plan 40R-21636 déposé au système d'enregistrement foncier de l'Ontario.

7. NIP 16394-0107 (LT), désigné comme la partie 4 sur le Plan 40R-21636 déposé au système d'enregistrement foncier de l'Ontario.

8. NIP 16394-0113 (LT), désigné comme la partie 3 sur le Plan 40R-21636 déposé au système d'enregistrement foncier de l'Ontario.

9. PIN 16394-0114 (LT), designated as Part 2 on Plan 40R-21636 deposited in the land registration system of Ontario.
10. PIN 16394-0208 (LT), designated as Part 6 on Plan 40R-21636 deposited in the land registration system of Ontario.
11. PIN 16394-0212 (LT), designated as Part 5 on Plan 40R-27139 in the land registration system of Ontario.
12. PIN 16394-0117 (LT), designated as Part 10 on Plan 40R-21636 in the land registration system of Ontario.
13. PIN 16394-0120 (LT), designated as Part 5 on Plan 40R-21636 in the land registration system of Ontario.
14. PIN 16394-0209 (LT), being part of the bed of Lake Ontario and designated as Part 1 on Plan 40R-21940 in the land registration system of Ontario.
15. PIN 16378-0048 (LT), being all of water lot location DT-60, being part of the bed of Lake Ontario, and designated as Part 2 on Plan 40R-21940 in the land registration system of Ontario.
16. Part of PIN 16394-0216 (LT), designated as Part 15 on Plan 40R-21636 and Part 10 on a Plan 40R-27129, both plans deposited in the land registration system of Ontario.

SCHEDULE C

HAMILTON-OSHAWA PORT AUTHORITY

DESCRIPTION OF REAL PROPERTY OTHER THAN FEDERAL REAL PROPERTY

PART 1 (Hamilton)

Note: References to draft Reference Plans in the descriptions hereinbelow, unless otherwise described, relate to the preliminary compiled plans prepared by Ross A. Clarke, O.L.S., of Mackay Mackay & Peters Limited, dated March, 2001, under Project No. 98-031-3R(H), to be maintained on file at the registered office of the Authority.

1. Part of the bed of Hamilton Harbour in front of Lots 14, 15, 16, 17, 18 19 and 20, Concessions 1 and Broken Front, Geographic Township of Barton, Lots 12 and 13, Broken Front Concession, Geographic Township of East Flamborough and Lot 14, Broken Front Concession, Geographic Township of West Flamborough, now in the City of Hamilton, designated as Parts 1, 2, 3, 4 and 5 on sheet no. 3 of the draft Reference Plans.

9. NIP 16394-0114 (LT), désigné comme la partie 2 sur le Plan 40R-21636 déposé au système d'enregistrement foncier de l'Ontario.
10. NIP 16394-0208 (LT), désigné comme la partie 6 sur le Plan 40R-21636 déposé au système d'enregistrement foncier de l'Ontario.
11. NIP 16394-0212 (LT), désigné comme la partie 5 sur le Plan 40R-27139 déposé au système d'enregistrement foncier de l'Ontario.
12. NIP 16394-0117 (LT), désigné comme la partie 10 sur le Plan 40R-21636 déposé au système d'enregistrement foncier de l'Ontario.
13. NIP 16394-0120 (LT), désigné comme la partie 5 sur le Plan 40R-21636 déposé au système d'enregistrement foncier de l'Ontario.
14. NIP 16394-0209 (LT), étant partie du lit du lac Ontario et désignée comme étant la partie 1 sur le Plan 40R-21940 déposé au système d'enregistrement foncier de l'Ontario.
15. NIP 16378-0048 (LT), étant tout l'emplacement du lot de grève DT-60, étant partie du lit du lac Ontario, et désigné comme la partie 2 sur le Plan 40R-21940 déposé au système d'enregistrement foncier de l'Ontario.
16. Partie de NIP 16394-0216 (LT), désignée comme la partie 15 sur le Plan 40R-21636 et la partie 10 sur le Plan 40R-27129, les deux plans déposés au système d'enregistrement foncier de l'Ontario.

ANNEXE « C »

ADMINISTRATION PORTUAIRE HAMILTON-OSHAWA

DESCRIPTION DES IMMEUBLES AUTRES QUE DES IMMEUBLES FÉDÉRAUX

PARTIE 1 (Hamilton)

Remarque : Les références aux ébauches de plans de renvoi dans les descriptions ci-après désignent les plans préliminaires dressés par Ross A. Clarke, A.-G.O., chez Mackay Mackay & Peters Limited, datés mars 2001 sous le numéro de projet 98-031-3R(H), et classés au siège social de l'administration.

1. Une partie du lit du havre de Hamilton devant les lots 14, 15, 16, 17, 18, 19 et 20, concessions 1 et de Broken Front, canton de Barton, les lots 12 et 13, concession de Broken Front, canton de East Flamborough et le lot 14, concession de Broken Front, canton de West Flamborough, maintenant dans la ville de Hamilton, désignée parties 1, 2, 3, 4 et 5 sur la feuille N° 3 des plan de renvoi.

2. Part of Unnumbered Lot and all of Lots 6 and 7, Block 11, Registered Plan 127 (Sir A.N. MacNab Survey), Geographic Township of Barton, now in the City of Hamilton, designated as Part 1 on Reference Plan 62R-15750.

3. Part of the bed of Hamilton Harbour in front of Lots 10, 11, 12, 13 and 14, Broken Front Concession, Water Lots in front of Lots 10, 11, 12, 13 and 14, Broken Front Concession, Part of Lots 11, 12 and 13, Broken Front Concession, including Part of lot 13, Broken Front Concession, formerly township of Barton, now city of Hamilton, being P.I.N. 17579-0079 (LT) being municipally known as 560 Ferguson Avenue North, Hamilton, Ontario, Part of Lot 12, Concession 1, Part of the Road Allowance between Lots 12 and 13 closed by By-law No. 83-175, registered as Instrument No. 267183AB, all of Lots 1 and 46, Part of Lot 45, Registered Plan 493 (Landsdowne Park Survey), all of Lots 107 to 127, both inclusive, Registered Plan 32 (J.T. Gilkinson Survey), Geographic Township of Barton, now in the City of Hamilton, designated as Parts 1 to 32, both inclusive, on sheet no. 1 of the draft Reference Plans.

4. Part of the Water Lots in front of Lots 9 and 10, Broken Front Concession, Part of Lots 7, 8 and 9, Broken Front Concession, Part of the Road Allowance between Lots 8 and 9, closed by By-law No. 290 (registered as Instrument No. 37 By-law), all of Lots 174 to 203, 230 to 270, 281 to 300, all inclusive, Reserve 5, Part of Lots 204, 205 and Reserve 4, Parts of Ship Street, Land Street, Gilkinson Street, Dickson Street, McKinstry Street and Richie Street (all closed by By-law No. 1028, registered as Instrument No. 208 By-law), Registered Plan 32 (J.T. Gilkinson Survey), Geographic Township of Barton, now in the City of Hamilton, designated as Parts 1 to 21, both inclusive, on sheet no. 2 of the draft Reference Plans.

5. Part of the bed of Hamilton Harbour in front of Lots 9, 10, 11, 12, 13, 14, 15 and 16, Broken Front Concession, Geographic Township of Barton, now in the City of Hamilton, designated as Part 1 on sheet no. 7 of the draft Reference Plans.

6. Part of the bed of Hamilton Harbour in front of Lots 9, 10, 11, 12, 13, 14 and 15, Broken Front Concession, Geographic Township of Barton and Lots 5, 6, 7, 8, 9 and 10, Broken Front Concession, Water Lot in front of Lot 7, Broken Front Concession, Geographic Township of East Flamborough, now in the City of Hamilton, designated as Part 1 on sheet no. 8 of the draft Reference Plans.

7. Part of the bed of Hamilton Harbour in front of Lots 3, 4, 5, 6, 7, 8 and 9, Broken Front Concession, Geographic Township of Barton, now in the City of Hamilton, designated as Part 1 on sheet no. 9 of the draft Reference Plans.

2. Une partie du lot non numéroté et la totalité des lots 6 et 7, bloc 11, plan enregistré 127 (arpentage de Sir A.N. MacNab), canton de Barton, maintenant dans la ville de Hamilton, désignée partie 1 sur le plan de renvoi 62R-15750.

3. Une partie du lit du havre de Hamilton devant les lots 10, 11, 12, 13 et 14, concession de Broken Front, les lots de grève devant les lots 10, 11, 12, 13 et 14, concession de Broken Front, une partie des lots 11, 12 et 13, concession de Broken Front, y compris la partie du lot 13, concession Broken Front, anciennement le canton de Barton, maintenant ville de Hamilton, étant PIN 17579-0079 (LT) étant la désignation civique est 560, avenue du Ferguson Nord, Hamilton, Ontario, une partie du lot 12, concession 1, une partie de la réserve pour chemins entre les lots 12 et 13 annulée par l'arrêté n° 83-175, enregistré sous l'instrument n° 267183AB, la totalité des lots 1 et 46, une partie du lot 45, plan enregistré 493 (arpentage de Landsdowne Park), la totalité des lots 107 à 127, inclusivement, sur le plan enregistré 32 (arpentage de J.T. Gilkinson), canton de Barton, maintenant dans la ville de Hamilton, désignées parties 1 à 32, inclusivement, sur la feuille N° 1 des plans de renvoi.

4. Une partie des lots de grève devant les lots 9 et 10, concession de Broken Front, une partie des lots 7, 8 et 9, concession de Broken Front, une partie de la réserve pour chemins entre les lots 8 et 9, annulée par l'arrêté n° 290 (enregistré comme instrument par l'arrêté n° 37), la totalité des lots 174 à 203, 230 à 270, 281 à 300, inclusivement, réserve 5, une partie des lots 204, 205 et la réserve 4, des parties de la rue Ship, de la rue Land, de la rue Gilkinson, de la rue Dickson, de la rue McKinstry et de la rue Richie (toutes annulées par l'arrêté n° 1028, enregistré comme instrument par l'arrêté n° 208), plan enregistré 32 (arpentage de J.T. Gilkinson), canton de Barton, maintenant dans la ville de Hamilton, désignées parties 1 à 21, inclusivement, sur la feuille N° 2 des plans de renvoi.

5. Une partie du lit du havre de Hamilton devant les lots 9, 10, 11, 12, 13, 14, 15 et 16, concession de Broken Front, canton de Barton, maintenant dans la ville de Hamilton, désignée partie 1 sur la feuille N° 7 des plans de renvoi.

6. Une partie du lit du havre de Hamilton devant les lots 9, 10, 11, 12, 13, 14 et 15, concession de Broken Front, canton de Barton et des lots 5, 6, 7, 8, 9 et 10, concession de Broken Front, lot de grève devant le lot 7, concession de Broken Front, canton de East Flamborough, maintenant dans la ville de Hamilton, désignée partie 1 sur la feuille N° 8 des plans de renvoi.

7. Une partie du lit du havre de Hamilton devant les lots 3, 4, 5, 6, 7, 8 et 9, concession de Broken Front, canton de Barton, maintenant dans la ville de Hamilton, désignée partie 1 sur la feuille N° 9 des plans de renvoi.

8. Part of the bed of Hamilton Harbour in front of Lots 1, 2, 3, 4 and 5, Broken Front Concession, Geographic Township of East Flamborough, now in the City of Hamilton, designated as Part 1 on sheet no. 10 of the draft Reference Plans.

9. Part of the bed of Hamilton Harbour adjoining Burlington Beach, Geographic Township of Saltfleet and in front of Registered Plan 614 (Inglehaven Survey), Geographic Township of East Flamborough, the Water Lot in front of Registered Plan 97 (Filmans Survey), Part of Lot 10 and Block A, Registered Plan 97 (Filmans Survey), Part of Block 2, Registered Plan 47 (J.S. McMurray's Survey), Geographic Township of Nelson, now in the City of Burlington, Regional Municipality of Halton, designated as Parts 1 to 8, both inclusive, and Parts 10 to 16, both inclusive, on sheet no. 11 of the draft Reference Plans provided that as to Parts 10, 11 and 12, the same are included herein to the extent of any right, title and interest heretofore held by The Hamilton Harbour Commissioners, and such inclusion is without prejudice to any right, title and interest of Her Majesty the Queen in right of Canada in said Parts.

10. Part of the bed of Hamilton Harbour adjoining Burlington Beach and part of Burlington Beach, west side of Beach Boulevard, South of the Canal Reserve, Geographic Township of Saltfleet, now in the City of Hamilton, designated as Parts 1, 2, 3, 4, 5, 6, 7, 8 and 9 on sheet no. 6 of the draft Reference Plans, provided that as to Parts 1, 2, 3 and 9, the same are included herein to the extent of any right, title and interest heretofore held by The Hamilton Harbour Commissioners, and such inclusion is without prejudice to any right, title and interest of Her Majesty the Queen in right of Canada in said Parts.

11. Part of the bed of Hamilton Harbour adjoining Burlington Beach and part of Burlington Beach, Geographic township of Saltfleet, now in the City of Hamilton, designated as Parts 1 to 9, both inclusive, on sheet no. 5 of the draft Reference Plans.

12. Part of the bed of Hamilton Harbour and Water Lots in front of Lot 1, Broken Front Concession, Geographic township of Barton, Lots 31, 32, 33 and 34, Broken Front Concession, Geographic Township of Saltfleet, Part of Lots 33 and 34, Broken Front Concession and Burlington Beach, Part of Lot 1, Registered Plan 440 (R. Fletcher Survey), Geographic Township of Saltfleet, Part of Lot 1, Broken Front Concession, Geographic Township of Barton, now in the City of Hamilton, designated as Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 on sheet 4 of the draft Reference Plans.

8. Une partie du lit du havre de Hamilton devant les lots 1, 2, 3, 4 et 5, concession de Broken Front, canton de East Flamborough, maintenant dans la ville de Hamilton, désignée partie 1 sur la feuille N° 10 des plans de renvoi.

9. Une partie du lit du havre de Hamilton adjacente à la plage Burlington, canton de Saltfleet et devant le plan enregistré 614 (arpentage de Inglehaven), canton de East Flamborough, le lot de grève devant le plan enregistré 97 (arpentage de Filmans), une partie du lot 10 et du bloc A, plan enregistré 97 (arpentage de Filmans), une partie du bloc 2, plan enregistré 47 (arpentage de J.S. McMurray's), canton de Nelson, maintenant dans la ville de Burlington, municipalité régionale de Halton, désignées parties 1 à 8, inclusivement, et parties 10 à 16, inclusivement, sur la feuille N° 11 des plans de renvoi sous réserve que quant aux parties 10, 11 et 12, elles sont incluses dans la mesure que les commissaires du havre de Hamilton en y détiennent quelque droit, titre ou intérêt que ce soit et ce sans préjudice à quelque droit, titre ou intérêt que ce soit de Sa Majesté la Reine du chef du Canada dans ces parties.

10. Une partie du lit du havre de Hamilton adjacente à la plage Burlington, et une partie de la plage Burlington, côté ouest du boulevard Beach, sud de la réserve du canal, canton de Saltfleet, maintenant dans la ville de Hamilton, désignée parties 1, 2, 3, 4, 5, 6, 7, 8 et 9 sur la feuille N° 6 des plans de renvoi sous réserve que quant aux parties 1, 2, 3 et 9, elles sont incluses dans la mesure que les commissaires du havre de Hamilton en y détiennent quelque droit, titre ou intérêt au ce soit et ce sans préjudice à quelque droit, titre ou intérêt que ce soit de Sa Majesté la Reine du chef du Canada dans ces parties.

11. Une partie du lit du havre de Hamilton adjacente à la plage Burlington et une partie de la plage Burlington, canton de Saltfleet, maintenant dans la ville de Hamilton, désignées parties 1 à 9, inclusivement, sur la feuille N° 5 des plans de renvoi.

12. Une partie du lit du havre de Hamilton et les lots de grève devant le lot 1, concession de Broken Front, canton de Barton, les lots 31, 32, 33 et 34, concession de Broken Front, canton de Saltfleet, une partie des lots 33 et 34, concession de Broken Front et plage Burlington, une partie du lot 1, plan enregistré 440 (arpentage de R. Fletcher), canton de Saltfleet, une partie du lot 1, concession de Broken Front, canton de Barton, maintenant dans la ville de Hamilton, désignées parties 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 et 14 sur la feuille N° 4 des plans de renvoi.

EXCEPT:

1. Parts 4, 5, and 7, Plan 62R-15661, City of Hamilton
13. Concession Broken Front Barton Part Lots 7 and 8 [BTN HAM], Part Closed Road Allowance, more Specifically Described as Parts 3, 4, 5, 11 and 12 on Reference Plan 62R-15207, known municipally as 450 Sherman Avenue North, in the City of Hamilton.
14. PIN 17575-0020, designated as Part 1 on Plan 62R-10465 in the land registration system of Ontario.
15. PIN 17576-0061 (R) and 17576-0062 (R):
 - A) PIN 17576-0061 (R), designated as Part 1 on Plan 62R-17015 in the land registration system of Ontario;
 - B) PIN 17576-0062 (R), designated as Part 2 on Plan 62R-17015 in the land registration system of Ontario.
16. PIN 17251-0032 (LT), shown as Part 1 on Plan 62R-19863 in the land registration system of Ontario.
17. Pier 22, also known and designated as the Rod Mill Lands Property, legal description:

PIN 17574-0018 (R) and part of PIN 17574-0001 (R) as registered in the land registration system of Ontario.

Part of Lots 1 and 2 Broken Front Concession and Part of the Water Lot lying in front of Lots 1 and 2, Broken Front Concession.

Formerly in the Township of Barton, now in the City of Hamilton.

Designated as Parts 1 to 28 both inclusive on Plan 62R-17462.

Together with a right of way over Part of Lot 1 Concession Broken Front designated as Part 29, 30, 31 and 32 on 62R-17462 as in AB23568, registered August 17, 1966.

Subject to a right of way in favour of CNR over Part of Lot 1 Concession Broken Front, former Township of Barton designated as Parts 11, 19, 20 to 28 both inclusive on 62R-17462 as in NS178118, registered November 1, 1950.

Subject to a right of way in favour of Jarvis B. Webb Company of Canada, its successors and assigns over Part of Lots 1 and 2 Concession Broken Front, former Township of Barton designated as Part 23 on 62R-17462 as

À L'EXCEPTION DE :

1. Parties 4, 5, et 7, Plan 62R-15661, ville de Hamilton
13. Partie des lots 7 et 8, concession Broken Front, canton de Barton [BTN HAM], emprise routière partiellement fermée, plus précisément décrite dans le plan de référence 62R-15207 comme les parties 3, 4, 5, 11 et 12, adresse civique 450 Sherman Avenue North, dans la ville de Hamilton.
14. NIP 17575-0020, désigné partie 1 sur le Plan 62R-10465 au système d'enregistrement foncier de l'Ontario.
15. NIP 17576-0061 (R) et 17576-0062 (R) :
 - A) NIP 17576-0061 (R), désigné partie 1 sur le Plan 62R-17015 au système d'enregistrement foncier de l'Ontario;
 - B) NIP 17576-0062 (R), désigné partie 2 sur le Plan 62R-17015 au système d'enregistrement foncier de l'Ontario.
16. NIP 17251-0032 (LT), apparaissant comme Partie 1 sur le Plan 62R-19863 au système d'enregistrement foncier de l'Ontario.
17. Description légale du Quai 22, aussi connu et désigné comme la propriété « Rod Mill Lands » :

NIP 17574-0018 (R) et partie de NIP 17574-0001(R) tel qu'enregistrés au système d'enregistrement foncier de l'Ontario.

Une partie des lots 1 et 2 de la concession de Broken Front et une partie des lots de grève se trouvant en face des lots 1 et 2 de la concession de Broken Front.

Anciennement du canton de Barton, maintenant dans la ville de Hamilton.

Désignées parties 1 à 28, inclusivement, sur le plan 62R-17462.

Ainsi qu'un droit de passage d'une partie du lot 1 de la concession de Broken Front désigné parties 29, 30, 31 et 32 sur 62R-17462 comme AB23568, enregistré le 17 août 1966.

Sous réserve d'un droit de passage en faveur de CNR d'une partie du lot 1 de la concession de Broken Front, anciennement le canton de Barton désigné parties 11, 19, 20 à 28, inclusivement, sur 62R-17462 comme NS178118, enregistré le 1^{er} novembre 1950.

Sous réserve d'un droit de passage en faveur de Jarvis B. Webb Company of Canada, et ceux ayant cause et droit d'une partie des lots 1 et 2 de la concession de Broken Front, anciennement le canton de Barton désigné

in HL23053, registered September 16, 1957 as renewed by VM260064, registered March 17, 2004.

Subject to an easement in favour of City of Hamilton over Part of Lot 1 and 2 Concession Broken Front, former Township of Barton designated as Parts 4, 5 and 6 on 62R-17462 as in HL292195, registered November 2, 1964.

Subject to a right of way in favour of Jarvis B. Webb Company of Canada Ltd. over Part of Lot 1 Concession Broken Front, former Township of Barton designated as Parts 10, 11, 12, 13 and 14 on 62R-17462 as in CD267807, registered December 20, 1983.

Subject to an Easement in favour of Union Gas Ltd. over Part of Lot 1 Concession Broken Front, former Township of Barton designated as Part 13 and 16 on 62R-17462 as in CD391982, registered December 18, 1986.

SAVE AND EXCEPT any federal real property included in the foregoing.

Easements, Rights of Way and Leaseholds

Document	Parties	Real Property Affected
(a) Transfer/Deed of Land dated September 26, 1994, registered September 28, 1994 as 194802VM conveying certain lands together with rights and easements relating to spur lines, water and sewer pipes, use of existing services and access.	Grantor: Case Canada Corporation Grantee: The Hamilton Harbour Commissioners	Parts 1, 2, 3, 12, 14, 18, 19 and 21, Reference Plan 62R-13125 and Parts 7 and 10, Reference Plan 62R-8011.
(b) Transfer/Deed of Land dated September 25, 1998, registered October 2, 1998 as 243272VM conveying certain lands together with a right relating to spur lines.	Grantor: Case Canada Corporation Grantee: The Hamilton Harbour Commissioners	Part 21, Reference Plan 62R-13125 and Part 10, Reference Plan 62R-8011.
(c) Lease dated September 27, 1965 as amended by a Supplementary Agreement dated February 17, 1977.	Lessor: Her Majesty the Queen represented by Minister of National Defence Lessee: The Hamilton Harbour Commissioners	A triangular shaped parcel of H.M.C.S. Star property at the foot of Catherine Street.

partie 23 sur 62R-17462 comme HL23053, enregistré le 16 septembre 1957 et renouvelé par VM260064, enregistré le 17 mars 2004.

Sous réserve d'une servitude en faveur de la ville de Hamilton d'une partie des lots 1 et 2 de la concession de Broken Front, anciennement le canton de Barton désignée parties 4, 5 et 6 sur 62R-17462 comme HL292195, enregistrée le 2 novembre 1964.

Sous réserve d'un droit de passage en faveur de Jarvis B. Webb Company of Canada Ltd. d'une partie du lot 1 de la concession de Broken Front, anciennement le canton de Barton désigné parties 10, 11, 12, 13 et 14 sur 62R-17462 comme CD267807, enregistré le 20 décembre 1983.

Sous réserve d'une servitude en faveur de Union Gas Ltd. d'une partie du lot 1 de la concession de Broken Front, anciennement le canton de Barton désignée parties 13 et 16 sur 62R-17462 comme CD391982, enregistrée le 18 décembre 1986.

À L'EXCEPTION DE tous immeubles fédéraux inclus dans la description qui précède.

Servitudes, droits de passage et biens à bail

Document	Parties	Bien immobilier visé
(a) Acte de cession en date du 26 septembre 1994, enregistré le 28 septembre 1994 sous le numéro 194802VM cédant certaines terres ainsi que des droits et des servitudes visant des lignes secondaires, des conduites d'eau et d'égout, l'utilisation de services existants et l'accès.	Concédant : Case Canada Corporation Concessionnaires : The Hamilton Harbour Commissioners	Parties 1, 2, 3, 12, 14, 18, 19 et 21, plan de renvoi 62R-13125 et parties 7 et 10, plan de renvoi 62R-8011.
(b) Acte de cession en date du 25 septembre 1998, enregistré le 2 octobre 1998 sous le numéro 243272VM cédant certaines terres ainsi qu'un droit visant des lignes secondaires.	Concédant : Case Canada Corporation Concessionnaires : The Hamilton Harbour Commissioners	Partie 21, plan de renvoi 62R-13125 et partie 10, plan de renvoi 62R-8011.
(c) Bail en date du 27 septembre 1965 modifié par une entente supplémentaire en date du 17 février 1977.	Locateur : Sa majesté la Reine représentée par le ministre de la Défense nationale Locataire : The Hamilton Harbour Commissioners	Une parcelle de forme triangulaire de la propriété du H.M.C.S. Star au pied de la rue Catherine.

Document	Parties	Real Property Affected
(d) Ground Lease dated November 24, 2000.	Lessor: The Corporation of the City of Hamilton Lessee: The Hamilton Harbour Commissioners	Parts 12, 13, 20, 31 to 41, both inclusive, Reference Plan 62R-15663.
(e) Ground Lease dated November 24, 2000.	Lessor: The Corporation of the City of Hamilton Lessee: The Hamilton Harbour Commissioners	Parts 4, 5, 8, 17, 21, 45 and 50, Reference Plan 62R-15663.
(f) Ground Lease dated November 24, 2000.	Lessor: Her Majesty the Queen in right of Canada as represented by the Minister of Canadian Heritage Lessee: The Hamilton Harbour Commissioners	Parts 10, 11, 14, 18, 19, 46, 47 and 51, Reference Plan 62R-15663.

PART 2 (Oshawa)

1. PIN 16378-0105 (LT), designated as Parts 1, 2 and 3 on Plan 40R-26890 in the land registration system of Ontario.

SCHEDULE D

HAMILTON-OSHAWA PORT AUTHORITY

CLASSES OF USERS

1. Private Docks.
2. Port Authority Docks and Related Businesses.
3. All other port users, including but not limited to labour, environmental and recreational users.

SCHEDULE E

HAMILTON-OSHAWA PORT AUTHORITY

CODE OF CONDUCT

ARTICLE 1

OBJECTS AND INTERPRETATION

1.1 Object of Code. The object of this Code is to enhance public confidence in the integrity and impartiality of directors and officers of the Authority and the business activities and transactions carried on by the Authority by

Document	Parties	Bien immobilier visé
(d) Bail foncier en date du 24 novembre 2000.	Locateur : The Corporation of the City of Hamilton Locataires : The Hamilton Harbour Commissioners	Parties 12, 13, 20, 31 à 41, inclusivement, plan de renvoi 62R-15663.
(e) Bail foncier en date du 24 novembre 2000.	Locateur : The Corporation of the City of Hamilton Locataires : The Hamilton Harbour Commissioners	Parties 4, 5, 8, 17, 21, 45 et 50, plan de renvoi 62R-15663.
(f) Bail foncier en date du 24 novembre 2000.	Locateur : Sa majesté la Reine du chef du Canada représentée par le ministre du Patrimoine canadien Locataires : The Hamilton Harbour Commissioners	Parties 10, 11, 14, 18, 19, 46, 47 et 51, plan de renvoi 62R-15663.

PARTIE 2 (Oshawa)

1. NIP 16378-0105 (LT), désigné comme les parties 1, 2 et 3 sur le Plan 40R-26890 au système d'enregistrement foncier de l'Ontario.

ANNEXE « D »

ADMINISTRATION PORTUAIRE HAMILTON-OSHAWA

CATÉGORIES D'UTILISATEURS

1. Quais privés.
2. Quais de l'Administration portuaire et activités connexes.
3. Tous les autres utilisateurs portuaires, notamment les utilisateurs à des fins de travail, d'environnement et de loisirs.

ANNEXE « E »

ADMINISTRATION PORTUAIRE HAMILTON-OSHAWA

CODE DE DÉONTOLOGIE

ARTICLE 1

OBJET ET INTERPRÉTATION

1.1 Objet du code. Le présent code a pour but de renforcer la confiance du public dans l'intégrité et l'impartialité des administrateurs et dirigeants de l'Administration et des activités et transactions commerciales menées par

establishing clear conflict of interest rules for directors and officers of the Authority.

1.2 Principles. This Code shall be interpreted in accordance with the following general principles:

- (a) every director and officer shall discharge their official duties and arrange their private affairs in such a manner as to preserve and promote public confidence and trust in the integrity and impartiality of the Authority;
- (b) the obligations of a director or officer described in subsection 1.2(a) may not always be discharged merely by acting in accordance with the technical requirements of the Act, the Regulations, the Letters Patent, the by-laws and the policies and resolutions of the Board; and
- (c) public confidence and trust in the integrity and impartiality of the Authority may be as equally compromised by the appearance of a conflict as by the existence of an actual conflict.

1.3 Definitions. In this Code, terms used herein shall have the meanings ascribed to them in the Act and the Letters Patent, and, in addition, the following terms shall have the following meanings:

- (a) **“Gift”** includes any good, service, benefit, hospitality, promise or favour; and
- (b) **“Related Party”** means with respect to a director or officer of the Authority:
 - (i) a spouse, child, brother, sister or parent of such director or officer;
 - (ii) a relative of such director or officer (other than a spouse, child, brother, sister or parent of such director or officer) or a relative of the spouse of such director or officer if the relative has the same residence as the director or officer;
 - (iii) a corporation, partnership, trust or other entity which is directly or indirectly controlled by such director or officer or by a spouse, child, brother, sister or parent of such director or officer or any combination of such persons; and
 - (iv) a partner of such director or officer acting on behalf of a partnership of which the director or officer and the partner are partners.

1.4 Application of Code. This Code applies to all directors and officers of the Authority.

l'Administration en établissant des règles claires sur les conflits d'intérêts à l'intention des administrateurs et dirigeants de l'Administration.

1.2 Principes. Le présent code doit être interprété conformément aux principes généraux suivants :

- a) chaque administrateur et dirigeant doit exercer ses fonctions officielles et organiser ses affaires personnelles de façon à préserver et à faire croître la confiance du public dans l'intégrité et l'impartialité de l'Administration;
- b) pour s'acquitter des obligations prévues à l'alinéa 1.2a), il ne suffit pas simplement à un administrateur ou un dirigeant d'observer les exigences techniques de la Loi, des Règlements, des Lettres patentes, des règlements administratifs et des politiques et résolutions du Conseil;
- c) la confiance du public dans l'intégrité et l'impartialité de l'Administration peut être remise en question tant par l'apparence de conflit d'intérêts que par un conflit réel.

1.3 Définitions. Dans le présent code, les termes utilisés s'entendent au sens de la Loi et des Lettres patentes et les termes suivants ont le sens qui leur est donné ci-après :

- a) **« cadeau »** Bien, service, avantage, hospitalité, promesse ou faveur;
- b) **« personne apparentée »** Relativement à un administrateur ou dirigeant de l'Administration :
 - (i) conjoint, enfant, frère, sœur, ou parent de l'administrateur ou du dirigeant;
 - (ii) personne parente avec l'administrateur ou le dirigeant (autre qu'un conjoint, un enfant, un frère, une sœur, ou un parent de l'administrateur ou du dirigeant) ou personne parente avec le conjoint de l'administrateur ou du dirigeant si la personne parente habite à la même adresse que l'administrateur ou le dirigeant;
 - (iii) société, société de personnes, fiducie ou autre entité contrôlée directement ou indirectement par cet administrateur ou dirigeant ou par le conjoint, l'enfant, le frère, la sœur, ou le parent de cet administrateur ou de ce dirigeant ou encore tout groupe constitué de ces personnes;
 - (iv) associé de cet administrateur ou dirigeant agissant pour le compte d'une société de personnes dans laquelle l'administrateur ou le dirigeant et cet associé sont associés.

1.4 Application du code. Le présent code s'applique à tous les administrateurs et dirigeants de l'Administration.

1.5 Scope of Obligations. Conforming to the specific requirements of this Code shall not absolve a director or officer of responsibility for taking such additional action as may be necessary to conform with any standard of conduct or comply with any duty imposed by the Act, the Regulations, the Letters Patent, the by-laws and the policies and resolutions of the Board, or otherwise by law.

1.6 Acknowledgement by Directors and Officers. Each director and officer shall acknowledge in writing to the Board that:

- (a) they have read and understood this Code;
- (b) to the best of their knowledge they are in compliance with this Code, and neither they nor any Related Party has a conflict or a potential conflict within the meaning of article 2 of this Code; and
- (c) in the case of each officer, compliance with this Code is a condition of their employment.

1.7 Timing of Acknowledgement. Each director and officer shall deliver the acknowledgement described in section 1.6 of this Code to the Board:

- (a) with respect to the directors serving and officers employed on the date the Letters Patent take effect, forthwith upon the Letters Patent taking effect; and
- (b) with respect of all other directors, at the time of their appointment and, with respect to all other officers, at the time of the commencement of their employment.

1.8 Annual Review. Each director and officer shall regularly review their obligations under this Code and shall on the 15th day of May of each year provide the Board with a written acknowledgement confirming such review and that, to the best of the knowledge of the director or officer:

- (a) they are in compliance with this Code; and
- (b) neither they nor any Related Party has a conflict within the meaning of article 2 of this Code.

ARTICLE 2

CONFLICTS OF INTEREST

2.1 Conflicts Generally. A director or officer shall not allow his or her personal interests or the personal interests of a Related Party to conflict with or to give rise to the appearance of a conflict with the duties and responsibilities of the director or officer or the interests of the Authority.

1.5 Portée des obligations. Il ne suffit pas à un administrateur ou un dirigeant de se conformer aux exigences particulières du présent code, mais il lui incombe également de prendre toutes les mesures supplémentaires nécessaires pour se conformer à une ligne de conduite ou avec un devoir imposé par la Loi, les Règlements, les Lettres patentes, les règlements administratifs et les politiques et résolutions du Conseil ou autres règles.

1.6 Attestation des administrateurs et dirigeants. Les administrateurs et dirigeants doivent signer et remettre au Conseil un document attestant :

- a) qu'ils ont lu et compris le présent code;
- b) qu'au meilleur de leur connaissance, ils se conforment au présent code et que ni eux, ni une personne apparentée n'est en conflit, réel ou potentiel, au sens de l'article 2 du présent code;
- c) dans le cas de chaque dirigeant, qu'il s'engage, comme condition d'emploi, à observer le présent code.

1.7 Moment de l'attestation. L'administrateur ou le dirigeant doit remettre l'attestation décrite au paragraphe 1.6 du présent code au Conseil :

- a) en ce qui a trait aux administrateurs en poste et aux dirigeants employés au moment de l'entrée en vigueur des Lettres patentes, immédiatement après l'entrée en vigueur des Lettres patentes;
- b) en ce qui a trait à tous les autres administrateurs, au moment de leur nomination et, en ce qui a trait aux autres dirigeants, au moment de leur entrée en fonction.

1.8 Revue annuelle. Tous les administrateurs et dirigeants doivent revoir régulièrement leurs obligations en vertu du présent code et, chaque année le 15 mai, remettre au Conseil une attestation écrite confirmant cette revue ainsi qu'une mention indiquant que, au meilleur de leur connaissance, les administrateurs ou dirigeants :

- a) se conforment aux dispositions du présent code;
- b) ni eux, ni une personne apparentée est en situation de conflit au sens de l'article 2 du présent code.

ARTICLE 2

CONFLITS D'INTÉRÊTS

2.1 Conflits en général. Un administrateur ou un dirigeant ne doit pas laisser ses intérêts personnels ou ceux d'une personne apparentée entrer en conflit ou donner l'impression d'entrer en conflit avec les fonctions et responsabilités de l'administrateur ou dirigeant ou avec les intérêts de l'Administration.

2.2 Specific Types of Conflicts. Without restricting the generality of section 2.1, the following represent examples of specific matters which give rise to a conflict or an appearance of a conflict on the part of a director or officer:

(a) *Competition with the Authority:* A director or officer or a Related Party engages in any activity, or has a material interest in any person which engages in an activity, which is or could be in competition with the present or proposed interests of the Authority;

(b) *Transactions with the Authority or a User; Material Interests:* A director or officer or a Related Party:

(i) has a material interest in a user;

(ii) owes material obligations to the Authority or a user, other than in connection with the duties of the director or officer arising from their position with the Authority;

(iii) conducts business with the Authority or a user; or

(iv) holds a material interest in a corporation, partnership or other entity which conducts business with, or acts as a consultant or advisor to, the Authority or a user;

(c) *Interest in Material Contract:* A director or officer:

(i) is a party to a material contract or proposed material contract with the Authority; or

(ii) is a director or officer of or has a material interest in any person who is a party to a material contract or proposed material contract with the Authority; and

(d) *Acceptance of Offices with Conflicted Entities:* A director or officer accepts an appointment or a nomination for election to an office of, or employment with, any corporation, partnership, foundation, institute, organization, association or other entity, the business or activities of which are or could be in conflict with the interests of the Authority.

2.3 Conflicts For Which Approval Satisfactory. Engaging in the following activities shall be deemed not to give rise to a conflict or the appearance of a conflict on the part of a director or officer within the meaning of article 2

2.2 Types précis de conflits d'intérêts. Sans restreindre la portée générale du paragraphe 2.1, les exemples suivants représentent des cas précis qui donnent naissance à un conflit, ou apparence de conflit d'intérêts, de la part de l'administrateur ou du dirigeant :

a) *Concurrence avec l'Administration :* Administrateur ou dirigeant ou personne apparentée qui se livre à une activité ou a un intérêt important dans une personne qui se livre à une activité qui entre ou pourrait entrer en concurrence avec les intérêts actuels ou potentiels de l'Administration;

b) *Transactions avec l'Administration ou un utilisateur; intérêts importants :* Administrateur ou dirigeant ou personne apparentée qui :

(i) a un intérêt important dans un utilisateur;

(ii) doit des obligations importantes à l'Administration ou à un utilisateur, autrement que dans le cadre des fonctions d'administrateur ou de dirigeant découlant de leur poste au sein de l'Administration;

(iii) se livre à des activités avec l'Administration ou un utilisateur;

(iv) possède un intérêt important dans une société, société de personnes ou autre entité qui se livre à des activités avec l'Administration ou un utilisateur, ou lui sert de consultant ou de conseiller;

c) *Intérêts dans des marchés importants :* Administrateur ou dirigeant qui :

(i) est partie à un marché important ou un projet de marché important avec l'Administration;

(ii) est administrateur ou dirigeant d'une personne qui est partie à un marché important ou un projet de marché important avec l'Administration ou possède un intérêt important dans cette personne;

d) *Acceptation de postes au sein d'entités conflictuelles :* Administrateur ou dirigeant qui accepte une nomination ou une candidature à un poste ou un emploi au sein d'une société, société de personnes, fondation, institut, organisation, association ou autre entité, dont les activités entrent ou pourraient entrer en conflit avec les intérêts de l'Administration.

2.3 Approbation nécessaire. L'administrateur ou le dirigeant qui se livre aux activités énoncées ci-après ne sera pas réputé être en conflit d'intérêts, réel ou potentiel, au sens de l'article 2 du présent code à condition que

of this Code provided that the director or officer obtains the written approval of the Board prior to engaging in such activities:

(a) *Acceptance of Offices With Entities Benefiting From Authority*: A director or officer accepts an appointment or a nomination for election to an office of, or employment with, any corporation, partnership, foundation, institute, organization, association or entity, the business or activities of which benefit or could reasonably be expected to benefit from the business of the Authority or decisions made by the Authority; and

(b) *Use of Authority Property*: A director or officer uses property held or managed by the Authority for the personal benefit of the director or officer or a Related Party.

If a director or officer fails to obtain the written approval of the Board prior to engaging in any activity described in subsections (a) or (b) of this section, the engagement of the director or officer in such activity shall be deemed to give rise to a conflict of interest within the meaning of article 2 of this Code.

ARTICLE 3

DISCLOSURE OF CONFLICTS

3.1 Timing of Disclosure. Written disclosure of a conflict or an appearance of a conflict shall be made by a director or officer forthwith after the director or officer becomes aware of the conflict or the appearance of a conflict within the meaning of article 2 of this Code.

3.2 Declaration of Interest. For the purposes of this Code, a notice in writing to the Board by a director or officer providing reasonable particulars of the interest, asset, activity or position giving rise to a conflict or the appearance of a conflict together with such other material information relating to the conflict or the appearance of a conflict as shall be reasonably requested by the Board shall be deemed to be disclosure of the conflict or the appearance of a conflict.

3.3 Voting and Participation. A director or officer who is in conflict within the meaning of article 2 of this Code shall not participate in discussions or vote on any decision of, or provide recommendations to, the Board on any matter related to the conflict. Notwithstanding the foregoing, a director or officer may participate in, vote on and provide recommendations to the Board respecting any matter related to:

(a) an arrangement by way of security for money lent to, or obligations undertaken by the director or officer for the benefit of, the Authority;

l'administrateur ou le dirigeant obtienne l'approbation écrite du Conseil avant de se livrer à ces activités :

a) *Acceptation de postes au sein d'entités tirant un avantage de l'Administration* : Administrateur ou dirigeant qui accepte une nomination ou une candidature à un poste ou un emploi au sein d'une société, société de personnes, fondation, institut, organisation, association ou entité, dont les activités profitent ou pourraient profiter des activités ou des décisions de l'Administration;

b) *Utilisation des biens de l'Administration* : Administrateur ou dirigeant qui utilise les biens que possède l'Administration ou dont la gestion lui a été confiée au profit personnel de l'administrateur ou du dirigeant ou d'une personne apparentée.

Si l'administrateur ou dirigeant omet d'obtenir l'approbation écrite du Conseil avant de se livrer aux activités décrites aux alinéas a) ou b) du présent article, la participation de l'administrateur ou du dirigeant à cette activité sera réputée donner naissance à un conflit d'intérêts au sens de l'article 2 du présent code.

ARTICLE 3

DIVULGATION DES CONFLITS

3.1 Moment de la divulgation. L'administrateur ou dirigeant doit divulguer par écrit le conflit d'intérêts réel ou apparent immédiatement après que l'administrateur ou le dirigeant prend connaissance du conflit réel ou apparent au sens de l'article 2 du présent code.

3.2 Déclaration de l'intérêt. Pour les fins du présent code, l'administrateur ou dirigeant qui présente au Conseil un avis écrit donnant suffisamment de détails relativement à l'intérêt, le bien, l'activité ou le poste donnant naissance à un conflit réel ou potentiel, ainsi que tout autre renseignement important lié au conflit réel ou potentiel comme pourrait normalement le demander le Conseil, est réputé avoir divulgué le conflit réel ou potentiel.

3.3 Vote et participation. L'administrateur ou le dirigeant qui est en conflit d'intérêts au sens de l'article 2 du présent code ne doit pas participer aux discussions ou au vote du Conseil sur tout sujet lié au conflit, ou encore fournir des conseils à ces derniers à ce sujet. Néanmoins, un administrateur ou dirigeant peut participer, voter et formuler des recommandations au Conseil relativement à toute question liée à :

a) un arrangement au moyen d'une sûreté pour des montants prêtés à l'Administration, ou des obligations contractées par l'administrateur ou le dirigeant au profit de cette dernière;

(b) a contract that relates primarily to his or her remuneration as a director, officer, employee or agent of the Authority; and

(c) a contract for indemnity, in favour of the director or officer or directors' or officers' liability insurance.

3.4 Quorum of Directors' Meetings. Nothing contained in section 3.3 shall preclude a director or officer who is in conflict within the meaning of article 2 of this Code from being counted to determine the presence of a quorum at a meeting of the directors or committee of directors of the Authority where all or a portion of the business conducted at such meeting is consideration of the transaction or matter giving rise to the conflict, the interpretation of this Code or a determination or recommendation made pursuant to article 4 of this Code. Notwithstanding the foregoing, a director or officer who is in conflict shall absent himself or herself from the meeting for the portion of the meeting during which the transaction or matter giving rise to the conflict is considered.

3.5 Similar Transactions. In the case of similar transactions that are, or are likely to be, of a recurring nature and which are made or will be made in the ordinary course of the operations of the Authority, a director or officer who is in conflict as a result of such transactions shall be deemed to have complied with the disclosure requirements of this article 3 if:

(a) in the case of the directors serving or officers employed on the date the Letters Patent take effect, forthwith upon the Letters Patent taking effect; and

(b) in the case of all directors or officers, including the directors and officers described in subsection 3.5(a), on or before the 15th day of May of each year for which such disclosure relates,

the director or officer makes a single annual written disclosure to the Board setting out the nature and extent of the conflict arising as a result of the transactions together with such other information as shall reasonably be requested by the Board.

ARTICLE 4

COMPLIANCE

4.1 Voluntary Activities. When a conflict arises within the meaning of article 2 of this Code, in addition to the disclosure required under article 3 of this Code, a director

b) un marché portant principalement sur sa rémunération à titre d'administrateur, de dirigeant, d'employé ou de mandataire de l'Administration;

c) un marché d'indemnisation pour l'assurance-responsabilité de l'administrateur ou dirigeant ou de l'ensemble de ces derniers.

3.4 Quorum des réunions d'administrateurs. Le paragraphe 3.3 n'a pas pour effet d'empêcher un administrateur ou dirigeant en conflit d'intérêts au sens de l'article 2 du présent code d'être compté pour obtenir quorum à une réunion des administrateurs ou d'un comité d'administrateurs de l'Administration au cours de laquelle le ou les points à l'ordre du jour comprennent l'examen de la transaction ou de la question donnant naissance au conflit d'intérêts, l'interprétation du présent code ou une décision ou recommandation présentée en vertu de l'article 4 du présent code. Néanmoins, l'administrateur ou le dirigeant qui se trouve en conflit d'intérêts doit s'absenter de l'assemblée pendant la partie de la réunion au cours de laquelle les autres administrateurs abordent le point donnant lieu au conflit d'intérêts.

3.5 Transactions semblables. Pour le cas où des transactions semblables se répètent ou sont susceptibles de se répéter dans le courant des activités normales de l'Administration, l'administrateur ou dirigeant qui se trouve en conflit d'intérêts par suite de ces transactions est réputé s'être conformé à l'exigence de divulgation du présent article 3 s'il remet chaque année au Conseil une déclaration écrite exposant la nature et la portée du conflit découlant de la transaction ainsi que tout autre renseignement que pourrait raisonnablement demander le Conseil :

a) dans le cas des administrateurs en fonctions ou des dirigeants employés à la date d'entrée en vigueur des Lettres patentes, immédiatement après l'entrée en vigueur des Lettres patentes;

b) dans le cas de tous les administrateurs ou dirigeants, y compris ceux mentionnés à l'alinéa 3.5a), au plus tard le 15 mai de chaque année pour laquelle cette déclaration s'applique.

ARTICLE 4

OBSERVATION

4.1 Activités volontaires. Lorsque se produit un conflit d'intérêts au sens de l'article 2 du présent code, outre la divulgation exigée en vertu de l'article 3 du présent code,

or officer may voluntarily undertake one or more of the following actions to address the conflict:

- (a) *Divestment*: selling or causing the sale of the asset or interest giving rise to the conflict to a party which is not a Related Party;
- (b) *Withdrawal*: resigning the position or withdrawing from the activity or causing the resignation or withdrawal; or
- (c) *Resignation*: resigning where the director or officer is unwilling or unable to divest the asset or interest, withdraw from the activity or resign from the position giving rise to the conflict.

4.2 Voluntary Compliance Not Determinative. Voluntary compliance by a director or officer with one or more of the measures described in section 4.1:

- (a) in the case of a director, shall not relieve the director from complying with such other measures as may be determined by the entity appointing the director to be appropriate in connection with a conflict or an appearance of conflict; and
- (b) in the case of an officer, shall not relieve the officer from complying with such other measures as may be determined by the Board to be appropriate in connection with a conflict or an appearance of conflict.

4.3 Determination by Board. Where a disclosure is made to the Board by a director or officer pursuant to article 3 of this Code or facts are brought to the attention of the Board which indicate a conflict or appearance of conflict or failure to comply with this Code by a director or officer, the Board shall forthwith determine:

- (a) whether the director or officer is in a conflict within the meaning of article 2 of this Code;
- (b) whether the director or officer has failed to comply with this Code;
- (c) whether the conflict has been or will be satisfactorily addressed through:
 - (i) disclosure by the director or officer;
 - (ii) the director or officer's undertaking one or more of the actions described in section 4.1; or
 - (iii) the director or officer undertaking actions other than as described in paragraphs 4.3(c)(i) and (ii);
- (d) in the case of an officer, the measures to be taken by the officer to address the conflict and any sanctions to

l'administrateur ou dirigeant peut volontairement prendre l'une ou l'autre des mesures suivantes pour régler le conflit :

- a) *Dessaisissement* : vendre ou faire vendre à un tiers avec qui il n'est pas apparenté les biens qui suscitent le conflit d'intérêts;
- b) *Retrait* : démissionner d'un poste ou se retirer d'une activité ou causer la démission ou le retrait;
- c) *Démission* : démissionner lorsque l'administrateur ou dirigeant refuse de se dessaisir du bien ou de l'intérêt, de se retirer de l'activité ou de démissionner du poste qui suscite le conflit d'intérêt, ou encore qu'il n'est pas en mesure de le faire.

4.2 Observation volontaire non déterminante. L'observation volontaire, par un administrateur ou un dirigeant, de l'une ou l'autre des mesures énoncées au paragraphe 4.1:

- a) dans le cas d'un administrateur, ne le libère pas de l'obligation d'observer toute autre mesure que l'entité qui l'a nommé pourra juger appropriée relativement à un conflit réel ou apparent;
- b) dans le cas d'un dirigeant, ne le libère pas de l'obligation d'observer toute autre mesure que le Conseil pourra juger appropriée relativement à un conflit réel ou apparent.

4.3 Décision par le Conseil. Lorsqu'un administrateur ou dirigeant présente une déclaration au Conseil en vertu de l'article 3 du présent code ou que des faits sont portés à l'attention du Conseil qui indiquent un conflit d'intérêts réel ou apparent, ou encore un défaut d'observation du présent code par un administrateur ou dirigeant, le Conseil doit immédiatement décider :

- a) si l'administrateur ou dirigeant se trouve en conflit d'intérêts au sens de l'article 2 du présent code;
- b) si l'administrateur ou dirigeant a omis d'observer le présent code;
- c) si le conflit d'intérêts a été réglé ou le sera de façon satisfaisante par les moyens suivants :
 - (i) divulgation par l'administrateur ou dirigeant;
 - (ii) administrateur ou dirigeant prenant l'une ou l'autre des mesures décrites au paragraphe 4.1;
 - (iii) administrateur ou dirigeant prenant des mesures autres que celles décrites aux sous-alinéas 4.3c)(i) et (ii);

be imposed upon the officer in connection with a failure by the officer to comply with this Code; and

(e) in the case of a director, whether to request the director to resign.

4.4 Opportunity to be Heard. The Board shall provide a director or officer with an opportunity to be heard in connection with a determination made pursuant to section 4.3.

4.5 Notification of Determination Respecting Officer. Upon the Board's making a determination pursuant to section 4.3 in respect of an officer, the Board shall forthwith provide the officer with written notification of the determination, including the reasons therefor, together with any direction of the Board to be complied with by the officer.

4.6 Notification of Determination Respecting Director. Where the Board has determined that a director has failed to comply with this Code, the Board shall forthwith provide the entity which has appointed such director to the Board with written notification of the failure to comply along with full particulars of the circumstances giving rise thereto.

ARTICLE 5

ACCEPTANCE OR OFFERING OF GIFTS

5.1 Acceptance or Offering of Gifts. No director or officer shall offer Gifts to, or accept Gifts from, users or potential users without the prior written consent of the Board. Notwithstanding the foregoing, Gifts may be accepted or offered provided that:

- (a) the Gift is not in the form of cash or cash equivalent;
- (b) the Gift is neither in such form nor of sufficient value such that it could reasonably be construed to be a bribe or other improper payment; and
- (c) the Gift is of modest value and the acceptance of the Gift is in accordance with customary business practice.

ARTICLE 6

INSIDE INFORMATION

6.1 Use of Information. A director or officer shall not use any information obtained in connection with his or her position with the Authority for personal benefit or for the benefit of any other person unless such information has been disclosed to the public or made available to the public. Without limiting the generality of the foregoing, a

d) dans le cas d'un dirigeant, les mesures à prendre pour régler le conflit d'intérêts et toute peine imposée au dirigeant pour avoir omis d'observer le présent code;

e) dans le cas d'un administrateur, s'il est indiqué de demander la démission de ce dernier.

4.4 Audience. Le Conseil doit accorder à l'administrateur ou dirigeant une audience relativement à une décision initiale prise en vertu au paragraphe 4.3.

4.5 Avis de la décision concernant le dirigeant. Dès que le Conseil prend une décision en vertu au paragraphe 4.3 relativement à un dirigeant, le Conseil avise immédiatement par écrit le dirigeant de sa décision et des raisons qui l'ont motivée ainsi que de toute directive du Conseil que doit observer le dirigeant.

4.6 Avis de la décision concernant l'Administrateur. Lorsque le Conseil décide qu'un administrateur a omis d'observer le présent code, le Conseil doit sans délai aviser l'entité qui a proposé la nomination de l'administrateur du défaut d'observation ainsi que tous les détails des circonstances qui ont donné lieu à cette situation.

ARTICLE 5

ACCEPTATION OU OFFRE DE CADEAUX

5.1 Acceptation ou offre de cadeaux. Les administrateurs et dirigeants ne doivent ni offrir de cadeaux aux utilisateurs ou aux utilisateurs potentiels, ni en accepter d'eux, sans le consentement préalable écrit du Conseil. Néanmoins, ils peuvent accepter ou offrir des cadeaux si ceux-ci :

- a) ne sont pas en espèces ou l'équivalent;
- b) ne sont pas de valeur importante et ne sont pas de nature à laisser planer des doutes quant à un pot-de-vin ou paiement illicite;
- c) sont d'une valeur peu importante et leur acceptation est conforme aux pratiques commerciales courantes.

ARTICLE 6

RENSEIGNEMENTS D'INITIÉS

6.1 Utilisation des renseignements. Un administrateur ou dirigeant ne peut utiliser les renseignements obtenus dans l'exercice de ses fonctions au sein de l'Administration à son avantage personnel ou celui d'autres personnes, à moins que ces renseignements n'aient été divulgués au public ou aient été mis à la disposition du

director or officer who has knowledge of a proposed action or decision by the Authority shall not purchase or sell assets, or advise any other party to purchase or sell assets, the value of which could be expected to be materially affected by the proposed action or decision until such time as the proposed action or decision has been announced or has been made available to the public.

6.2 Disclosure of Confidential Information. Subject to section 6.3, no director or officer shall disclose any information concerning the business and affairs or proposed business and affairs of the Authority acquired in connection with his or her position with the Authority ("Confidential Information") which has not been disclosed to the public or been made available to the public without the prior written consent of the Board.

6.3 Permitted Disclosures. A director or officer may disclose Confidential Information:

- (a) to the extent that the disclosure is reasonably necessary in connection with the performance of the duties and responsibilities of the director or officer, including disclosures necessary in connection with a financing transaction or proposed financing transaction involving the Authority;
- (b) to the extent disclosure is required by law (including *Access to Information Act* (Canada) and *Privacy Act* (Canada) requirements) or by a court or tribunal of competent jurisdiction; and
- (c) to professional advisors of the Authority.

ARTICLE 7

OUTSIDE EMPLOYMENT

7.1 Offers of Employment or Appointment. In discharging his or her duties and responsibilities to the Authority, a director or officer shall not allow the performance of such duties and responsibilities to be affected by offers or potential offers of outside employment or appointment.

7.2 Disclosure of Offer. A director or officer who receives a firm offer of employment or appointment which may affect the performance of the director's or officer's duties or responsibilities shall forthwith disclose the offer to the Board in writing.

public. Sans limiter le caractère général de ce qui précède, un administrateur ou un dirigeant qui est au courant d'une mesure ou décision proposée par l'Administration ne doit pas acheter ou vendre des biens, ni conseiller à des tiers d'acheter ou de vendre des biens, dont la valeur pourrait varier de façon appréciable en raison de la mesure ou décision proposée, jusqu'à ce que la mesure ou décision ait été annoncée ou rendue publique.

6.2 Divulgence de renseignements confidentiels. Sous réserve au paragraphe 6.3, un administrateur ou dirigeant ne peut divulguer de renseignements concernant les activités et affaires de l'Administration obtenus dans l'exercice de ses fonctions au sein de l'Administration (« renseignements confidentiels ») qui n'ont pas été divulgués au public ou rendus publics sans autorisation préalable écrite du Conseil.

6.3 Divulgence autorisée. Un administrateur ou dirigeant peut divulguer des renseignements confidentiels dans les cas suivants :

- a) dans la mesure où la divulgation est raisonnablement nécessaire pour permettre à l'administrateur ou dirigeant de s'acquitter de ses fonctions et responsabilités, notamment, la divulgation nécessaire relativement à une transaction financière ou transaction financière proposée mettant en cause l'Administration;
- b) dans la mesure où la divulgation est prévue par la loi (notamment, les exigences de la *Loi sur l'accès à l'information* (Canada) et de la *Loi sur la protection des renseignements personnels* (Canada)) ou un tribunal compétent;
- c) divulgation aux conseillers professionnels de l'Administration.

ARTICLE 7

ACTIVITÉS EXTÉRIEURES

7.1 Offres d'emploi ou de nomination. Dans l'exercice de ses fonctions et de ses responsabilités au sein de l'Administration, un administrateur ou dirigeant ne peut laisser des offres ou offres potentielles d'emploi ou de nomination à l'extérieur influencer sur ses fonctions et responsabilités.

7.2 Divulgence de l'offre. Un administrateur ou dirigeant qui reçoit une offre sérieuse d'emploi ou de nomination qui pourrait influencer sur l'exécution des fonctions ou des responsabilités de l'administrateur ou dirigeant doit immédiatement divulguer par écrit cette offre au Conseil.

ARTICLE 8

RECORDS OF PRIVACY

8.1 Confidentiality Obligation. Information concerning the interests or activities or proposed interests or activities of a director or officer provided to the Board in connection with the disclosure obligations of this Code or otherwise obtained by the Board shall be placed in separate personal files and kept in secure safekeeping.

8.2 Privacy. Subject to disclosure of personal information in accordance with law (including disclosure under the *Access to Information Act* (Canada) and *Privacy Act* (Canada)), in addition to the confidentiality obligations set forth in section 8.1, the Board shall make all reasonable efforts to ensure that the privacy of the director or officer disclosing personal information to the Board is fully respected.

ARTICLE 8


DOSSIERS ET PROTECTION DES RENSEIGNEMENTS PERSONNELS

8.1 Caractère confidentiel. Les renseignements sur les intérêts ou les activités privés, actuels ou projetés, d'un administrateur ou dirigeant qui sont divulgués au Conseil conformément aux obligations de divulgation du présent Code, ou que le Conseil obtient autrement, sont consignés dans des dossiers personnels spéciaux gardés en lieu sûr.

8.2 Protection des renseignements personnels. Sous réserve de la divulgation des renseignements personnels conformément à la loi (notamment, les exigences de divulgation prévues en vertu de la *Loi sur l'accès à l'information* (Canada) et la *Loi sur la protection des renseignements personnels* (Canada)), outre les obligations de protection du caractère confidentiel exposées au paragraphe 8.1, le Conseil doit faire tous les efforts possibles pour s'assurer que les renseignements personnels de l'administrateur ou dirigeant divulgués au Conseil sont protégés.



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

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	October 2, 2024
SUBJECT/REPORT NO:	Green and Inclusive Communities Building Program Intake 3 (FCS21055(b)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Abdisalam Osman (905) 546-2424
SUBMITTED BY:	Kirk Weaver Acting Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the General Manager, Finance and Corporate Services, or delegate, and the General Manager, Public Works, or delegate, be authorized to submit all necessary documentation to support the City of Hamilton's application, attached as Appendix "A" to Report FCS21055(b), for the Green and Inclusive Community Buildings Program Intake 3;
- (b) That the Mayor and City Clerk be authorized to execute all necessary documentation, including Funding Agreements to receive funding under the Green and inclusive Community Buildings Program Intake 3 with content satisfactory to the General Manager, Finance and Corporate Services, and in a form satisfactory to the City Solicitor;
- (c) That the City Solicitor be authorized and directed to prepare any necessary by-laws for Council approval, for the purpose of giving effect to the City's acceptance of funding from the Green and Inclusive Community Buildings Program Intake 3;
- (d) That, should a project submission for the Green and Inclusive Community Buildings Program Intake 3 be approved, any unfunded municipal share be referred to the City's annual budget process; and

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: Green and Inclusive Communities Building Program Intake 3
(FCS21055(b)) (City Wide) – Page 2 of 7**

- (e) That copies of Report FCS21055(b) be forwarded to local Members of Parliament.

EXECUTIVE SUMMARY

In July 2024, the Minister of Intergovernmental Affairs, Infrastructure and Communities, announced the dates for the third application intake of the Green and Inclusive Community Buildings (GICB) Program. This new intake extends the program to March 2029, with an additional \$500 M in funding.

GICB funding is dispersed through two streams:

1. **Small and Medium Retrofits** – Budgets ranging from \$100,000 to \$2,999,999. The selection of projects for funding is based on eligibility criteria and achieving a minimum merit threshold, as well as funding availability. Applications are accepted from August 1, 2024, to October 16, 2024.
2. **Large Retrofits and New Builds** – Budgets ranging from \$3,000,000 to \$25,000,000. The selection of projects for funding is based on eligibility criteria and the competitive evaluation of applications using merit criteria. Applications are accepted from September 4, 2024, to October 16, 2024.

Larger retrofits and new build projects (above \$25 M in total eligible costs) may also be considered if the federal investment can be effectively delivered by March 31, 2029, either to complete the project or advance it to the next phase of funding. To qualify, projects must meet an energy performance improvement of at least 25% over baseline energy use. Retrofit projects must be completed during the period between April 1, 2021, and March 31, 2029.

There are no limits on the number of applications an eligible applicant can submit. Applicants may provide ranking information if submitting multiple projects. The proposed projects, as noted in Appendix “A” of Report FCS21055(b), represent a total gross cost of \$26 M with a potential federal share of \$15 M and municipal share of \$11 M. The proposed projects and their associated municipal funding sources have already received Council approval. However, additional funding is needed for project 7102441001 – Ancaster Senior Expansion, which will require further approval from Council to proceed.

Alternatives for Consideration – Not Applicable

**SUBJECT: Green and Inclusive Communities Building Program Intake 3
(FCS21055(b)) (City Wide) – Page 3 of 7**

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Without the GICB funds, the federal portion of the project funding would need to be covered entirely by City sources. The proposed application from the City is comprised of three projects, attached as Appendix “A” to Report FCS21055(b), that have been previously approved by Council. The funding sources for the City’s share of the projects, if approved under the GICB Program Intake 3, will be the Unallocated Capital Levy Reserve #108020, Library Reserves #106008 and #106013, Energy #112272, Development Charge Reserves #110320, #110321, #110322 and #110323 and additional Levy funding. A breakdown of municipal funding sources is provided in Appendix “A” to Report FCS21055(b).

Staffing: N/A

Legal: It is anticipated that the City will be required to enter into a funding agreement to receive GICB Intake 3 grants and may need to enter into other ancillary agreements or pass by-laws to receive funding.

HISTORICAL BACKGROUND

On April 14, 2021, the Government of Canada announced the launch of a program across Canada to support green and inclusive community buildings through retrofits, repairs, upgrades and new builds. GICB will invest in projects that meet a minimum threshold for energy efficiency improvements and that increase social inclusion in under-served and high-needs communities across Canada.

As part of this initiative, the City of Hamilton submitted the Mt. Hope Library Renovation / Expansion project to Intake 2 of the GICB program. However, the project was not selected in that round and is now being resubmitted under Intake 3, along with two additional projects for consideration.

On April 16, 2024, the Government of Canada announced an extension and additional funding for the Green and Inclusive Community Buildings (GICB) Program through Budget 2024, which added a \$500 million top-up and extended the program until March 2029. This extension brings the total available funding to \$2 B.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

**SUBJECT: Green and Inclusive Communities Building Program Intake 3
(FCS21055(b)) (City Wide) – Page 4 of 7**

RELEVANT CONSULTATION

All City departments were consulted in determining the list of projects that would meet the eligibility requirements of the GICB. Public Works Department, Facilities and Energy Initiatives Divisions, provided project proposals for submission consideration under the GICB Intake 3.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The Green and Inclusive Community Buildings (GICB) program provides targeted funding to Canadian municipal governments, non-profits and indigenous organizations to support the development, retrofit and renovation of community buildings. Eligible projects must focus on enhancing energy efficiency, reducing carbon emissions and increasing inclusivity. These efforts align with the City of Hamilton's strategic goals for sustainability, energy efficiency and community resilience. The GICB program's eligibility and funding categories are designed to encourage investments in green infrastructure and inclusive spaces, fostering a more sustainable and accessible future for communities.

Eligible Projects for GICB Funding

Eligible projects under the GICB program are categorized to support the construction, renovation and retrofitting of community buildings with a focus on sustainability and inclusivity. Key categories include Small and Medium Retrofits, Large Retrofits and New Builds, each of which is aimed at achieving specific environmental and social outcomes that align with national climate goals and the City's long-term objectives.

- **Small and Medium Retrofits:** Projects with budgets ranging from \$100,000 to \$2,999,999 are eligible for funding to improve the energy efficiency and accessibility of existing community buildings. Eligible activities include energy efficiency upgrades, structural repairs and the installation of inclusive features such as ramps and accessible washrooms.
- **Large Retrofits and New Builds:** Projects with budgets ranging from \$3 M to \$25 M are eligible for funding under this category. Large-scale renovations and new construction projects are focused on achieving net-zero emissions, integrating renewable energy solutions and creating community spaces that are fully accessible and inclusive.
- **Environmental Sustainability and GHG Reductions:** All eligible projects must demonstrate a reduction in greenhouse gas emissions of at least 25% over baseline energy use. This includes implementing measures such as energy-efficient HVAC systems, building insulation and lighting upgrades to achieve significant energy savings.

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

**SUBJECT: Green and Inclusive Communities Building Program Intake 3
(FCS21055(b)) (City Wide) – Page 5 of 7**

Eligible Applicants for GICB Funding

The GICB program is open to a broad range of applicants, with a focus on those who can demonstrate the ability to serve high-needs communities and improve accessibility. Eligible applicants include:

- **Municipal, regional and territorial governments:** These applicants may apply to retrofit or build community infrastructure that serves underrepresented and high-needs populations.
- **Indigenous governing bodies and organizations:** Indigenous communities can apply for funding either independently or in partnership with municipal governments for projects that enhance community spaces or infrastructure.
- **Federally or provincially incorporated not-for-profit organizations:** Non-profits are eligible to apply if their projects involve community-oriented infrastructure improvements that meet the program's inclusivity and sustainability goals.

Funding limits

The Green and Inclusive Community Buildings (GICB) Program provides funding for eligible project costs up to specified limits based on project type and size. For retrofit projects up to \$9,999,999, the program will cover up to 80% of the total eligible costs, while for retrofits costing \$10,000,000 or more, funding is capped at 60%. For new builds, the program covers up to 60% of the first \$9,999,999 in costs and 50% for costs exceeding \$10,000,000.

Total Eligible Project Cost	General Program (up to % max from Program)
Retrofits up to \$9,999,999	80%
Retrofits costs \$10,000,000 +	60%
New builds up to first \$9,999,999 of costs	60%
New build costs \$10,000,000 +	50%

The maximum allowable funding from all Government of Canada sources combined is 100% of eligible project costs. The total funding from all levels of government combined, including municipal, provincial, and territorial sources, cannot exceed 100% of eligible costs.

**SUBJECT: Green and Inclusive Communities Building Program Intake 3
(FCS21055(b)) (City Wide) – Page 6 of 7**

Key Project Evaluation Criteria

- **Energy Efficiency and Carbon Emissions Reductions:** All projects must achieve at least a 25% improvement in energy performance over baseline consumption. Retrofit projects are required to utilize RETScreen® Expert software to calculate and demonstrate these energy savings.
- **Inclusivity and Accessibility:** Projects must increase accessibility for all, especially for people with disabilities. Proposals that meet the highest accessibility standards, as outlined by the Canadian Standards Association (CSA), will receive higher evaluation scores.
- **Climate Resilience:** Projects must incorporate climate resilience measures by considering climate risk assessments and adopting mitigation strategies to safeguard the building's long-term sustainability.
- **Community Impact:** Higher priority will be given to projects that demonstrate the ability to serve high-needs and underserved communities, contributing to greater social inclusion and public benefit.

City of Hamilton Priorities for GICB Application

The City of Hamilton conducted a review of Council approved capital works-in-progress and planned capital projects to identify those that align with the eligibility criteria of the Green and Inclusive Community Buildings (GICB) funding program. This review focused on projects that met the program's specific requirements and can be completed within the program's timelines.

As a result, the City identified three key projects for submission under Intake 3 of the GICB program:

- Mount Hope Library Renovation/Expansion (Retrofit)
- Ancaster Senior Expansion (New Build)
- Harry Howell Energy Retrofits (Retrofit)

The City prioritized projects that deliver significant energy efficiency improvements, enhance climate resilience and support social equity goals, while ensuring that selected projects do not introduce undue risks or constraints related to funding or scheduling. By targeting projects that align with both the GICB program's objectives and the City's long-term sustainability and inclusivity strategies, Hamilton aims to maximize the benefits of this funding opportunity while maintaining alignment with its broader infrastructure and community development goals.

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**SUBJECT: Green and Inclusive Communities Building Program Intake 3
(FCS21055(b)) (City Wide) – Page 7 of 7**

ALTERNATIVES FOR CONSIDERATION

N/A

APPENDICES AND SCHEDULES ATTACHED

Appendix “A’ to Report FCS21055(b) – Green and Inclusive Community Buildings (GICB)
Program Intake 3 Project Submission – Funding Summary

AO/dt

Green and Inclusive Community Buildings (GICB) Program Intake 3 Project Submission

Project Description	Total Project Cost (000's)	Cost Sharing Breakdown			
		Total Eligible Cost (000's)	Federal Share 60% or 50% (new build) 80% (retrofit) (000's)	City Share 40% or 50% (new build) 20% (Retrofit) (000's)	City Ineligible Cost (000's)
Mount Hope Library Renovation/Expansion (Retrofit)	\$ 5,200	\$ 5,200	\$ 4,160	\$ 1,040	\$ -
Ancaster Senior Expansion (New Build)	\$ 18,100	\$ 18,100	\$ 10,050	\$ 8,050	
Harry Howell energy retrofits (Retrofit)	\$ 2,550	\$ 2,550	\$ 2,040	\$ 510	
	\$ 25,850	\$ 25,850	\$ 16,250	\$ 9,600	\$ -

Financing Strategy	2024 (000's)
Federal Share	\$ 16,250
City Share	\$ 9,600
Total	\$ 25,850
City Funding Details:	
Library Reserves (106008, 106013)	\$ 708
Development Charge Reserve (110322/110323,110320,110321)	\$ 6,369
Energy (112272)	\$ 510
Levy	\$ 2,013
Total	\$ 9,600



Hamilton

**ACCESSIBILITY COMMITTEE FOR PERSONS WITH
DISABILITIES
REPORT 24-008**

4:00 p.m.

Tuesday, September 10, 2024

Room 264, 2nd Floor Hamilton City Hall (Hybrid)
71 Main Street West

Present: Councillor M. Tadeson, J. Kemp (Chair),
P. Kilburn (Vice-Chair) (virtually), H. Bonenfant
(virtually), L. Dingman, L. Janosi, H. Kaur
(virtually), J. Maurice, M. McNeil

Absent with

Regrets: B. Cullimore, C. Hernould, L. Johanson T.
Murphy, K. Nolan, T. Nolan and R. Westbrook

**THE FOLLOWING ITEMS WERE REFERRED TO THE
GENERAL ISSUES COMMITTEE FOR CONSIDERATION:**

**1. Barrier Free Access to Hamilton Street Railway
(HSR) for Persons with Disabilities (Added Item
12.2)**

- (a) That the Accessibility Committee for Persons with
Disabilities (ACPD) requests that Transit Division

staff report back in Q4 2024 to the Public Works Committee on improvements that can be made to the Hamilton Street Railway (HSR) services for persons with disabilities, that would address the following identified barriers, including costs for the implementation of the modifications:

- (1) Difficulties experienced by transit riders with disabilities when loading and unloading through the front entry doors;
 - (2) Difficulties experienced by transit riders with disabilities when loading and unloading through the rear entry doors; and
 - (3) Inaccessibility of PRESTO card readers by transit riders with disabilities.
- (b) That Transit Division staff consider the following remediation suggestions to address the identified barriers in (a):
- (1) and (2) the re-implementation of the rear door loading policy; and
 - (3)
 - (i) standardizing the placement of PRESTO Card readers;
 - (ii) installing grab bars to make access to PRESTO card readers more accessible;
 - (iii) making portable PRESTO card readers available on all buses;

- (iv) training drivers on how to assist transit riders with disabilities to scan their PRESTO card if they ask for assistance; and
 - (v) mandating drivers to assist transit riders with disabilities to scan their PRESTO card if they ask for assistance.
- (c) That Transit Division staff consider modifying transit fares for those who are unable to overcome the above barriers, if the current Hamilton Street Railway (HSR) services for persons with disabilities are not modified accordingly.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

13.1 Barrier Free Access to Hamilton Street Railway (HSR) for Persons with Disabilities

(A request to waive the rules will be introduced)

The Agenda for the September 10, 2024, meeting of the Accessibility Committee for Persons with Disabilities, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) August 13, 2024 (Item 4.1)

The minutes of the August 13, 2024 Accessibility Committee for Persons with Disabilities meeting, was approved, as presented.

(d) CONSENT ITEMS (Item 9)

J. Kemp relinquished the Chair to P. Kilburn in order to provide the Built Environment Working Group Update (Item 9.1), Housing Working Group Update (Item 9.2) and Outreach Working Group Update (Item 9.3).

(i) (1) Built Environment Working Group Update (Item 9.1)

J. Kemp provided a verbal update.

(2) Housing Working Group Update (Item 9.2)

J. Kemp provided a verbal update.

(3) Outreach Working Group Update (Item 9.3)

J. Kemp provided a verbal update.

(4) Transportation Working Group Update (Item 9.4)

P. Kilburn provided a verbal update.

(ii) (McNeil/Bonenfant)

That the following Consent Items, be received:

(1) Built Environment Working Group Update (Item 9.1) - Verbal update.

(2) Housing Working Group Update (Item 9.2)

(a) Housing Working Group Meeting Notes – August 20, 2024 (Item 9.2(a))

(3) Outreach Working Group Update (Item 9.3)

(a) Outreach Working Group Meeting Notes – August 20, 2024 – (Item 9.3(a))

(4) Transportation Working Group Update (Item 9.4) - Verbal update.

J. Kemp assumed the Chair after he had provided the Committee with the respective updates.

(e) MOTIONS (Item 12)

(i) Appointment to the Outreach Working Group (Item 12.1)

Jake Maurice was appointed to the Outreach Working Group for the 2022-2026 Term of Council.

(f) NOTICES OF MOTION (Item 13)

J. Kemp relinquished the Chair to P. Kilburn in order to introduce the following Notice of Motion:

(i) Barrier Free Access to Hamilton Street Railway (HSR) for Persons with Disabilities (Added Item 13.1)

The Rules of Order were waived to allow for the introduction of a Motion respecting Barrier Free Access to Hamilton Street Railway (HSR) for Persons with Disabilities.

For disposition of this matter, refer to Item 1.

J. Kemp assumed the Chair.

(g) ADJOURNMENT (Item 16)

There being no further business, the Accessibility Committee for Persons with Disabilities, adjourned at 4:28 p.m.



**LIGHT RAIL TRANSIT SUB-COMMITTEE
REPORT 24-003**

9:30 a.m.

Friday, September 20, 2024

Council Chambers (Hybrid)

Hamilton City Hall

71 Main Street West

Present: Mayor A. Horwath (virtually), Councillors C. Kroetsch (Acting Chair), N. Nann (Chair), C. Cassar, J.P. Danko, M. Francis (virtually), T. Hwang and M. Wilson

**THE LIGHT RAIL TRANSIT SUB-COMMITTEE PRESENTS REPORT 24-003 AND
RESPECTFULLY RECOMMENDS:**

**1. Hamilton Light Rail Transit Project Communications and Engagement
Update (PED24150) (City Wide) (Item 8.1)**

That Report PED24150, respecting Hamilton Light Rail Transit Project Communications and Engagement Update, be received.

**2. Establishing a Baseline of Measures respecting Getting Hamilton's Light
Rail Transit on the Right Track (Item 12.1)**

That staff be directed to report back to the Light Rail Transit Sub-Committee respecting a Terms of Reference for establishing a baseline of measures that would enable the City to track changes over time with respect to a wide and comprehensive range of metrics including economic, environmental and social metrics.

**3. Hamilton Light Rail Transit Partial Property Acquisition Update (PED24083(a))
(City Wide) (Item 15.1)**

That Report PED24083(a), respecting Hamilton Light Rail Transit Partial Property Acquisition Update, be received and remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

8. STAFF PRESENTATIONS

- 8.1 Recruiting Additional LRT Sub-Committee Advisors in Order to Facilitate Consideration of Climate Justice (PED24087(a)) (City Wide) (Outstanding Business List Item) – WITHDRAWN

14. GENERAL INFORMATION / OTHER BUSINESS

- (a) Items Considered Complete and Needing to be Removed:
- (b) Recruiting Additional LRT Sub-Committee Advisors in Order to Facilitate Consideration of Climate Justice - WITHDRAWN

The agenda for the September 20, 2024, Light Rail Transit Sub-Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) May 23, 2024 (Item 4.1)

The Minutes of the May 23, 2024, meeting of the Light Rail Transit Sub-Committee were approved, as presented.

(d) STAFF PRESENTATIONS (Item 8)

(i) Hamilton Light Rail Transit Project Communications and Engagement Update (PED24150) (City Wide) (Item 8.1)

Jessica Scott, Manager - Communications and Engagement – LRT, addressed Committee respecting Report PED24150, Hamilton Light Rail Transit Project Communications and Engagement Update, with the aid of a PowerPoint presentation.

The presentation from Jessica Scott, Manager – Communications and Engagement – LRT, respecting Report PED24150 Hamilton Light Rail Transit Project Communications and Engagement Update, was received.

For disposition of this matter, refer to Item 1.

(e) GENERAL INFORMATION / OTHER BUSINESS (Item 14)

(i) Amendments to the Outstanding Business List (Item 14.1)

The following amendment to the Light Rail Transit Sub-Committee's Outstanding Business List, was approved:

(1) Items Considered Complete and Needing to be Removed (Item 14.1(a)):

- (i) Applying a Climate Justice Lens to the Light Rail Transit Recommendations (Item 14.1(a)(a))**
Added: December 11, 2023
Completed: May 23, 2024. Item 1 of Light Rail Transit Sub-Committee Report 24-002

(f) PRIVATE AND CONFIDENTIAL (Item 15)

Committee moved into Closed Session pursuant to Section 9.3, Sub-sections (c), (h) and (k) of the City's Procedural By-law 21-021, and Section 239(2), Sub-sections (c), (h) and (k) of the Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City or a local board purposes; information explicitly supplied in confidence to the City or a local board by Canada, a province or territory or a Crown agency of any of them; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or a local board.

(i) Hamilton Light Rail Transit Partial Property Acquisition Update (PED24083(a)) (City Wide) (Item 15.1)

For disposition of this matter, refer to Item 3.

The Light Rail Transit Sub-Committee reconvened in Open Session at 10:53 a.m.

**Light Rail Transit Sub-Committee
Report 24-003**

**September 20, 2024
Page 4 of 4**

(g) ADJOURNMENT (Item 16)

There being no further business, the Light Rail Transit Sub-Committee adjourned at 10:56 a.m.

Respectfully submitted,

Councillor C. Kroetsch, Acting Chair,
Light Rail Transit Sub-Committee

Carrie McIntosh
Legislative Coordinator
Office of the City Clerk