



City of Hamilton
AUDIT, FINANCE AND ADMINISTRATION COMMITTEE
ADDENDUM

Meeting #: 24-021
Date: November 21, 2024
Time: 9:30 a.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

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

6. DELEGATION REQUESTS

- *6.1 Ian Borsuk, Environment Hamilton, respecting Item 8.1 Volunteer Advisory Committee Review

10. DISCUSSION ITEMS

- 10.6 2024 Amended Development Charges By-laws (FCS24051) (City Wide) (to be distributed)
 - *10.6.a Inclusion of Studies in the 2024 Development Charges By-law (FCS24051) (City Wide)
- *10.7 Review of the Council Codes of Conduct at Other Municipalities Respecting Limiting or Prohibiting the Accepting of Gifts for Elected Officials (FCS24057) (City Wide) (Outstanding Business List Item)

13. GENERAL INFORMATION / OTHER BUSINESS

- 13.1 Amendments to Outstanding Business List
 - 13.1.a Items Considered Complete and to be Removed

*13.1.a.d Amendment to the Council Code of Conduct Policy (HUR23009)

Added June 1, 2023

Subsection (b) addressed as Item 10.7 on today's agenda

Bates, Tamara

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

Submitted on Wed, 11/20/2024 - 08:54

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee
Audit, Finance & Administration Committee

Will you be delegating in-person or virtually?
Virtually

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

Requestor Information

Requestor Information
Ian Borsuk
Environment Hamilton
51 Stuart Street
Hamilton, Ontario. L8L1B5
iborsuk@environmenthamilton.org
9055490900

Preferred Pronoun
he/him

Reason(s) for delegation request
I am seeking to provide comment and recommendations with regards to Item 8.1 Volunteer Advisory Committee Review (CM23025(a)) (City Wide) (Outstanding Business List) for the November 21st meeting.

Will you be requesting funds from the City?
No

Will you be submitting a formal presentation?
No



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

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	November 21, 2024
SUBJECT/REPORT NO:	Inclusion of Studies in the 2024 Development Charges By-law (FCS24051) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Carolyn Paton (905) 546-2424 Ext. 4371
SUBMITTED BY:	Kirk Weaver, Acting Director Financial Planning, Administration and Policy Division Corporate Services Department
SIGNATURE:	

RECOMMENDATION

That Appendix "A" attached to Report FCS24051 respecting a By-Law to Amend By-Law 24-072, Respecting Development Charges on Lands within the City of Hamilton, which has been prepared in a form satisfactory to the City Solicitor, be passed and enacted.

EXECUTIVE SUMMARY

On May 8, 2024, Council approved the City's new 2024 Development Charges (DC) By-law 24-072 which came into effect June 1, 2024.

Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* (Bill 185) received Royal Assent on June 6, 2024. This Bill reversed or altered several of the key changes related to Development Charges that were implemented through Bill 23, *More Homes Built Faster Act* (Bill 23) and considered in the development of the City's 2024 DC By-law.

The Bill 185 changes related to DCs are summarized below:

- Introduction of a process for making Minor Amendments to DC By-laws;
- Removal of the requirement of a mandatory five- year phase-in of DC rates;
- Addition of Growth Studies as an eligible capital cost to be recovered from DCs;

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**SUBJECT: Inclusion of Studies in Development Charges By-law (FCS24051)
(City Wide) – Page 2 of 10**

- Reduction of a DC Rate Freeze timeframe imposed on developments subject to a site plan and/or zoning by-law amendment application from a two-year timeline to 18 months; and
- Modernizing Public Notice Requirements.

The primary purpose of Report FCS24051 is to amend the City's 2024 DC By-law to add the cost of growth studies back into the DC rates using the process outlined in Bill 185. The secondary purpose of Report FCS24051 is to process housekeeping amendments to the City's 2024 DC By-law related to other changes through Bill 185.

At the time of adoption of the City's 2024 By-law there was uncertainty around the timing for Royal Assent of Bill 185. As a result, the City drafted the 2024 By-law in such a way that the removal of the mandatory phase-in and change to the DC freeze timeframe was effective the date Bill 185 received Royal Assent, June 6, 2024.

Minor amendments related to By-law 24-072 may be undertaken through a simplified approval process only if the DC by-law being amended was passed after November 28, 2022 and before Bill 185 came into effect, June 6, 2024. The new amending by-law must be passed within six months of Bill 185 taking effect, December 6, 2024. The City, supported by Watson & Associates Economists Ltd. (Watson), has prepared a minor amendment to the existing DC by-law to add growth studies into the DC calculations.

A summary of the net increase to the current DC rates as a result of the addition of growth studies is displayed in Table 1 below. The new calculated rates and a comparison to existing rates are presented in Tables 2 and 3 in Report FCS24051. Appendix "B" provides additional detail on the revised rates.

**Table 1
Increase in DC Rates due to Growth Studies**

Total DC Payable (2023\$)	Residential (Single Detached) Rate - per unit			Non-residential Rate - per sq.ft.		
	Calculated as per By-law 24-072	Calculated as per By-law 24-072 with Growth Studies	Dollar (\$) Increase	Calculated as per By-law 24-072	Calculated as per By-law 24-072 with Growth Studies	Dollar (\$) Increase
Rural Area	\$37,330	\$37,863	\$533	\$17.67	\$18.00	\$0.33
Combined Sewer System Area	\$71,495	\$76,495	\$5,000	\$33.31	\$33.99	\$0.68
Separate Sewer System Area	\$84,682	\$87,339	\$2,657	\$38.06	\$39.98	\$1.92

Alternatives for Consideration – N/A

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**SUBJECT: Inclusion of Studies in Development Charges By-law (FCS24051)
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FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: DC Rates

Tables 2 and 3 below outline the DC rates as calculated in the 2024 DC By-law versus the changes calculated with the addition of growth studies. In addition, the 2024 indexed rates are provided to align with the Development Charges Information Pamphlet posted on the City's website.

**Table 2
City of Hamilton
Rate Comparison – Residential (Single/Semi-Detached)**

Service/Class of Service	2023 Charge Prior to By-law Passage	Calculated as per By-law 24-072	Calculated as per By-law 24-072 with Growth Studies (2023\$)	Calculated as per By-law 24-072 with Growth Studies (2024\$)
City Wide Services/Classes:				
Services Related to a Highway	14,528	18,103	18,103	19,596
Services Related to a Highway - Studies	80	-	88	95
Public Works	1,092	1,335	1,335	1,445
Transit Services	2,600	1,601	1,601	1,733
Fire Protection Services	626	1,151	1,151	1,246
Policing Services	711	1,018	1,018	1,102
Parks and Recreation*	3,518	11,065	11,065	11,977
Library Services	6,695			
Growth Studies	1,554	2,061	2,061	2,231
Long-term Care Services	500	-	445	482
Child Care and Early Years Programs	246	231	231	250
Provincial Offences Act Services including By-Law Enforcement	21	-	-	-
Public Health Services	55	52	52	56
Ambulance	3	42	42	45
Waste Diversion	201	325	325	352
	990	346	346	375
Total City Wide Services/Classes	33,420	37,330	37,863	40,985
Water and Wastewater Urban Area Charges				
Wastewater Facilities	5,491	7,125	7,125	7,712
Wastewater Linear Services	7,346	10,630	10,630	11,506
Water Services	6,466	6,856	6,856	7,421
Water and Wastewater Studies	49	-	543	588
Total Water and Wastewater Urban Area Services	19,352	24,611	25,154	27,227
Stormwater Services - Combined Sewer System				
Stormwater Drainage and Control Services	3,121	9,554	9,554	10,341
Stormwater Studies	2,234	-	3,924	4,247
Stormwater Services - Separate Sewer System				
Stormwater Drainage and Control Services	13,622	22,741	22,741	24,616
Stormwater Studies	570	-	1,581	1,711
Grand Total - City Wide	33,420	37,330	37,863	40,985
Grand Total - Urban Area - Combined Sewer System	55,893	71,495	76,495	82,800
Grand Total - Urban Area - Separate Sewer System	66,394	84,682	87,339	94,539

*Parks & Recreation now combined as one D.C. eligible service

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**SUBJECT: Inclusion of Studies in Development Charges By-law (FCS24051)
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**Table 3
City of Hamilton
Rate Comparison – Non-residential (per square foot)**

Service/Class of Service	2023 Charge Prior to By-law Passage	Calculated as per By-law 24-072	Calculated as per By-law 24-072 with Growth Studies (2023\$)	Calculated as per By-law 24-072 with Growth Studies (2024\$)
City Wide Services/Classes:				
Services Related to a Highway	10.85	13.31	13.31	14.41
Services Related to a Highway - Studies	0.07	-	0.06	0.06
Public Works	0.56	0.80	0.80	0.87
Transit Services	1.32	0.96	0.96	1.04
Fire Protection Services	0.31	0.69	0.69	0.75
Policing Services	0.36	0.61	0.61	0.66
Parks and Recreation*	0.16	0.95	0.95	1.03
Library Services	0.30			
Library Services	1.36	0.18	0.18	0.19
Growth Studies	0.25	-	0.27	0.29
Long-term Care Services	0.02	0.04	0.04	0.04
Child Care and Early Years Programs	-	-	-	-
Provincial Offences Act Services including By-Law Enforcement	0.02	0.03	0.03	0.03
Public Health Services	-	0.01	0.01	0.01
Ambulance	0.02	0.06	0.06	0.06
Waste Diversion	0.17	0.03	0.03	0.03
Total City Wide Services/Classes	15.77	17.67	18.00	19.48
Water and Wastewater Urban Area Charges				
Wastewater Facilities	2.65	4.53	4.53	4.90
Wastewater Linear Services	3.53	6.75	6.75	7.31
Water Services	3.10	4.36	4.36	4.72
Water and Wastewater Studies	0.03	-	0.35	0.38
Total Water and Wastewater Urban Area Services	9.31	15.64	15.99	17.31
Stormwater Services - Combined Sewer System				
Stormwater Drainage and Control Services	-	-	-	-
Stormwater Studies	-	-	-	-
Stormwater Services - Separate Sewer System				
Stormwater Drainage and Control Services	2.29	4.75	4.75	5.14
Stormwater Studies	0.64	-	1.24	1.34
Grand Total - City Wide	15.77	17.67	18.00	19.48
Grand Total - Urban Area - Combined Sewer System	25.08	33.31	33.99	36.79
Grand Total - Urban Area - Separate Sewer System	28.01	38.06	39.98	43.27

*Parks & Recreation now combined as one D.C. eligible service

Based on the revised calculations, the addition of growth studies results in an increased DC rate of \$2,876 (2024\$) per residential single detached dwelling unit and \$2.07 (2024\$) per square foot of non-residential gross floor area within the separated sewer system area. With respect to the combined sewer system area, the charge would increase \$5,412 (2024\$) per residential single detached dwelling unit and \$0.73 (2024\$) per square foot of non-residential gross floor area.

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**SUBJECT: Inclusion of Studies in Development Charges By-law (FCS24051)
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Subject to Council approval of this report a revised DC Pamphlet will be posted on the City's DC website and made available to the public on December 1, 2024. The Pamphlet provides a summary of the current rates and provisions contained within the DC By-law including eligible capital study costs. Special Area Charges, GO Transit DCs and educational DCs are also outlined, where applicable.

Budget Impact

The City has identified \$100.6 M in gross costs for growth-related studies (in 2023 dollars) across all services from 2023-2032. These studies include various master plans, an official plan update, various secondary plan studies and space needs studies. After deductions to recognize the benefit to the existing community and the portion of the costs related to non-DC eligible services, the total potential DC recoverable cost is \$76.35 M over the forecast period.

Staffing: None

Legal: The draft DC By-law has been prepared by staff from Legal Services, Financial Planning, Administration and Policy and Watson & Associates Economists Ltd. The by-law is being prepared as a minor amendment under the revisions to the DC Act as a result of Bill 185. Accordingly, Legal Services will not be required to provide advice on appeals given that minor amendments are not appealable to the OLT under the DC Act.

HISTORICAL BACKGROUND

DCs are fees imposed on land development and redevelopment projects to help pay for the capital costs of growth-related infrastructure that is needed to service new residential and non-residential development within a municipality.

The Province released several pieces of legislation affecting development charges, including: *Smart Growth for Our Communities Act, 2015* (Bill 73), *More Homes, More Choice Act, 2019* (Bill 108); *Plan to Build Ontario Together Act, 2019* (Bill 138); *COVID-19 Economic Recovery Act, 2019* (Bill 197); *Better for People, Smarter for Business Act, 2020* (Bill 213); *More Homes for Everyone Act, 2022* (Bill 109); *More Homes Built Faster Act, 2022* (Bill 23); and *Affordable Homes and Good Jobs Act, 2023* (Bill 134). The impacts of these legislative changes have been addressed through previous staff reports as legislation was released. A communication update was prepared in August to update Council on this change in legislation and the timelines for amending the 2024 DC By-law.

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**SUBJECT: Inclusion of Studies in Development Charges By-law (FCS24051)
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On November 28, 2022, Bill 23 received Royal Assent which removed Growth studies from the definition of eligible capital costs. As a result, costs related to studies could not be included in any new by-laws passed after this date. The City passed its new DC by-law on May 8, 2024. On June 6, 2024, Bill 185 received Royal Assent which reintroduced studies as an eligible capital cost. Municipalities were given six months from the date of Royal Assent to pass a minor amending by-law (discussed in more detail below) to provide for growth studies within their by-laws.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The following section provides details on the revisions to the *Development Charges Act, 1997* (DC Act) as a result of Bill 185

Process for Minor Amendments to DC By-laws

Section 19 of the DC Act requires that a municipality must follow sections 10 through 18 of the DC Act (with necessary modifications) when amending DC by-laws. Sections 10 through 18 of the DC Act generally require the following:

- Completion of a DC background study, including the requirement to post the background study 60 days prior to passage of the DC by-law;
- Passage of a DC by-law within one year of the completion of the DC background study;
- A public meeting, including notice requirements; and
- The ability to appeal the by-law to the Ontario Land Tribunal.

However, the DC Act, as amended by Bill 185, allows municipalities to undertake minor amendments to DC by-laws for the following purposes without adherence to the requirements noted above (with the exception of the notice requirements):

1. To repeal a provision of the DC by-law specifying the date the by-law expires or to amend the provision to extend the expiry date (subject to the 10-year limitations provided in the DC Act.);
2. To impose DCs for studies, including the DC background study; and
3. To remove the provisions related to the mandatory phase-in of DCs.

Removal of Mandatory Phase-in

Bill 23 required the phase-in of charges imposed in a DC by-law over a five-year term for any by-laws passed after January 1, 2022. Bill 185 removed this mandatory phase-in.

**SUBJECT: Inclusion of Studies in Development Charges By-law (FCS24051)
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Reduction of DC Rate Freeze Timeframe

Changes to the DC Act in 2020 provided for the requirement to freeze DCs imposed on developments subject to a site plan and/or a zoning by-law amendment application. The DC rate for these developments is “frozen” at the rates that were in effect at the time the site plan and / or zoning by-law amendment application was submitted (subject to applicable interest).

Once the application is approved by the municipality, if the date the DC is payable is more than two years from the approval date, the DC rate freeze would no longer apply. Bill 185 reduced the two-year timeframe to 18 months. Note, this change is not subject to the minor amendment provisions introduced and must follow the full DC by-law amendment process.

It is noted that the timeframe for the rate freeze provided in the City’s by-law refers directly to the clause in the DC Act which establishes the timeframe. As a result, the by-law has established the reduction in the rate freeze timeframe and has been in effect since Bill 185 received Royal Assent, June 6, 2024. No further amendments are required to the City’s by-law to align with this legislative change.

Modernizing Public Notice Requirements

The DC Act sets out the requirements for municipalities to give notice of public meetings and of by-law passage. These requirements are prescribed in Sections 9 and 10 of O.Reg. 82/98 and include giving notice in a newspaper of sufficiently general circulation in the area to which the by-law would apply. The regulatory changes modernize the public notice requirements by allowing municipalities to provide notice on a municipal website if a local newspaper is not available. Note, this change is in effect as of July 1, 2024.

RELEVANT CONSULTATION

Internal

- Planning and Economic Development Department
- Public Works Department
- Healthy and Safe Communities Department
- Community Services Department
- City Manager’s Office – Communications and Strategic Initiatives
- Corporate Services Department – Office of the City Clerk, Legal and Risk Management Services
- Hamilton Police Service
- Hamilton Public Library

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External

- Watson & Associates Economists Ltd.

Communication

Under Bill 185, municipalities are permitted to undertake minor amendments to DC By-laws in order to include DC studies and update the DC rate. The process for minor amendments provided through Bill 185 also does not require the City to hold public meetings and prepare a new Background Study, prior to the by-law amendment. Further, any new By-law amendment undertaken through the minor amendment process is not appealable to the Ontario Land Tribunal. Despite there being limited requirements for communication staff did reach out to DILG and other stakeholders. The City will continue to communicate through the DC website and advise members of Council and members of the Development Industry Liaison Group (DILG) of these upcoming changes. The City will also post publicly upon anticipated By-law passage in the Hamilton Spectator, despite not being required to do so.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The purpose of the Development Charge Background Study (DCBS) and DC By-law is to ensure that the City can continue collecting DCs from net new development across the City to fund growth related capital infrastructure needs in accordance with the DC Act.

The City is undertaking a minor amendment to the existing DC by-law, using new provisions provided for through the enactment of Bill 185 on June 6, 2024. The amendment, if adopted, will add growth studies into the DC calculations and by-law and perform a housekeeping amendment to remove the clause related to the mandatory phase-in (note: the removal of the phase-in has been in effect since Bill 185 received Royal Assent on June 6, 2024). It is proposed that the new rates take effect December 1, 2024, to facilitate a clean transition date and to align with the date that has been tentatively referenced in DC calculations in anticipation of this amendment. Appendix “B”, Memorandum from Watson and Associates Economists Ltd., provides a summary of the legislative changes, the growth studies included in the DC and the details of the calculation of the updated DC. A summary of individual costs is conveyed below.

Growth Studies – All Services Other than Water, Wastewater, Stormwater and Services Related to a Highway

The City has identified \$33.40 M in costs for growth-related studies (in 2023 dollars, Appendix “B”, page 8/28). These studies include various master plans, an official plan update, various secondary plan studies and space needs studies.

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Based on the calculations provided, Growth Studies for all services other than water, wastewater, stormwater and services related to a highway, results in an increased DC charge of \$445 per residential single detached dwelling unit and \$0.27 per square foot of non-residential gross floor area.

Growth Studies – Water, Wastewater, Stormwater and Services Related to a Highway

Studies related to water and wastewater, stormwater and services related to a highway are calculated separately from all other services, given that the growth targets used for these services differ from all other services calculated on a 10-year forecast. The following provides a brief overview of these studies and their impact on the City's DC rate.

Services Related to a Highway

The City has identified \$3.03 M in costs for growth-related studies related to services related to a highway (in 2023 dollars, Appendix "B", page 11/28). These studies include various master plans, transportation plans an interchange study, etc. A deduction of \$756,300 has been made to account for the share of the studies that is anticipated to benefit the existing development. As result, the net DC recoverable cost for studies for services related to a highway is \$2.27 M.

Based on the calculations provided herein, growth studies for services related to a highway, result in an increase of \$88 per residential single detached dwelling unit and \$0.06 per square foot of non-residential gross floor area.

Water and Wastewater Services

The City has identified \$17.99 M in costs for growth-related studies related to water and wastewater services (in 2023 dollars, Appendix "B", page 14/28). These studies include the water and wastewater master plan, servicing studies, neighbourhood studies, etc. A deduction of \$4.38 M has been made to account for the share of the studies that is anticipated to benefit the existing development. As result, the net DC recoverable cost for studies related to water and wastewater services is \$13.62 M.

Based on the calculations provided herein, growth studies for water and wastewater services, result in an increase of \$543 per residential single detached dwelling unit and \$0.35 per square foot of non-residential gross floor area.

**SUBJECT: Inclusion of Studies in Development Charges By-law (FCS24051)
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Stormwater Services

Separate Sewer System

The City has identified \$35.29 M in costs for growth-related studies related to stormwater services in the separate sewer system area (in 2023 dollars, Appendix “B”, page 16/28). These studies include master plans and various servicing studies. A deduction of \$1.06 M has been made to account for the share of the studies that is anticipated to benefit the existing development. As result, the net DC recoverable cost for studies for stormwater within the separate sewer system area is \$34.23 M.

Based on the calculations provided herein, growth studies for stormwater services in the separate sewer system area, result in an increase of \$1,581 per residential single detached dwelling unit and \$1.24 per square foot of non-residential gross floor area.

Combined Sewer System

The City has identified \$10.93 M in costs for growth-related studies related to stormwater services in the combined sewer system area (in 2023 dollars, Appendix “B”, page 19/28). A deduction of \$142,000 has been made to account for the share of the studies that is anticipated to benefit the existing development. As result, the net DC recoverable cost is \$10.79 M.

Based on the calculations provided herein, stormwater growth studies for stormwater in the combined sewer system area, result in an increase of \$3,924 per residential single detached dwelling unit. There is no DC for non-residential development related to stormwater growth studies in the combined sewer system area. Additional details are provided in Appendix “B”.

ALTERNATIVES FOR CONSIDERATION

N/A

APPENDICES ATTACHED

Appendix “A” to Report FCS24051 – By-Law To Amend By-Law 24-072, Respecting Development Charges on Lands within the City of Hamilton

Appendix “B” to Report FCS24051 – Memorandum from Watson & Associates Economists Ltd. Dated November 14, 2024 re 2024 Development Charges Background Study Update – Amendments as per Bill 185

CP/dt

Authority: Item X, Audit, Finance and
Administration Committee Report
24-XXX (FCS24051)
CM: November 21, 2024, City Wide
Dated:

Bill No. XXX

**CITY OF HAMILTON
BY-LAW NO. 24-XXX**

**Being a By-Law To Amend By-Law 24-072, Respecting Development Charges on
Lands within the City of Hamilton**

WHEREAS the *Development Charges Act, 1997*, S.O.1997, c.27 (hereinafter referred to as the "Act") authorizes municipalities to pass a By-law for the imposition of development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the said By-law applies;

WHEREAS section 19 of the Act provides for amendments to be made to development charges by-laws;

WHEREAS subsection 19(1.2) and subsection 19(1.3) of the Act permit a municipality to amend a development charges by-law, subject to conditions being met, and that those amendments do not require the standard process for by-law amendments under subsection 19(1) of the Act to be followed;

WHEREAS Council has determined that certain amendments should be made to the City of Hamilton Development Charges By-law 2024 (By-law 24-072) which fall within the conditions laid out in subsection 19(1.2) and subsection 19(1.3) of the Act; and

WHEREAS Council at its meeting of November 26,2024 approved the background study update and the development charges and policies recommended by the General Manager of the Finance and Corporate Services Department to be included in this amending By-law.

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

1. By-law 24-072 is hereby amended as follows:
 - a) Delete section 8 in its entirety and replace it with the following:
 8. The following schedules to this By-law form an integral part of this By-law:

Schedule "A": Full Rate City Wide Development Charges

Schedule "B": Full Rate Development Charges for Wastewater Facilities
and Linear Services

Schedule "C-1": Full Rate Development Charges for Water Services

Schedule "C-2": Full Rate Development Charges for Water and Wastewater
Growth Studies

Schedule "D": Full Rate Development Charges for Stormwater Drainage and Control Services

Schedule "E": Full Rate Special Area Development Charges

Schedule "F": Municipal Boundary Map

Schedule "G": Urban Area A and Municipal Boundary Map

Schedule "H": Urban Area and Municipal Boundary Map

Schedule "I": Combined Sewer System Area and Municipal Boundary Map

Schedule "J": Dundas / Waterdown Special Area Development Charge Map

b) Delete section 11 in its entirety and replace it with the following:

11.

- (a) For all city-wide Services / Classes of Services, where there is Development of land within the Municipal Boundary, the Development Charges payable pursuant to this By-law shall be the Development Charges set out in Schedule "A" to this By-law.
- (b) For wastewater facilities and linear services, where there is Development of land within Urban Area A or Urban Area B, the Development Charges payable pursuant to this By-law shall be the Development Charges set out in Schedule "B" to this By-law.
- (c) For water services, where there is Development of land within Urban Area A or Urban Area B, the Development Charges payable pursuant to this By-law shall be the Development Charges set out in Schedule "C-1" to this By-law.
- (d) For growth studies related to water and wastewater services, where there is Development of land within the Urban Area, the Development Charges payable pursuant to this By-law shall be the Development Charges set out in Schedule "C-2" to this By-law.
- (e) For stormwater drainage and control services, where there is Development of land within the Urban Area, the Development Charges payable pursuant to this By-law shall be the Development Charges set out in Schedule "D" to this By-law.
- (f) Subject to any applicable exemption set out in this By-Law, where there is Development of land within those areas of Dundas and Waterdown delineated on Schedule "J" to this By-law, the Special Area Development Charges payable pursuant to this By-law shall be the Special Area Development Charges as shown on Schedule "E" to this By-law. Special Area Development Charges shall apply in addition to any other Development Charge payable under this By-law.
- (g) Where there is Development of land outside of Urban Area A and Urban Area B and, where a connection of a Building in the Development to the wastewater facilities and linear services is proposed, the applicable charge set out in Schedule "B" for Urban Area A shall be applied to the said Development as a Development Charge.
- (h) Where there is Development of land outside of Urban Area A and Urban Area B and, where a connection of a Building in the Development to water services is proposed, the applicable charge set out in Schedule "C-1" for Urban Area A shall be applied to the said Development as a Development Charge.

- (i) Where there is Development of land outside of Urban Area A and Urban Area B and, where a connection of a Building in the Development to wastewater facilities and linear services and/or water services is proposed, the applicable charge set out in Schedule "C-2" shall be applied to the said Development as a Development Charge.
 - (j) Where there is Development of land outside of the Urban Area and, where a connection of a Building in the Development to stormwater drainage and control services is proposed, the applicable charge set out in Schedule "D" shall be applied to the said Development as a Development Charge.
- c) Delete Schedules "A" and "D" in their entirety and replace them with Schedules "A" and "D" attached to this to this amending by-law.
- d) Rename Schedule "C" to Schedule "C-1".
- e) Add Schedule "C-2" attached to this amending By-law.
2. This By-law shall come into force and take effect at 12:01 a.m. on December 1, 2024.

PASSED this day of 2024.

Andrea Horwath
Mayor

Matthew Trennum
City Clerk

SCHEDULE “A”, TO BY-LAW 24-XXX
FULL RATE CITY WIDE DEVELOPMENT CHARGES – EFFECTIVE JUNE 1, 2024

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms+	Apartments - Bachelor and 1 Bedroom	Residential Facility	(per sq.ft. of Gross Floor Area)
Municipal Wide Services/Class of Service:						
Services Related to a Highway	18,103	13,512	11,099	6,876	5,636	13.31
Services Related to a Highway - Studies	88	66	54	33	27	0.06
Public Works (Facilities and Fleet)	1,335	996	818	507	416	0.80
Transit Services	1,601	1,195	982	608	498	0.96
Fire Protection Services	1,151	859	706	437	358	0.69
Policing Services	1,018	760	624	387	317	0.61
Parks and Recreation	11,065	8,259	6,784	4,203	3,445	0.95
Library Services	2,061	1,538	1,264	783	642	0.18
Long-term Care Services	231	172	142	88	72	0.04
Child Care and Early Years Programs	-	-	-	-	-	0.00
Provincial Offences Act Services including By-Law Enforcement	52	39	32	20	16	0.03
Public Health Services	42	31	26	16	13	0.01
Ambulance	325	243	199	123	101	0.06
Waste Diversion	346	258	212	131	108	0.03
Growth Studies	445	332	273	169	139	0.27
Total Municipal Wide Services/Class of Services	37,863	28,260	23,215	14,381	11,788	18.00

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law.

SCHEDULE “C-2”, TO BY-LAW 24-XXX
FULL RATE DEVELOPMENT CHARGES FOR WATER AND WASTEWATER
STUDIES – EFFECTIVE JUNE 1, 2024

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms+	Apartments - Bachelor and 1 Bedroom	Residential Facility	(per sq.ft. of Gross Floor Area)
Water and Wastewater Services						
Water and Wastewater Studies	543	405	333	206	169	0.35

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law.

**SCHEDULE “D”, TO BY-LAW 24-XXX
FULL RATE DEVELOPMENT CHARGES FOR STORMWATER DRAINAGE AND
CONTROL SERVICES – EFFECTIVE JUNE 1, 2024**

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms+	Apartments - Bachelor and 1 Bedroom	Residential Facility	(per sq.ft. of Gross Floor Area)
Stormwater Services - Combined Sewer System						
Stormwater Drainage and Control Services	9,554	7,131	5,857	3,629	2,975	0.00
Stormwater Studies	3,924	2,929	2,406	1,491	1,222	0.00
Stormwater Services - Separated Sewer System						
Stormwater Drainage and Control Services	22,741	16,974	13,942	8,638	7,080	4.75
Stormwater Studies	1,581	1,180	969	601	492	1.24

Note: The Development Charges above are unindexed and are subject to indexing as per Section 50 of this By-law.

To	Carolyn Paton & Lindsay Gillies, City of Hamilton
From	Daryl Abbs, Watson & Associates Economists Ltd. Gary Scandlan, Independent Policy Advisor
Date	November 14, 2024
Re:	2024 Development Charges Background Study Update – Amendments as per Bill 185

Fax Courier Mail Email

1. Introduction

The City of Hamilton currently imposes Development Charges (D.C.) via by-law 24-072 for the following services:

- City-wide:
 - Services related to a highway;
 - Public works;
 - Transit services;
 - Fire protection services;
 - Policing services;
 - Parks and recreation services;
 - Library services;
 - Long-term care services;
 - Provincial offences act services;
 - Public health services;
 - Ambulance; and
 - Waste diversion.
- Urban areas:
 - Water services;
 - Wastewater facilities; and
 - Wastewater linear services.
- Area-specific:
 - Stormwater – separated sewer system area; and
 - Stormwater – combined sewer system area.

The D.C. by-law was passed on May 8, 2024 to update capital costs and to implement amendments made to the Act (Bills 23, 109 and 134) during the 2022/23 period.

On April 10, 2024, the Province released proposed changes to the *Development Charges Act* (D.C.A.) via Bill 185: *Cutting Red Tape to Build More Homes Act, 2024*. The Bill received Royal Assent on June 6, 2024. This Bill reversed many of the key changes that were implemented through Bill 23: *More Homes Built Faster Act*. As such, the purpose of this memo is to provide for updates to the D.C. by-law to align with the D.C.A. as amended by Bill 185.

2. Legislative Background

The following section provides details on the revisions to the D.C.A. as a result of Bill 185.

Revised Definition of Capital Costs

Bill 185 reversed the capital cost amendments of Bill 23 by reinstating studies as an eligible capital cost. The following paragraphs were added to subsection 5(3) of the D.C.A.:

5. *Costs to undertake studies in connection with any of the matters referred to in paragraphs 1 to 4.*
6. *Costs of the development charge background study required under section 10.*

The amendment allows municipalities to fund studies, consistent with by-laws passed prior to Bill 23.

Removal of Mandatory Phase-in

Bill 23 required the phase-in of charges imposed in a D.C. by-law over a five-year term for any by-laws passed after January 1, 2022. Bill 185 removed this mandatory phase-in.

For site plan and zoning by-law amendment applications that were made prior to Bill 185 receiving Royal Assent, the charges payable will be the charges that were in place on the day the planning application was made (i.e., including the mandatory phase-in).

Process for Minor Amendments to D.C. By-laws

Section 19 of the D.C.A. requires that a municipality must follow sections 10 through 18 of the D.C.A. (with necessary modifications) when amending D.C. by-laws. Sections 10 through 18 of the D.C.A. generally requires the following:

- Completion of a D.C. background study, including the requirement to post the background study 60 days prior to passage of the D.C. by-law;
- Passage of a D.C. by-law within one year of the completion of the D.C. background study;
- A public meeting, including notice requirements; and

- The ability to appeal the by-law to the Ontario Land Tribunal.

Bill 185 allows municipalities to undertake minor amendments to D.C. by-laws for the following purposes without adherence to the requirements noted above (with the exception of the notice requirements):

1. To repeal a provision of the D.C. by-law specifying the date the by-law expires or to amend the provision to extend the expiry date (subject to the 10-year limitations provided in the D.C.A.);
2. To impose D.C.s for studies, including the D.C. background study; and
3. To remove the provisions related to the mandatory phase-in of D.C.s.

Minor amendments related to items 2 and 3 noted above may be undertaken only if the D.C. by-law being amended was passed after November 28, 2022, and before Bill 185 came into effect. Moreover, the amending by-law must be passed within six months of Bill 185 taking effect.

Notice requirements for these minor amending by-laws are similar to the typical notice requirements, with the exception of the requirement to identify the last day for appealing the by-law (as these provisions do not apply).

Reduction of D.C. Rate Freeze Timeframe

Changes to the D.C.A. in 2020 provided for the requirement to freeze D.C.s imposed on developments subject to a site plan and/or a zoning by-law amendment application. The D.C. rate for these developments is “frozen” at the rates that were in effect at the time the site plan and/or zoning by-law amendment application was submitted (subject to applicable interest). Once the application is approved by the municipality, if the date the D.C. is payable is more than two years from the approval date, the D.C. rate freeze would no longer apply. Bill 185 reduced the two-year timeframe to 18 months. Note, this change is not subject to the minor amendment provisions introduced and must follow the full D.C. by-law amendment process.

It is noted that the timeframe for the rate freeze provided in the City’s by-law refers directly to the clause in the Act which establishes the timeframe. As a result, the by-law has established the reduction in the rate freeze timeframe and has been in effect since Bill 185 received Royal Assent. No further amendments are required to the City’s by-law to align with this legislative change.

Modernizing Public Notice Requirements

The D.C.A. sets out the requirements for municipalities to give notice of public meetings and of by-law passage. These requirements are prescribed in sections 9 and 10 of O. Reg. 82/98 and include giving notice in a newspaper of sufficiently general circulation in the area to which the by-law would apply. The regulatory changes modernize the public

notice requirements by allowing municipalities to provide notice on a municipal website if a local newspaper is not available. Note, this change is in effect as of July 1, 2024.

3. Changes to the Current D.C. By-law – Minor Amendments

The City is undertaking a minor amendment to the existing D.C. by-law to add growth studies into the D.C. calculations and by-law. The calculated rates in this study may take immediate effect upon passage of the amending by-law, unless Council chooses to impose the charges at a later date. The new calculated rates and a comparison to existing rates are presented in Tables 3-16 and 3-17 below.

In addition, a housekeeping amendment is being undertaken to remove the clause related to mandatory phase-in.

3.1 Removal of Phase-in

The phase-in as per Bill 23 required that all D.C. by-laws passed after January 1, 2022 must be phased-in annually over the first five years the by-law was in force, as follows:

- Year 1 – 80% of the minimum charge;
- Year 2 – 85% of the minimum charge;
- Year 3 – 90% of the minimum charge;
- Year 4 – 95% of the minimum charge; and
- Year 5 to expiry – 100% of the minimum charge.

As noted above, Bill 185 removed this mandatory phase-in. Given that the phase-in clause in the City's by-law refers to a specific section of the Act, and this section has now been repealed, this change has been in effect since Bill 185 received Royal Assent. The City is undertaking a housekeeping amendment to remove the phase-in clause from the D.C. by-law.

3.2 Addition of Growth Studies

The D.C.A. permits the inclusion of studies undertaken to facilitate the completion of the City's capital works program. These studies have been included as a class of service referred to as Growth Studies, based on the eligible D.C. services to which the studies relate.

Studies related to water and wastewater, stormwater, and services related to a highway are calculated separately from all other services, given that the growth targets used for these services differs from all other services calculated on a ten-year forecast. A discussion on each of the above groupings is provided in the subsections below.

3.2.1 Growth Studies – All Services Other than Water, Wastewater, Stormwater, and Services Related to a Highway

As set out in Table 3-1, the City has identified \$33.40 million in costs for growth-related studies (in 2023 dollars). These studies include various master plans, an official plan update, various secondary plan studies, space needs studies, etc. Deductions to recognize benefit to non-D.C. eligible services have been made in the amount of \$8.47 million. In addition, a deduction of \$99,000 has been made to account for the portion of the police space needs study that relates to development in the Elfrida area. The development of this area is outside of the ten-year growth forecast horizon, and as such, the portion of the costs that relate to this area have been deducted from the calculation. Further, a deduction of \$7.90 million has been made to account for the share of the various studies that is anticipated to benefit the existing development. As of December 31, 2022, the City had a reserve fund deficit of \$1.49 million related to growth studies. As a result, the net D.C. recoverable cost for studies is \$15.45 million.

The capital costs have been allocated 73% to residential development, and 27% to non-residential development based on the incremental growth in population to employment for the 10-year forecast period (2023 to 2032), consistent with the 2023 D.C. background study and by-law.

Based on the calculations provided herein, Growth Studies result in a D.C. of \$445 per residential single detached dwelling unit and \$0.27 per sq.ft. of non-residential gross floor area.

As noted, the Growth Studies capital sheet is presented in Table 3-1 and the corresponding D.C. calculations are provided in Tables 3-2 and 3-3.

**Table 3-1
City of Hamilton
Growth Studies Capital Costs – All Services Other than Water and Wastewater, Stormwater, and Services Related to a
Highway**

Prj.No	Increased Service Needs Attributable to Anticipated Development	Timing (year)	Service to Which Project Relates	Gross Capital Cost Estimate (2023\$)	Post Period Benefit	Other Deductions (to recognize benefit to non-D.C. services)	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
								Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share	Non-Residential Share
	2023-2032										73%	27%
1	Development Charge Study	2023	All D.C. Eligible Services	750,000	-		750,000	-		750,000	547,500	202,500
2	Development Charge Study Update	2026	All D.C. Eligible Services	450,000	-		450,000	-		450,000	328,500	121,500
3	Development Charge Study	2032	All D.C. Eligible Services	750,000	-		750,000	-		750,000	547,500	202,500
	Transit:											
4	Hamilton West Interregional Transit Terminal Location Study	2023-2032	Transit	117,000	-		117,000	105,300		11,700	8,541	3,159
	Public Works:											
5	Yards Need Study	2032	Public Works	235,000	-		235,000	-		235,000	171,550	63,450
	Police											
6	Police Business Plan	2026	Police	50,000	-		50,000	37,500		12,500	9,125	3,375
7	Police Business Plan	2029	Police	50,000	-		50,000	37,500		12,500	9,125	3,375
8	Police Business Plan	2032	Police	50,000	-		50,000	37,500		12,500	9,125	3,375
9	Space/Facility Needs Study - Development Impact Study - Station 20	2027	Police	150,000	-		150,000	75,000		75,000	54,750	20,250
10	Space/Facility Needs Study - Development Impact Study - Station 30	2030	Police	150,000	-		150,000	75,000		75,000	54,750	20,250
11	Space/Facility Needs Study - Development Impact Study - Station 50 - Elfrida Area	2027-2028	Police	150,000	99,000		51,000	-		51,000	37,230	13,770
12	Deployment Model and Staffing Distribution	2024-2025	Police	150,000	-		150,000	75,000		75,000	54,750	20,250
	Waste Diversion:											
13	Waste Management Research & Development Program	2023-2032	Waste Diversion	2,780,000	-	556,000	2,224,000	2,001,600		222,400	162,352	60,048
14	Solid Waste Management Master Plan Approvals	2023-2032	Waste Diversion	1,650,000	-	412,500	1,237,500	185,600		1,051,900	767,887	284,013
	Library											
15	Library Master Plan	2025-2026	Library	65,000	-		65,000	16,300		48,700	35,551	13,149
16	Library Master Plan	2030-2031	Library	65,000	-		65,000	16,300		48,700	35,551	13,149
17	Library Service Model Master Plan	2025	Library	50,000	-		50,000	12,500		37,500	27,375	10,125
18	Library Service Model Master Plan	2030	Library	50,000	-		50,000	12,500		37,500	27,375	10,125
19	Development Study - Former Discovery Centre	2025-2026	Library	250,000	-		250,000	62,500		187,500	136,875	50,625

Table 3-1 (Cont'd)
Growth Studies Capital Costs – All Services Other than Water and Wastewater, Stormwater, and Services Related to a Highway

Prj.No	Increased Service Needs Attributable to Anticipated Development	Timing (year)	Service to Which Project Relates	Gross Capital Cost Estimate (2023\$)	Post Period Benefit	Other Deductions (to recognize benefit to non-D.C. services)	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
								Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share	Non-Residential Share
	2023-2032										73%	27%
	Parks and Recreation											
20	Recreation Studies	2023-2027	Parks & Recreation Services	850,000	-		850,000	212,500		637,500	465,375	172,125
21	Recreation Studies	2028-2032	Parks & Recreation Services	850,000	-		850,000	212,500		637,500	465,375	172,125
	Planning Studies											
22	Official Plan (Urban and Rural) Review	2024-2032	All Services	5,000,000	-	500,000	4,500,000	2,500,000		2,000,000	1,460,000	540,000
23	GRIDS/MCR Update	2024-2027	All Services	3,000,000	-	300,000	2,700,000	-		2,700,000	1,971,000	729,000
24	Residential Intensification Strategy	2024-2026	All Services	500,000	-	50,000	450,000	-		450,000	328,500	121,500
25	Planning and Zoning Growth Area	2024-2027	All Services	2,500,000	-	250,000	2,250,000	-		2,250,000	1,642,500	607,500
26	Digital Planning Application Software/Hardware	2024-2026	All Services	8,000,000	-	6,000,000	2,000,000	-		2,000,000	1,460,000	540,000
	Secondary Plans and Strategies - Nodes and Corridors											
	Sub-Regional Nodes											
27	Limeridge Node	2026-2028	All Services	500,000	-	50,000	450,000	300,000		150,000	109,500	40,500
	Corridors:											
28	James/Upper James Corridor (A-Line)	2025-2027	All Services	500,000	-	50,000	450,000	300,000		150,000	109,500	40,500
	Community Nodes											
29	Waterdown Node	2030-2032	All Services	500,000	-	50,000	450,000	375,000		75,000	54,750	20,250
30	Centre Mall Node	2030-2032	All Services	500,000	-	50,000	450,000	350,000		100,000	73,000	27,000
31	Dundas Node	2030-2032	All Services	500,000	-	50,000	450,000	300,000		150,000	109,500	40,500
32	Stoney Creek Node	2030-2032	All Services	500,000	-	50,000	450,000	300,000		150,000	109,500	40,500
33	Community Planning Studies - Durand Neighbourhood	2030-2032	All Services	500,000	-	50,000	450,000	125,000		325,000	237,250	87,750
34	East of Downtown Secondary Plan	2030-2032	All Services	500,000	-	50,000	450,000	-		450,000	328,500	121,500
	Community Services:											
35	Long Term Care Services Needs Study	2027	Long-Term Care	340,000	-		340,000	170,000		170,000	124,100	45,900
	Paramedics:											
36	Paramedics - Space Needs Study	2028	Paramedics Services	160,000	-		160,000	-		160,000	116,800	43,200
	Fire											
37	Fire Master Plan Update	2025	Fire Protection Services	45,000	-		45,000	-		45,000	32,850	12,150
38	Fire Master Plan Update	2030	Fire Protection Services	45,000	-		45,000	-		45,000	32,850	12,150
39	New Station Space Study	2024	Fire Protection Services	75,000	-		75,000	-		75,000	54,750	20,250

Table 3-1 (Cont'd)
Growth Studies Capital Costs – All Services Other than Water and Wastewater, Stormwater, and Services Related to a Highway

Prj.No	Increased Service Needs Attributable to Anticipated Development	Timing (year)	Service to Which Project Relates	Gross Capital Cost Estimate (2023\$)	Post Period Benefit	Other Deductions (to recognize benefit to non-D.C. services)	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
								Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share	Non-Residential Share
	2023-2032										73%	27%
40	Expansion Study - Mechanical Maintenance & Stores Division	2025	Fire Protection Services	75,000	-		75,000	-		75,000	54,750	20,250
	Reserve Fund Adjustment			(1,489,909)	-		(1,489,909)	-		(1,489,909)	(1,087,633)	(402,275)
	Total			31,912,091	99,000	8,468,500	23,344,591	7,895,100	-	15,449,491	11,278,129	4,171,363

Table 3-2
 City of Hamilton
 Growth Studies (All Services Other than Water and Wastewater, Stormwater, and Services Related to a Highway) D.C.
 Calculation

Service/ Class of Service D.C. Calculations	Residential	Non-residential
Growth Studies D.C. Eligible Costs	\$11,278,129	\$4,171,363
Population/G.F.A. Growth (sq.ft.)	89,627	15,617,600
Cost Per Capita/Non-Residential GFA (sq.ft.)	\$125.83	\$0.27

Table 3-3
 City of Hamilton
 Growth Studies (All Services Other than Water and Wastewater, Stormwater, and Services Related to a Highway) D.C.
 Calculation – by Residential Unit Type

Residential Unit Type	Persons Per Unit	D.C. per Residential Unit
Single and Semi-Detached Dwelling	3.533	\$445
Other Multiples	2.637	\$332
Apartments - 2 Bedrooms or more	2.166	\$273
Apartments - Bachelor and 1 Bedroom	1.342	\$169
Residential Facility	1.100	\$138

3.2.2 Growth Studies – Services Related to a Highway

The City has identified \$3.03 million in costs for growth-related studies related to services related to a highway (in 2023 dollars). These studies include various master plans, transportation plans, an interchange study, etc. A deduction of \$756,300 has been made to account for the share of the studies that is anticipated to benefit the existing development. As result, the net D.C. recoverable cost for studies for services related to a highway is \$2.27 million.

The capital costs have been allocated 73% to residential development, and 27% to non-residential development based on the incremental growth in population to employment over the service target forecast period, consistent with the 2023 D.C. background study and by-law.

Based on the calculations provided herein, growth studies for services related to a highway, result in a D.C. of \$88 per residential single detached dwelling unit and \$0.06 per sq.ft. of non-residential gross floor area.

The Growth Studies capital sheet for services related to a highway is presented in Table 3-4 and the corresponding D.C. calculations are provided in Tables 3-5 and 3-6.

**Table 3-4
City of Hamilton
Growth Studies (Services Related to a Highway) Capital Costs**

Prj.No	Increased Service Needs Attributable to Anticipated Development City-Wide Service Target for Services Related to a Highway	Timing (year)	Service to Which Project Relates	Gross Capital Cost Estimate (2023\$)	Post Period Benefit	Other Deductions (to recognize benefit to non-D.C. services)	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
								Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 73%	Non-Residential Share 27%
1	Integrated Active Transportation and Recreational Trails Master Plan	2023-2032	Services Related to a Highway	550,000	-		550,000	137,500		412,500	301,125	111,375
2	Transportation Master Plan Review	2028-2031	Services Related to a Highway	650,000	-		650,000	162,500		487,500	355,875	131,625
3	Truck Route Master Plan Review	2028-2022	Services Related to a Highway	350,000	-		350,000	87,500		262,500	191,625	70,875
4	Post-Development Travel Surveys	2025-2028	Services Related to a Highway	80,000	-		80,000	20,000		60,000	43,800	16,200
5	Access Management Guidelines for Development	2025-2028	Services Related to a Highway	80,000	-		80,000	20,000		60,000	43,800	16,200
6	Downtown Transportation Plan	2025-2028	Services Related to a Highway	265,000	-		265,000	66,300		198,700	145,051	53,649
7	Centennial Parkway-QEW Interchange Study	2026-2030	Services Related to a Highway	270,000	-		270,000	67,500		202,500	147,825	54,675
8	Fifty Road-QEW Interchange Study	2025-2028	Services Related to a Highway	500,000	-		500,000	125,000		375,000	273,750	101,250
9	Escarpment Crossing People Mover Study	2023-2031	Services Related to a Highway	280,000	-		280,000	70,000		210,000	153,300	56,700
	Total			3,025,000	-	-	3,025,000	756,300	-	2,268,700	1,656,151	612,549

Table 3-5
 City of Hamilton
 Growth Studies (Services Related to a Highway) D.C. Calculation

Service/ Class of Service D.C. Calculations	Residential	Non-residential
Growth Studies D.C. Eligible Costs	\$1,656,151	\$612,549
Population/G.F.A. Growth (sq.ft.)	66,301	10,375,800
Cost Per Capita/Non-Residential GFA (sq.ft.)	\$24.98	\$0.06

Table 3-6
 City of Hamilton
 Growth Studies (Services Related to a Highway) D.C. Calculation – by Residential Unit Type

Residential Unit Type	Persons Per Unit	D.C. per Residential Unit
Single and Semi-Detached Dwelling	3.533	\$88
Other Multiples	2.637	\$66
Apartments - 2 Bedrooms or more	2.166	\$54
Apartments - Bachelor and 1 Bedroom	1.342	\$34
Residential Facility	1.100	\$27

3.2.3 Growth Studies – Water and Wastewater Services

The City has identified \$17.99 million in costs for growth-related studies related to water and wastewater services (in 2023 dollars). These studies include the water and wastewater master plan, servicing studies, neighbourhood studies, etc. A deduction of \$4.38 million has been made to account for the share of the studies that is anticipated to benefit the existing development. As result, the net D.C. recoverable cost for studies related to water and wastewater services is \$13.62 million.

The capital costs have been allocated 74% to residential development, and 26% to non-residential development based on the ratio of growth in population to employment in the urban area over the urban service target forecast period, consistent with the 2023 D.C. background study and by-law.

Based on the calculations provided herein, growth studies for water and wastewater services, result in a D.C. of \$543 per residential single detached dwelling unit and \$0.35 per sq.ft. of non-residential gross floor area.

The capital sheet for water and wastewater growth studies is presented in Table 3-7 and the corresponding D.C. calculations are provided in Tables 3-8 and 3-9.

**Table 3-7
City of Hamilton
Growth Studies (Water and Wastewater Services) Capital Costs**

Prj.No	Increased Service Needs Attributable to Anticipated Development	Timing (year)	Service to Which Project Relates	Gross Capital Cost Estimate (2023\$)	Post Period Benefit	Other Deductions (to recognize benefit to non-D.C. services)	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
								Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share	Non-Residential Share
	Urban Service Area Forecast Target										74%	26%
1	Integrated Water and Wastewater Master Plan	2023-2032	Water and Wastewater	2,100,000	-		2,100,000	-		2,100,000	1,554,000	546,000
2	Water and Sanitary Sewer Models	2023-2032	Water and Wastewater	5,000,000	-		5,000,000	2,500,000		2,500,000	1,850,000	650,000
3	Centennial Secondary Plan - Servicing Study	2024-2026	Water and Wastewater	200,000	-		200,000	-		200,000	148,000	52,000
4	Neighbourhood Area Intensification Studies (Wastewater) Lower City	2024-2032	Wastewater Services	1,500,000	-		1,500,000	375,000		1,125,000	832,500	292,500
5	Neighbourhood Area Intensification Studies (Water) Lower City	2024-2032	Water Services	1,500,000	-		1,500,000	375,000		1,125,000	832,500	292,500
6	West Mountain Intensification Servicing Review (Water & Wastewater)	2024-2032	Water & Wastewater Services	1,500,000	-		1,500,000	375,000		1,125,000	832,500	292,500
7	Central Mountain Intensification Servicing Review (Water & Wastewater)	2024-2032	Water & Wastewater Services	1,500,000	-		1,500,000	375,000		1,125,000	832,500	292,500
8	East Mountain Intensification Servicing Review (Water & Wastewater)	2024-2032	Water & Wastewater Services	1,500,000	-		1,500,000	375,000		1,125,000	832,500	292,500
9	Wastewater Master Plan and Additional Studies	2023-2027	Wastewater Services	1,420,000	-		1,420,000	-		1,420,000	1,050,800	369,200
10	Water Master Plan and Additional Studies	2023-2027	Water Services	1,420,000	-		1,420,000	-		1,420,000	1,050,800	369,200
11	Cherry Beach / Fruitland Outfall EA & Preliminary Design Study (Lower Stoney Creek) (Separated System)	2024-2031	Water and Wastewater	350,000	-		350,000	-		350,000	259,000	91,000
	Total			17,990,000	-	-	17,990,000	4,375,000	-	13,615,000	10,075,100	3,539,900

Table 3-8
 City of Hamilton
 Growth Studies (Water and Wastewater Services) D.C. Calculation

Service/ Class of Service D.C. Calculations	Residential	Non-residential
Growth Studies D.C. Eligible Costs	\$10,075,100	\$3,539,900
Population/G.F.A. Growth (sq.ft.)	65,552	10,258,200
Cost Per Capita/Non-Residential GFA (sq.ft.)	\$153.70	\$0.35

Table 3-9
 City of Hamilton
 Growth Studies (Water and Wastewater Services) D.C. Calculation – by Residential Unit Type

Residential Unit Type	Persons Per Unit	D.C. per Residential Unit
Single and Semi-Detached Dwelling	3.533	\$543
Other Multiples	2.637	\$405
Apartments - 2 Bedrooms or more	2.166	\$333
Apartments - Bachelor and 1 Bedroom	1.342	\$206
Residential Facility	1.100	\$169

3.2.4 Growth Studies – Stormwater Services – Separate Sewer System Area

The City has identified \$35.29 million in costs for growth-related studies related to stormwater services in the separate sewer system area (in 2023 dollars). These studies include master plans and various servicing studies. A deduction of \$1.06 million has been made to account for the share of the studies that is anticipated to benefit the existing development. As result, the net D.C. recoverable cost for studies for stormwater within the separate sewer system area is \$34.23 million.

The capital costs have been allocated 73% to residential development, and 27% to non-residential development based on the benefiting lands associated with stormwater management works over the service target forecast period, consistent with the 2023 D.C. background study and by-law.

Based on the calculations provided herein, growth studies for stormwater services in the separate sewer system area, result in a D.C. of \$1,581 per residential single detached dwelling unit and \$1.24 per sq.ft. of non-residential gross floor area.

The capital sheet for stormwater growth studies in the separate sewer system area is presented in Table 3-10 and the corresponding D.C. calculations are provided in Tables 3-11 and 3-12.

**Table 3-10
City of Hamilton
Growth Studies (Stormwater Services – Separate Sewer System) Capital Costs**

Prj.No	Increased Service Needs Attributable to Anticipated Development Separate Sewer System Service Area Forecast Target	Timing (year)	Service to Which Project Relates	Gross Capital Cost Estimate (2023\$)	Post Period Benefit	Other Deductions (to recognize benefit to non-D.C. services)	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
								Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 73%	Non-Residential Share 27%
1	Stormwater Management Monitoring (Separated System)	2023-2031	Stormwater Drainage and Control Services	11,100,000	-		11,100,000	-		11,100,000	8,103,000	2,997,000
2	Specific Area Watershed Master Plans for Separated System Area	2023-2031	Stormwater Drainage and Control Services	5,200,000	-		5,200,000	-		5,200,000	3,796,000	1,404,000
3	AEGD Block Servicing Studies (Separated System)	2024-2031	Stormwater Drainage and Control Services	6,000,000	-		6,000,000	-		6,000,000	4,380,000	1,620,000
4	Cherry Beach / Fruitland Outfall EA & Preliminary Design Study (Lower Stoney Creek) (Separated System)	2024-2031	Stormwater Drainage and Control Services	350,000	-		350,000	-		350,000	255,500	94,500
5	Stoney Creek Watercourse 6 Drainage Improvements Hwy. 8 to Lake Ontario (Separated System)	2024-2031	Stormwater Drainage and Control Services	2,100,000	-		2,100,000	-		2,100,000	1,533,000	567,000
6	Stoney Creek Watercourse 7 Drainage Improvements Upstream of Barton toward Hwy. 8 (Separated System)	2024-2031	Stormwater Drainage and Control Services	1,050,000	-		1,050,000	-		1,050,000	766,500	283,500
7	Watercourse 10 - S.C.U.B.E. Drainage Improvement Study (Separated System)	2024-2031	Stormwater Drainage and Control Services	697,000	-		697,000	-		697,000	508,810	188,190
8	Unidentified Studies (Separated System)	2024-2031	Stormwater Drainage and Control Services	3,500,000	-		3,500,000	-		3,500,000	2,555,000	945,000
Stormwater Studies - City-wide												
9	Wet Weather Master Plan - City-wide (Proportion for Separated Sewer System)*	2024-2031	Stormwater Drainage and Control Services	1,320,000	-		1,320,000	264,000		1,056,000	770,880	285,120
10	Stormwater Master Plan Update - City Wide (Proportion for Separated Sewer System)*	2023-2031	Stormwater Drainage and Control Services	3,970,000	-		3,970,000	794,000		3,176,000	2,318,480	857,520
Total				35,287,000	-	-	35,287,000	1,058,000	-	34,229,000	24,987,170	9,241,830

*Note: Stormwater studies - City-wide - costs are related to proportion allocated to separated sewer system. Remaining costs are allocated to combined sewer system.

Table 3-11
 City of Hamilton
 Growth Studies (Stormwater Services – Separate Sewer System) D.C. Calculation

Service/ Class of Service D.C. Calculations	Residential	Non-residential
Growth Studies D.C. Eligible Costs	\$24,987,170	\$9,241,830
Population/G.F.A. Growth (sq.ft.)	55,841	7,470,100
Cost Per Capita/Non-Residential GFA (sq.ft.)	\$447.47	\$1.24

Table 3-12
 City of Hamilton
 Growth Studies (Stormwater Services – Separate Sewer System) D.C. Calculation – by Residential Unit Type

Residential Unit Type	Persons Per Unit	D.C. per Residential Unit
Single and Semi-Detached Dwelling	3.533	\$1,581
Other Multiples	2.637	\$1,180
Apartments - 2 Bedrooms or more	2.166	\$969
Apartments - Bachelor and 1 Bedroom	1.342	\$601
Residential Facility	1.100	\$492

3.2.5 Growth Studies – Stormwater Services – Combined Sewer System Area

The City has identified \$10.93 million in costs for growth-related studies related to stormwater services in the combined sewer system area (in 2023 dollars). A deduction of \$142,000 has been made to account for the share of the studies that is anticipated to benefit the existing development. As result, the net D.C. recoverable cost is \$10.79 million.

The capital costs have been attributed 100% to residential development as non-residential development is required to provide stormwater services as part of the local service policy. This is consistent with the 2023 D.C. background study and by-law.

Based on the calculations provided herein, stormwater growth studies for stormwater in the combined sewer system area, result in a D.C. of \$3,924 per residential single detached dwelling unit. There is no D.C. for non-residential development related to stormwater growth studies in the combined sewer system area.

The Growth Studies capital sheet is presented in Table 3-13 and the corresponding D.C. calculations are provided in Tables 3-14 and 3-15.

**Table 3-13
City of Hamilton
Growth Studies (Stormwater Services – Combined Sewer System) Capital Costs**

Prj.No	Increased Service Needs Attributable to Anticipated Development Combined Sewer System Service Area Forecast Target	Timing (year)	Service to Which Project Relates	Gross Capital Cost Estimate (2023\$)	Post Period Benefit	Other Deductions (to recognize benefit to non-D.C. services)	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
								Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 100%	Non-Residential Share 0%
1	Specific Area Water Shed Master Plans for Combined Sewer Area	2023-2031	Stormwater Drainage and Control Services	5,200,000	-		5,200,000	-		5,200,000	5,200,000	-
2	Ainslie Wood Westdale Stormwater Drainage Master Plan (Combined System)	2023-2025	Stormwater Drainage and Control Services	1,045,000	-		1,045,000	-		1,045,000	1,045,000	-
3	Ainslie Wood/Westdale Neighbourhoods Class EA (Combined System)	2024	Stormwater Drainage and Control Services	474,000	-		474,000	-		474,000	474,000	-
4	Unidentified Studies (Combined System)	2023-2031	Stormwater Drainage and Control Services	3,500,000	-		3,500,000	-		3,500,000	3,500,000	-
Stormwater Studies - City-wide												
5	Wet Weather Master Plan - City-wide (Proportion for Combined Sewer System)*	2024-2031	Stormwater Drainage and Control Services	180,000	-		180,000	36,000		144,000	144,000	-
6	Stormwater Master Plan Update - City Wide (Proportion for Combined Sewer System)*	2023-2031	Stormwater Drainage and Control Services	530,000	-		530,000	106,000		424,000	424,000	-
Total				10,929,000	-	-	10,929,000	142,000	-	10,787,000	10,787,000	-

*Note: Stormwater studies - City-wide - costs are related to proportion allocated to combined sewer system. Remaining costs are allocated to separated sewer system.

Table 3-14
 City of Hamilton
 Growth Studies (Stormwater Services – Combined Sewer System) D.C. Calculation

Service/ Class of Service D.C. Calculations	Residential	Non-residential
Growth Studies D.C. Eligible Costs	\$10,787,000	\$0
Population/G.F.A. Growth (sq.ft.)	9,711	2,788,200
Cost Per Capita/Non-Residential GFA (sq.ft.)	\$1,110.80	\$0.00

Table 3-15
 City of Hamilton
 Growth Studies (Stormwater Services – Combined Sewer System) D.C. Calculation – by Residential Unit Type

Residential Unit Type	Persons Per Unit	D.C. per Residential Unit
Single and Semi-Detached Dwelling	3.533	\$3,924
Other Multiples	2.637	\$2,929
Apartments - 2 Bedrooms or more	2.166	\$2,406
Apartments - Bachelor and 1 Bedroom	1.342	\$1,491
Residential Facility	1.100	\$1,222

3.2.6 Summary of Charges

Based on the changes noted above, the D.C. calculations have been revised to include growth studies. As a result, the total calculated development charges are increasing as follows:

- **Separate Sewer System Area:** the residential D.C. (per single/semi-detached unit) for full services has increased from \$84,682 to \$87,339 (2023 \$). In regard to the non-residential charges, the total calculated D.C. (per sq.ft.) for full-services has increased from \$38.06 to \$39.98 (2023 \$); and
- **Combined Sewer System Area:** the residential D.C. (per single/semi-detached unit) for full services has increased from \$71,495 to \$76,495 (2023 \$). The non-residential charge (per sq.ft.) for full-services has increased from \$33.31 to \$33.99 (2023 \$).

The summary below outlines the charges as calculated in the December 21, 2023 D.C. background study and the charges calculated herein. In addition, the 2024 indexed rates (8.24% increase), including the above amendments are provided in the tables below as well as in Table 3-18.

Table 3-16
City of Hamilton
Rate Comparison – Residential (Single/Semi-Detached)

Service/Class of Service	2023 Charge Prior to By-law Passage	Calculated as per By-law 24-072	Calculated as per By-law 24-072 with Growth Studies (2023\$)	Calculated as per By-law 24-072 with Growth Studies (2024\$)
City Wide Services/Classes:				
Services Related to a Highway	14,528	18,103	18,103	19,596
Services Related to a Highway - Studies	80	-	88	95
Public Works	1,092	1,335	1,335	1,445
Transit Services	2,600	1,601	1,601	1,733
Fire Protection Services	626	1,151	1,151	1,246
Policing Services	711	1,018	1,018	1,102
Parks and Recreation*	3,518	11,065	11,065	11,977
Library Services	6,695			
Growth Studies	1,554	2,061	2,061	2,231
	500	-	445	482
Long-term Care Services	246	231	231	250
Child Care and Early Years Programs	21	-	-	-
Provincial Offences Act Services including By-Law Enforcement	55	52	52	56
Public Health Services	3	42	42	45
Ambulance	201	325	325	352
Waste Diversion	990	346	346	375
Total City Wide Services/Classes	33,420	37,330	37,863	40,985
Water and Wastewater Urban Area Charges				
Wastewater Facilities	5,491	7,125	7,125	7,712
Wastewater Linear Services	7,346	10,630	10,630	11,506
Water Services	6,466	6,856	6,856	7,421
Water and Wastewater Studies	49	-	543	588
Total Water and Wastewater Urban Area Services	19,352	24,611	25,154	27,227
Stormwater Services - Combined Sewer System				
Stormwater Drainage and Control Services	3,121	9,554	9,554	10,341
Stormwater Studies	2,234	-	3,924	4,247
Stormwater Services - Separate Sewer System				
Stormwater Drainage and Control Services	13,622	22,741	22,741	24,616
Stormwater Studies	570	-	1,581	1,711
Grand Total - City Wide	33,420	37,330	37,863	40,985
Grand Total - Urban Area - Combined Sewer System	55,893	71,495	76,495	82,800
Grand Total - Urban Area - Separate Sewer System	66,394	84,682	87,339	94,539

*Parks & Recreation now combined as one D.C. eligible service

Table 3-17
City of Hamilton
Rate Comparison – Non-residential (per sq.ft.)

Service/Class of Service	2023 Charge Prior to By-law Passage	Calculated as per By-law 24-072	Calculated as per By-law 24-072 with Growth Studies (2023\$)	Calculated as per By-law 24-072 with Growth Studies (2024\$)
City Wide Services/Classes:				
Services Related to a Highway	10.85	13.31	13.31	14.41
Services Related to a Highway - Studies	0.07	-	0.06	0.06
Public Works	0.56	0.80	0.80	0.87
Transit Services	1.32	0.96	0.96	1.04
Fire Protection Services	0.31	0.69	0.69	0.75
Policing Services	0.36	0.61	0.61	0.66
Parks and Recreation*	0.16	0.95	0.95	1.03
	0.30			
Library Services	1.36	0.18	0.18	0.19
Growth Studies	0.25	-	0.27	0.29
Long-term Care Services	0.02	0.04	0.04	0.04
Child Care and Early Years Programs	-	-	-	-
Provincial Offences Act Services including By-Law Enforcement	0.02	0.03	0.03	0.03
Public Health Services	-	0.01	0.01	0.01
Ambulance	0.02	0.06	0.06	0.06
Waste Diversion	0.17	0.03	0.03	0.03
Total City Wide Services/Classes	15.77	17.67	18.00	19.48
Water and Wastewater Urban Area Charges				
Wastewater Facilities	2.65	4.53	4.53	4.90
Wastewater Linear Services	3.53	6.75	6.75	7.31
Water Services	3.10	4.36	4.36	4.72
Water and Wastewater Studies	0.03	-	0.35	0.38
Total Water and Wastewater Urban Area Services	9.31	15.64	15.99	17.31
Stormwater Services - Combined Sewer System				
Stormwater Drainage and Control Services	-	-	-	-
Stormwater Studies	-	-	-	-
Stormwater Services - Separate Sewer System				
Stormwater Drainage and Control Services	2.29	4.75	4.75	5.14
Stormwater Studies	0.64	-	1.24	1.34
Grand Total - City Wide	15.77	17.67	18.00	19.48
Grand Total - Urban Area - Combined Sewer System	25.08	33.31	33.99	36.79
Grand Total - Urban Area - Separate Sewer System	28.01	38.06	39.98	43.27

*Parks & Recreation now combined as one D.C. eligible service

Table 3-18
City of Hamilton
D.C. Rates (2024 dollars)

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms+	Apartments - Bachelor and 1 Bedroom	Residential Facility	(per sq.ft. of Gross Floor Area)
City Wide Services/Class of Service:						
Services Related to a Highway	19,596	14,626	12,014	7,443	6,101	14.41
Services Related to a Highway - Studies	95	71	58	36	29	0.06
Public Works (Facilities and Fleet)	1,445	1,078	885	549	450	0.87
Transit Services	1,733	1,294	1,063	658	539	1.04
Fire Protection Services	1,246	930	764	473	388	0.75
Policing Services	1,102	823	675	419	343	0.66
Parks and Recreation	11,977	8,940	7,343	4,550	3,729	1.03
Library Services	2,231	1,665	1,368	848	695	0.19
Long-term Care Services	250	186	154	95	78	0.04
Provincial Offences Act Services including By-Law Enforcement	56	42	35	22	17	0.03
Public Health Services	45	34	28	17	14	0.01
Ambulance	352	263	215	133	109	0.06
Waste Diversion	375	279	229	142	117	0.03
Growth Studies	482	359	295	183	150	0.29
Total City Wide Services/Class of Services	40,985	30,591	25,127	15,568	12,760	19.48
Urban Services						
Wastewater Facilities	7,712	5,756	4,728	2,929	2,401	4.90
Wastewater Linear Services	11,506	8,588	7,054	4,371	3,583	7.31
Water Services	7,421	5,539	4,550	2,819	2,311	4.72
Water and Wastewater Studies	588	438	360	223	183	0.38
Combined Sewer System						
Stormwater Drainage and Control Services	10,341	7,718	6,340	3,928	3,219	0.00
Stormwater Studies	4,247	3,170	2,604	1,614	1,323	0.00
Separated Sewer System						
Stormwater Drainage and Control Services	24,616	18,374	15,092	9,350	7,664	5.14
Stormwater Studies	1,711	1,277	1,049	651	533	1.34
GRAND TOTAL RURAL AREA	40,985	30,591	25,127	15,568	12,760	19.48
GRAND TOTAL COMBINED SEWER SYSTEM	82,800	61,801	50,764	31,451	25,779	36.79
GRAND TOTAL SEPARATED SEWER SYSTEM	94,539	70,563	57,960	35,910	29,434	43.27

3.3 Amendments to the D.C. By-law

The D.C. by-law will be amended as follows:

- Add growth studies as a class of service;
- Revise the rate schedules in the by-law to include growth studies; and
- Repeal the mandatory phase-in section of the by-law.

The draft amending by-law is included in Appendix A to this memo.

4. Recommendations

It is recommended that Council:

“Approve the capital project listings set out in Section 3.1.2 of the Development Charges Background Study Update – Amendments as per Bill 185 memo dated November 14, 2024, subject to further annual review during the capital budget process”;

“Approve the 2024 Development Charges Background Study Update – Amendments as per Bill 185

“Determine that no further public meeting is required”; and

“Approve the amending D.C. by-law as set out in Appendix A”.

Appendix A

Amending By-law for Minor Amendments

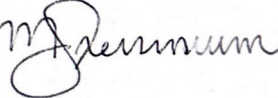
APPENDIX A: DRAFT AMENDING BY-LAW

Provided under separate cover.



Hamilton

INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	November 21, 2024
SUBJECT/REPORT NO:	Review of the Council Codes of Conduct at Other Municipalities Respecting Limiting or Prohibiting the Accepting of Gifts for Elected Officials (FCS24057) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janet Pilon (905) 546-2424 Ext. 4304
SUBMITTED BY:	Matthew Trennum City Clerk
SIGNATURE:	

COUNCIL DIRECTION

Council requested that the City Clerk coordinate a review of the Council Codes of Conduct at other municipalities and report back to Audit, Finance and Administration Committee with recommendations respecting limiting or prohibiting the accepting of gifts for elected officials.

INFORMATION

On November 23, 2023, Council approved the direction provided to staff on June 7, 2023, respecting Limiting or Prohibiting the Acceptance of Gifts in the Code of Conduct for Employees and the Council Code of Conduct for staff to perform a gap analysis of the City's policies that apply to staff and not to elected officials, as follows:

- (a) That Human Resources staff be directed to conduct a review of the Codes of Conduct for employees at other municipalities and report back to the Audit, Finance and Administration Committee with recommendations respecting limiting or prohibiting the accepting of gifts for employees;
- (b) That the City Clerk be directed to coordinate a review of the Council Codes of Conduct at other municipalities and report back to Audit, Finance and Administration Committee with recommendations respecting limiting or prohibiting the accepting of gifts for elected officials; 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: Review of the Council Codes of Conduct at Other Municipalities
Respecting Limiting or Prohibiting the Accepting of Gifts for Elected
Officials (FCS24057) (City Wide) – Page 2 of 5**

- (c) That staff be directed to perform a gap analysis of City policies that apply to staff, as employees of the corporation, and not to elected officials, who are not employees of the corporation, and report back to the Audit, Finance and Administration Committee with recommendations on how those policies could be applied to elected officials.

General Statements, Scope, and Reporting Requirements (Other Municipalities)

Included in Appendix A to this report, staff have provided information that describes the Council Codes of Conduct respecting Gifts and Hospitality (General Statement, Scope, Reporting Requirements) of other municipalities.

Hamilton specifically identifies fees, advances, gifts or benefits, other municipalities or regions include additional items such as loans, commissions, advances, cash, hospitality, gift certificates, bonuses, rewards, and use of vacation properties or vehicles.

With respect to the scope of the policy, many municipalities/regions, including Hamilton, mention family members and staff members. Other municipalities are more prescriptive and include “spouse,” “child,” “parent,” “friend,” etc. Hamilton includes “any other person related to the Member, or to any other person, corporation or body with whom or which the Member is associated.” No other municipalities/regions covered in the research include that additional text.

In terms of reporting requirements for accepting gifts and benefits, the threshold for reporting varies widely. Hamilton’s dollar amount is \$200. Other municipalities/regions vary widely from \$25 - \$750. The information that is required on the disclosure forms varies as well, with some municipalities requiring additional information that Hamilton does not, specifically: the estimated value of the gift, what the recipient intends to do with the gift; and whether the gift will at any point will be left with the City. Some municipalities also share this information on their websites, while some municipalities/regions require that disclosure forms be provided and reviewed by the Integrity Commissioner.

Exceptions (other municipalities)

Included in Appendix B to this report depicts the Council Codes of Conduct respecting Gifts and Hospitality (Exceptions) of other municipalities.

Municipalities/regions have several criteria in common, with only Waterloo Region and Hamilton permitting “(f) admission to a training or education event related to the Member’s duties and in the interest of the City, including meals and refreshments provided to all attendees”. Many do not permit “(e) admission to a charity or community

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**SUBJECT: Review of the Council Codes of Conduct at Other Municipalities
Respecting Limiting or Prohibiting the Accepting of Gifts for Elected
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organization for whose benefit the event is being held” while Hamilton does. A few do not permit “(k) communications to the office of a Member of Council, including subscriptions to newspapers and periodicals”. Some municipalities have additional exceptions that Hamilton and others do not, such as business meals, sponsorships and donations for community events or initiatives organized or run by a Member, gifts of a nominal value (e.g., baseball cap, t-shirt, flash drive, book, etc.).

Recommendations for Hamilton

Council has asked that the Clerk report back to Audit, Finance and Administration Committee with recommendations respecting limiting or prohibiting the accepting of gifts for elected officials. While staff have conducted this research and provided some recommended changes, it is important to note that one of the Integrity Commissioner’s responsibilities is to provide advice and recommendations to Council regarding amendments to the Codes of Conduct (Council and Local Boards), and any other procedures, rules or policies governing ethical behaviours (By-Law 16-288, Section 9(5)). The Clerk, therefore, forwarded this report along with the following suggested amendments to strengthen the Council Code of Conduct to the Integrity Commissioner for their review.

The Integrity Commissioner’s responded as per Appendix ‘D’ to this report, and their suggested amendments were incorporated into the suggested amendments below.

The suggested amendments define the term “loan” and elaborate on the definition of “gift or benefit”, the types of gifts and benefits, the content of the Disclosure Statement and where the Disclosure Statements will be available to the public, and a clause that provides the member of Council with direction when a gift or benefit does not comply with the Council Code of Conduct, under Section 4: GIFTS AND BENEFITS of Council Code of Conduct, By-law 16-290, as amended:

Define the term “loan” in section 1 of the Code, as follows:

- (i) ***“loan” means delivery by a person or persons and receipt by a Member of a sum of currency upon agreement, express or implied, to repay the sum with or without interest. 1 This does not include a loan obtained in accordance with the Municipal Elections Act, 1996, SO 1996, c 32, Sched.;***

Amend section 1 of the Code, as follows:

- (g) “gift or ***personal*** benefit” includes any real or personal property, Currency or other thing or consideration, given, donated, transferred or otherwise conveyed to a person, unless the giver, donor, transferor or conveying person receives

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payment or other consideration of goods or property, of equal or greater monetary value to the value of what was so provided;

Amend section 4 of the Code, as follows:

4. (1) No Member shall accept a fee, advance, gift, **loan**, or **personal** benefit, that is connected, directly or indirectly, with the performance of the Member's duties or responsibilities of or in office, except as permitted by one or more of the exceptions listed in subsection 4(3).
- (2) For the purposes of subsection 4(1), a fee, advance, gift, **loan** or **personal** benefit, provided with the knowledge of the Member, to a family member of the Member, to a member of staff of the Member, to any other person related to the Member, or to any other person, corporation or body with whom or which the Member is associated, that is connected, directly or indirectly, to the fact or performance of the Member's duties or responsibilities of or in office, is deemed to be a gift or benefit to the Member.
- (5) In the case of one or more fees, advances, gifts, **loans** or **personal** benefits referred to or included in any of paragraphs 4(3)(b), (h), (i), (j) or (k), if the value thereof, or if the total value of any one or more such fees, advances, gifts or benefits, provided to or received by, a Member from any one source during the course of a calendar year, exceeds \$200, the Member shall, within 30 calendar days of such provision or receipt, or of reaching or exceeding such amount, file a disclosure statement with the **Integrity Commissioner**. The disclosure statement shall indicate:
 - (a) the nature of every such fee, advance, gift, **loan** and **personal** benefit;
 - (b) its source and date of provision and/or receipt;
 - (c) **its estimated value;**
 - (d) **what the recipient intends to do with the gift;**
 - (e) the circumstances under which it was provided and/or received;
 - (i) **where the gift or benefit is a loan, the Member shall also disclose the terms of the loan agreement, written or oral, pursuant to which the loan was given.**
 - (f) **whether the gift will at any point will be left with the City.**

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- (7) *On receiving a disclosure statement, the Integrity Commissioner must review whether it raises a question of whether there is a conflict between a private interest and the public duty of a member. If that is the case, the Integrity Commissioner must ask that member to justify receipt of the gift or benefit.***
- (8) *If the Integrity Commissioner decides that the member’s explanation does not justify the receipt of the gift as being appropriate, the Integrity Commissioner must advise the Member. The Integrity Commissioner may require the Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the City.***
- (9) *Gifts received by Members of Council which have significance or historical value for the City of Hamilton, as determined by the Clerk, shall be deemed to have been made to the City at the time of the transfer and shall be transferred to the Clerk for the City’s Archives.***
- (10) *In the case of requirement (f) of the disclosure statement, those gifts received by Members of Council which have significance or historical value for the City of Hamilton shall be left with Clerk for the City’s Archives when the Member ceases to hold office.***

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” to Report FCS24057 - Council Codes of Conduct re Gifts and Hospitality
(General Statement, Scope, Reporting Requirements)
- Appendix “B” to Report FCS24057 - Council Codes of Conduct re Gifts and Hospitality
(Exceptions)
- Appendix “C” to Report FCS24057 - Disclosure Statement
- Appendix “D” to Report FCS24057 - Correspondence from David Boghosian, Integrity Commissioner and Lobbyist Registrar, City of Hamilton respecting proposed amendments to the Council Code of Conduct.

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Municipal/Regional Comparison

Summary of Council Codes of Conduct re Gifts and Hospitality (General Statement, Scope, Reporting Requirements)

Municipality	General Statement	Scope (e.g., family, staff, etc.)	Reporting Requirements
Hamilton	No member if Council will accept a fee, advance, gift or benefit, that is connected directly or indirectly with the performance of the Member’s duties or responsibilities, except as permitted by exceptions.	Includes a fee, advance, gift or benefit, provided with the knowledge of the Member, to a family member of the Member, to a member of staff of the Member, to any other person related to the Member, or to any other person, corporation or body with whom or which the Member is associated , that is connected, directly or indirectly, to the fact or performance of the Member’s duties or responsibilities of or in office.	Members must report items included in (b), (h), (i), (j) or (k) received from any one source during the course of a calendar year and exceeding \$200 . Within 30 days of exceeding the \$200, the Member will file a disclosure statement with the City Clerk that indicates: <ul style="list-style-type: none"> a. the nature of every such fee, advance, gift and benefit; b. its source and date of provision and/or receipt; and c. the circumstances under which it was provided and/or received. Every disclosure statement will be a matter of public record.
Brampton	No member shall accept a fee, advance, gift, loan , or personal benefit that is connected directly or indirectly with the performance of his or her duties of Office,	For these purposes, includes a fee or advance paid to or a gift or benefit provided with the member’s knowledge to a member’s spouse, child, or parent, or to a member’s staff that is connected directly or	Each Member shall disclose in a Gift Registry to be maintained in the Clerks department all gifts, benefits and hospitality received with an individual value of \$50 CAD or more from one source in a calendar year. The member of Council shall specify for each gift, in a Gift Disclosure Statement to be maintained in the Gift Registry:

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Municipality	General Statement	Scope (e.g., family, staff, etc.)	Reporting Requirements
	except as specifically permitted by exceptions.	indirectly to the performance of the member’s duties.	<ul style="list-style-type: none"> • The nature of the gift, benefit or hospitality • The donor of the gift, benefit or hospitality and date of receipt • The circumstances under which the gift or benefit was given and received • The estimated value of the gift, benefit or hospitality, and • The intended use of the gift or benefit. <p>The Clerk shall post quarterly, all Gift Disclosure Statements received, beginning with March 31, 2016, on brampton.ca.</p>
Burlington	<p>Council members and their families will avoid accepting gifts. (No mention of fees, benefits, etc.)</p> <p>Members will avoid directly or indirectly managing or controlling any monies received relating to a charitable, not for profit, or community-based organization’s fundraising in our</p>	Council members and their family	<p>Members will keep a record of all donors to events they organize, and the value of their donation, and file it with the City Clerk.</p> <p>Where accepting a gift is an integral part of Members’ duties as a member of Council, members will report those valued at more than \$25 to the City Clerk who will annually report them to the public. We will adhere to the Corporate Policy on Gifts and Hospitality – sent email to get a copy of this.</p>

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Municipality	General Statement	Scope (e.g., family, staff, etc.)	Reporting Requirements
	<p>capacity as a member of Council.</p> <p>We will avoid soliciting or accepting benefits or hospitality in any form from an individual, group or corporation who might require a decision or consideration by the City.</p>		
Halton Region	Members shall not accept fees, gifts or personal benefits that are connected directly or indirectly with the performance of duties as elected Members.	N/A	N/A
London	No Member shall accept, solicit, offer or agree to accept a commission , fee, advance , cash , gift, hospitality , gift certificate , bonus , reward or benefit that is connected directly or indirectly with the performance of their duties of office unless	For these purposes includes: a commission, fee, advance, cash, gift, hospitality, gift certificate, bonus, reward or benefit provided with the Member’s knowledge to a friend , family member or to a Member’s staff that is connected directly or indirectly to the performance of the Member’s duties.	In the case of exceptions claimed under 9.4 (c), (e), (h) and (i), if the value of the gift, hospitality or benefit exceeds \$300.00 , or if the total value of gifts, hospitality or benefits received from one source during the course of a calendar year exceeds \$300.00 , the Members shall within 30 days of receipt of the gift, hospitality or benefit or reaching the annual limit, complete a disclosure statement in a form prescribed by the Integrity Commissioner and file it with the Integrity

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Municipality	General Statement	Scope (e.g., family, staff, etc.)	Reporting Requirements
	<p>permitted by the exceptions listed in section 9.4 below.</p> <p>No Member shall accept the use of property or facilities, such as a vehicle, office or vacation property at less than fair market value or at no cost.</p>		<p>Commissioner. A disclosure statement shall be a matter of public record.</p> <p>On receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the gift, hospitality or benefit might, in their opinion, create a conflict between a private interest and the public duty of the Member. In the event that the Integrity Commissioner makes that preliminary determination, they shall call upon the Member to justify receipt of the gift, hospitality or benefit.</p>
Markham	<p>Members are not permitted to accept any gifts that are not listed in this Code connected directly or indirectly with the performance of their duties. (No mention of fees, benefits, etc.)</p>	N/A	<p>Members will maintain a list of all Gifts received in a calendar year, where the value of a single Gift, or the cumulative value of Gifts from a single source, exceeds \$350. This list must be available upon request by the Integrity Commissioner for the purposes of determining if the Gift is appropriate. Gifts described in clause 10.1(g) are exempt from the reporting requirement.</p> <p>Note: 10.1 (g) – “tickets or admission to banquets, receptions, sporting events, cultural events, performances or similar events, for charitable, not-for-profit or community purposes, if: i. Attendance is open and transparent and serves a legitimate charity fundraising or community purpose; and ii. The value and venue location are reasonable”.</p>
Mississauga	<p>Members may not accept gifts connected</p>	<p>Includes gifts provided with the Member’s knowledge to a</p>	<p>Gift Disclosure, where required, is to be accomplished by filing within 30 days of receipt of</p>

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Municipality	General Statement	Scope (e.g., family, staff, etc.)	Reporting Requirements
	<p>directly or indirectly with the performance of a Member’s duties of office.</p> <p>“Gift” means money, fee, advance, payment, gift, gift certificate, promise to pay, property, travel, accommodation, entertainment, hospitality or any other personal benefit connected directly or indirectly with the performance of a Member’s duties of office.</p>	<p>Family Member or to a Member’s staff that is connected directly or indirectly to the performance of the Member’s duties.</p>	<p>the gift or reaching the annual limit, a Councillor Information Statement in a form prescribed by the Integrity Commissioner and providing same to the City Clerk for posting on the City’s web site.</p> <p>Refer to Appendix 1 for specific amounts.</p>
Niagara Region	<p>A Member shall not accept a fee, advance, gift, gift certificate, cash, hospitality or any form of personal benefit connected directly or indirectly with the performance of their duties.</p>	<p>Includes a gift, benefit or hospitality provided with the Member’s knowledge to a Member’s spouse, child, or parent, or to a Member’s staff that is connected directly or indirectly to the performance of the Member’s duties.</p>	<p>Except in the case of any gift or benefit described in (c) (a political contribution otherwise reported by law, in the case of Members), and (d) (services provided without compensation by persons volunteering their time), the total value of a gift or benefit from any one source over any 12-month period shall not exceed \$500.</p>
Ottawa	<p>Members of Council shall not accept gifts that would, to a reasonable</p>	<p>Includes a Member’s spouse, child, or parent, or to a Member’s staff that is</p>	<p>Members of Council will file a quarterly disclosure statement that will be added to a public Gifts Registry (posted on City website). Members of</p>

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Municipality	General Statement	Scope (e.g., family, staff, etc.)	Reporting Requirements
	member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.	connected directly or indirectly to the performance of the Member’s duties.	<p>Council are required to disclose all gifts, benefits, hospitality and sponsored travel received which individually exceed \$100 from one source in a calendar year. Exception: The acceptance of all event tickets of a value exceeding \$30 must be disclosed quarterly in the Gifts Registry.</p> <p>The disclosure statement must indicate:</p> <ol style="list-style-type: none"> a. The nature of the gift, benefit or hospitality; b. Its source and date of receipt; c. The circumstances under which it was given or received; d. Its estimated value; e. What the recipient intends to do with the gift; and f. Whether the gift will at any point will be left with the City.
Peel Region	A member must not accept gifts - meaning money , fee, advance, payment , gift, gift certificate , promise to pay , property , travel , accommodation , entertainment , hospitality or any other personal benefit connected directly or indirectly with the performance of a	A Gift provided with the Member’s knowledge to a Family Member or to a Member’s staff that is connected directly or indirectly to the performance of the Member’s duties.	<p>Refer to Appendix 2 for specific amounts.</p> <p>Gifts identified in Column B of Table ‘1’ may be accepted by a Member provided the Gift is disclosed in accordance with the conditions set out in Column ‘C’.</p> <p>Gift Disclosure, where required, is to be accomplished by filing within 30 days of receipt of the gift or reaching the annual limit, a Councillor Information Statement in a form prescribed by the</p>

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Municipality	General Statement	Scope (e.g., family, staff, etc.)	Reporting Requirements
	Member’s duties of office.		<p>Integrity Commissioner and providing same to the Regional Clerk for posting on the Region’s web site.</p> <p>Gifts identified in Column B shall not be accepted, without the Integrity Commissioner’s specific approval, when the conditions set out in Column ‘D’ are applicable.</p>
Richmond Hill	A member may not accept gifts – meaning any cash or monetary equivalent, fee, object of value, service, travel and accommodation, hospitality or entertainment that are provided to a Member that could be seen to be connected directly or indirectly to the performance of the Member’s duties.	For these purposes, includes a gift, hospitality or benefit paid to a Member’s spouse, child, or parent, or to a Member’s staff that is connected directly or indirectly with the performance of the Member’s duties of office.	<p>If the value of the gift or benefit exceeds \$350 or if the total value received from any one source during the calendar year exceeds \$500, the Member shall within 30 days of receipt of the gift or benefit, or reaching the annual limit, complete a Disclosure Statement (the form of which shall be approved by the Clerk) and submit it to the Clerk.</p> <p>The Disclosure Statement shall include:</p> <ol style="list-style-type: none"> a. The nature of the gift or benefit; b. Its source and date of receipt; c. The circumstances under which it was received; and d. Its estimated value. <p>Disclosure Statements are a matter of public record and shall be maintained by the Clerk in accordance with any records retention rules established by Richmond Hill.</p>
Toronto	A member must not accept fees, advances,	Includes fees, advances, gifts or personal benefits provided	A disclosure statement must be filed with the Integrity Commissioner if a member accepts gifts or

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Municipality	General Statement	Scope (e.g., family, staff, etc.)	Reporting Requirements
	gifts or personal benefits that are connected directly or indirectly with the performance of their duties of office.	to a member’s spouse, child, or parent, or to a person on a member’s staff that are connected directly or indirectly to the performance of that member’s duties.	<p>benefits that exceed \$300 from any one source in a calendar year. Within 30 days of the receipt of gifts or benefits under 4.5 that exceed \$300 from any one source in a calendar year, a member must file a disclosure statement with the Integrity Commissioner that sets out:</p> <ul style="list-style-type: none"> a. the nature of the gift or benefit; b. its source and date of receipt; c. the circumstances under which it was given or received; d. its estimated value; e. what the recipient intends to do with any gift; and, f. whether any gift will at any point be donated to the City. <p>The disclosure statement will be a matter of public record.</p> <p>Exceptions: In some circumstances, a limit of \$500 is acceptable (e.g., permitted compensation under the law, political contribution, donation to a member-organized community event).</p>
Vaughan	No Member shall accept a fee, advance, gift, loan , or personal benefit that is connected directly or indirectly with the	Includes a fee or advance paid to or a gift or benefit provided with the Member’s knowledge to a Member’s Spouse, Child, or Parent, or to a Member’s staff that is connected directly	In the case of categories (b), (e), (f), (g) (h), and (i), where the value of the gift or benefit exceeds \$750 , or if the total value received from any one source during the course of a calendar year exceeds \$750 , the Councillor shall, within 30 days of receipt of the gift or reaching the annual limit, list the gift or

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Municipality	General Statement	Scope (e.g., family, staff, etc.)	Reporting Requirements
	performance of his or her duties.	or indirectly to the performance of the Member’s duties.	<p>benefit on a Councillor information statement, the form of which will be prescribed by the Integrity Commissioner.</p> <p>The Integrity Commissioner shall, without notice, examine from time to time the Councillor information statement to ascertain whether the receipt of a gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the Councillor.</p> <p>Each Member shall file a copy of their Councillor information statement with the office of the City Clerk on a quarterly basis (the first quarter being April 30th of the calendar year) and the statements shall be a matter of public record.</p>
Waterloo Region	No Member of Council shall accept a fee, advance, gift or benefit that is connected directly or indirectly with the performance of their duties in office.	<p>Includes a fee or advance paid to or a gift or benefit given with the Member’s knowledge to their family member that is connected directly or indirectly to the performance of their duties in office.</p> <p>Note: no mention of Council member’s staff.</p>	<p>Members will maintain a list of all gifts and benefits received in a calendar year.</p> <p>The Member shall specify for each gift or benefit:</p> <ol style="list-style-type: none"> a. the nature of the gift or benefit b. its source and date of receipt c. the circumstances under which it was given or received d. its estimated value e. what the recipient intends to do with any gift; and f. whether the gift will at any point be left with the Region.

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Municipality	General Statement	Scope (e.g., family, staff, etc.)	Reporting Requirements
			<p>Each Member shall provide their list to the Integrity Commissioner for review on a quarterly basis.</p> <p>After the review of the list, any single gift or benefit that exceeds \$300 and/or any accumulated gifts or benefits that exceed \$300 from a single source, shall be posted to the Region’s website.</p>
Windsor	No Member shall accept a commission , fee, advance, gift, gift certificate , bonus , reward , or personal benefit that is connected directly or indirectly with the performance of his or her duties of Office.	Includes any commission , fee, advance, gift, gift certificate , bonus , reward , or personal benefit provided with the Member’s knowledge to a Member’s spouse, child, or parent, or to a Member’s staff that is connected directly or indirectly to the performance of the Member’s duties.	<p>In cases of categories (b) (protocol or social obligations), (e) (memento honouring the member), (f) (Canadian or foreign government), (g) (banquets, receptions or similar events), and (h) (communications), if the value of the gift of benefit exceeds \$300.00, or if the total value received from any one source during the course of a calendar year exceeds \$300.00, the Member shall file a disclosure statement with the Integrity Commissioner within 30 days of receipt of the gift or reaching the annual limit.</p> <p>The disclosure statement must indicate:</p> <ol style="list-style-type: none"> a. the nature of the gift or benefit; b. its source and date of receipt; c. its estimated value; d. what the recipient intends to do with any gift; and e. whether any gift will at any point be left with the City.

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Municipality	General Statement	Scope (e.g., family, staff, etc.)	Reporting Requirements
			Any disclosure statement is a matter of public record.

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Appendix 1 - City of Mississauga

A	B	C	D
<u>Type of Gift</u>	<u>Examples</u>	<u>Gift Disclosure. Apparent Value at which Gift, or the cumulative value from one source in a calendar year is disclosable</u>	<u>Gift No Longer Allowable</u> Condition or Actual Value beyond which gift is not allowable (Value assessed on basis of single Gift or cumulative Gift value from one source in calendar year) (without IC approval)
Token of Appreciation	Plaques, Pens, Mugs, Vase, Event Photos, and similar	No need to record - Deemed Zero Value	Actual Value of a single gift is over \$1000 (allowable in extenuating circumstances with IC approval)
	Perishable (includes flowers, food)	No need to record - Deemed Zero Value	Excludes Alcohol with actual value over \$100
	Gift to City	Not a 'Gift'. No need to record. City Clerk to record and take possession (but may be loaned out for display in areas normally visited by members of the public, including meeting rooms and Members' offices). Deemed Zero Value	N/A
Course of Business	Publications	No need to record - Deemed Zero Value	N/A
	Art	\$250	\$1000
	Business Meals	\$250	\$500, \$1000 annual cumulative limit

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A	B	C	D
<u>Type of Gift</u>	<u>Examples</u>	<u>Gift Disclosure.</u> Apparent Value at which Gift, or the cumulative value from one source in a calendar year is disclosable	<u>Gift No Longer Allowable</u> Condition or Actual Value beyond which gift is not allowable (Value assessed on basis of single Gift or cumulative Gift value from one source in calendar year) (without IC approval)
	Business Hospitality	\$250	\$1000 More than two Event Tickets (Golf, Gala, Sporting, Entertainment) per event More than one event per year from the same person or organization (allowable in extenuating circumstances with IC approval)
	Official Hospitality	\$500	No limit

Appendix 2 – Peel Region

Gift Treatment and Disclosure

A	B	C	D
Type of Gift	Examples	Gift Disclosure	Gift No Longer Allowable
		<i>Apparent Value at which Gift, or the cumulative value from one source in a calendar year is disclosable</i>	<i>Condition or Actual Value beyond which gift is not allowable (Value assessed on basis of single Gift or cumulative Gift value from one source in calendar year) (without IC approval)</i>
Token of Appreciation	Plaques, Pens,	No need to record -	Actual Value of a single gift is
	Mugs, Vase, Event	Deemed Zero	over \$500
	Photos, and similar	Value	(allowable with IC approval)
	Perishable	No need to record -	Excludes Alcohol with actual
	(includes flowers,	Deemed Zero	value over \$100
	food)	Value	
	Gift to Regional	Not a ‘Gift’. No	N/A
		need to record.	
	Regional staff		
	(identify) to record		

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A	B	C	D
Type of Gift	Examples	Gift Disclosure	Gift No Longer Allowable
		and take possession unless otherwise on public display. Deemed Zero Value	
Course of Business	Publications	No need to record - Deemed Zero Value	N/A
	Art	\$100	\$500
	Business Meals	\$100	\$500
	Business Hospitality	\$100	\$750 More than two Event Tickets (Golf, Gala, Sporting, Entertainment) per event More than one event per year from the same person or organization (allowable with IC approval)
	Official Hospitality	\$500	No limit

Municipal/Regional Comparison

Council Codes of Conduct re Gifts and Hospitality (Exceptions)

Municipality	Exceptions
Hamilton	<p>Exceptions:</p> <ul style="list-style-type: none"> a. compensation authorized by law; b. such gifts or benefits that are an incident of protocol or social obligation; c. a political contribution otherwise reported by law; d. admission to a widely-attended event (e.g., conference, dinner, reception, etc.) offered by the organizer and in the Member’s official capacity (e.g., speaker, panel member, ceremonial function, etc.); e. admission to a charity or community organization for whose benefit the event is being held; f. admission to a training or education event related to the Member’s duties and in the interest of the City, including meals and refreshments provided to all attendees; g. services provided without compensation by persons volunteering their time; h. a suitable memento of a function honouring the Member; i. food, lodging, transportation and entertainment provided by other municipal, provincial, federal for international government; j. food and beverages consumed at banquets, receptions or similar events, if: attendance serves a legitimate business purpose, the organization extending the invitation is in attendance, and the value is reasonable and the invitations infrequent; k. communications to the office of a Member of Council, including subscriptions to newspapers and periodicals.
Brampton	<p>Same or similar text Hamilton’s list of exceptions, except no:</p> <p>(f) (admission to a training or education event related to the Member’s duties and in the interest of the City, including meals and refreshments provided to all attendees).</p> <p>Additional exceptions:</p> <ul style="list-style-type: none"> • Business meals

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Municipality	Exceptions
Burlington	No exceptions listed.
Halton Region	<p>Same or similar text Hamilton’s list of exceptions for (a) and (b) only.</p> <p>No mention of:</p> <ul style="list-style-type: none"> (c) a political contribution otherwise reported by law; (d) admission to a widely-attended event (e.g., conference, dinner, reception, etc.) offered by the organizer and in the Member’s official capacity (e.g., speaker, panel member, ceremonial function, etc.); (e) admission to a charity or community organization for whose benefit the event is being held; (f) admission to a training or education event related to the Member’s duties and in the interest of the City, including meals and refreshments provided to all attendees; (g) services provided without compensation by persons volunteering their time; (h) a suitable memento of a function honouring the Member; (i) food, lodging, transportation and entertainment provided by other municipal, provincial, federal for international government; (j) food and beverages consumed at banquets, receptions or similar events, if: attendance serves a legitimate business purpose, the organization extending the invitation is in attendance, and the value is reasonable and the invitations infrequent; (k) communications to the office of a Member of Council, including subscriptions to newspapers and periodicals. <p>Additional exceptions:</p> <ul style="list-style-type: none"> • N/A
London	<p>Same or similar text Hamilton’s list of exceptions, except no:</p> <ul style="list-style-type: none"> (e) admission to a charity or community organization for whose benefit the event is being held (f) admission to a training or education event related to the Member’s duties and in the interest of the City, including meals and refreshments provided to all attendees. (k) communications to the office of a Member of Council, including subscriptions to newspapers and periodicals.

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Municipality	Exceptions
	<p>Additional exceptions:</p> <ul style="list-style-type: none"> • A reimbursement of reasonable expenses incurred in the performance of duties or office; • A reimbursement of reasonable expenses incurred, and honorariums received in the performance of activities connected with municipal associations
Markham	<p>Same or similar text Hamilton’s list of exceptions, except no: (f) (admission to a training or education event related to the Member’s duties and in the interest of the City, including meals and refreshments provided to all attendees).</p> <p>Additional exceptions:</p> <ul style="list-style-type: none"> • Business meals that serve a legitimate public duty purpose; • Sponsorships and donations for community events or initiatives organized or run by a Member, or a third party on behalf of a Member, where Council has authorized or endorsed the event or initiative.
Mississauga	<p>Same or similar text Hamilton’s list of exceptions, except no: (f) (admission to a training or education event related to the Member’s duties and in the interest of the City, including meals and refreshments provided to all attendees).</p> <p>Additional exceptions:</p> <ul style="list-style-type: none"> • Gifts provided to the City of Mississauga, and which are logged, archived and/or publicly displayed as such. • No Member shall accept any Gift involving the use of property or facilities, such as a vehicle, office, club membership or vacation property at less than reasonable market value or at no cost. Notwithstanding this prohibition, with specific approval provided by Council, a Member may be sponsored to attend educational site visits connected with an identified project. • Gifts identified in Column B of Table ‘1’ may be accepted by a Member provided the Gift is disclosed in accordance with the conditions set out in Column ‘C’ (please see Appendix 1 for Table).

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Municipality	Exceptions
	<ul style="list-style-type: none"> • Gift Disclosure, where required, is to be accomplished by filing within 30 days of receipt of the gift or reaching the annual limit, a Councillor Information Statement in a form prescribed by the Integrity Commissioner and providing same to the City Clerk for posting on the City’s web site. • Gifts identified in Column B shall not be accepted, without the Integrity Commissioner’s specific approval, when the conditions set out in Column ‘D’ are applicable (please see Appendix 1 for Table).
Niagara Region	<p>Same or similar text Hamilton’s list of exceptions, except no:</p> <p>(e) admission to a charity or community organization for whose benefit the event is being held</p> <p>(f) admission to a training or education event related to the Member’s duties and in the interest of the City, including meals and refreshments provided to all attendees.</p> <p>(k) communications to the office of a Member of Council, including subscriptions to newspapers and periodicals.</p> <p>Additional exceptions:</p> <ul style="list-style-type: none"> • Gifts of nominal value (for example, a baseball cap, t-shirt, flash drive, book, etc.); and • Any gift or benefit, if the Integrity Commissioner is of the opinion, before the gift or personal benefit has been accepted, that it is unlikely that receipt of the gift or benefit gives rise to a reasonable presumption that the gift or benefit was given in order to influence the Member in the performance of his or her duties.
Ottawa	<p>Same or similar text Hamilton’s list of exceptions, except no:</p> <p>(e) admission to a charity or community organization for whose benefit the event is being held</p> <p>(f) admission to a training or education event related to the Member’s duties and in the interest of the City, including meals and refreshments provided to all attendees.</p> <p>Additional exceptions:</p> <ul style="list-style-type: none"> • Sponsorships and donations for community events organized or run by a Member or a third party on behalf of a member, subject to the limitations set in the Council Expense Policy; • Gifts of a nominal value (e.g., baseball cap, t-shirt, flash drive, book, etc.); and

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Municipality	Exceptions
	<ul style="list-style-type: none"> • Any other gift or personal benefit, if the Integrity Commissioner is of the opinion it was not likely given to influence the Member in the performance of his or her duties. <p>Acceptance of Event Tickets</p> <ul style="list-style-type: none"> • All tickets of a value exceeding \$30 must be disclosed quarterly in the Gifts Registry, • A limit of two tickets for up to two events from one source in a calendar year is permitted, • Accepting any tickets for subsequent events from the same source is prohibited.
Peel	<p>Same or similar text Hamilton’s list of exceptions, except no:</p> <p>(e) admission to a charity or community organization for whose benefit the event is being held</p> <p>(f) admission to a training or education event related to the Member’s duties and in the interest of the City, including meals and refreshments provided to all attendees.</p> <p>Additional exceptions:</p> <ul style="list-style-type: none"> • No Member shall accept any Gift involving the use of property or facilities, such as a vehicle, office, club membership or vacation property at less than reasonable market value or at no cost. Notwithstanding this prohibition, with specific approval provided by Council, a Member may be sponsored to attend educational site visits connected with an identified project.
Richmond Hill	<p>Same or similar text Hamilton’s list of exceptions, except no:</p> <p>(a) compensation authorized by law</p> <p>(f) admission to a training or education event related to the Member’s duties and in the interest of the City, including meals and refreshments provided to all attendees.</p> <p>(k) communications to the office of a Member of Council, including subscriptions to newspapers and periodicals.</p> <p>Additional exceptions:</p> <ul style="list-style-type: none"> • N/A

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Municipality	Exceptions
Toronto	<p>Same or similar text Hamilton’s list of exceptions, except no: (e) admission to a charity or community organization for whose benefit the event is being held (f) admission to a training or education event related to the Member’s duties and in the interest of the City, including meals and refreshments provided to all attendees.</p> <p>Additional exceptions:</p> <ul style="list-style-type: none"> • Sponsorships and donations for community events organized or run by a member or a third party on behalf of a member, subject to the limitations set out in the Council Member-Organized Community Events Policy.
Vaughan	<p>Same or similar text Hamilton’s list of exceptions, except no: (e) admission to a charity or community organization for whose benefit the event is being held (f) admission to a training or education event related to the Member’s duties and in the interest of the City, including meals and refreshments provided to all attendees.</p> <p>Additional exceptions:</p> <ul style="list-style-type: none"> • Business meals • Sponsorships and donations for community events or initiatives organized or run by a Member of Council or a third party on behalf of a Member where Council has authorized or endorsed the event or initiative.
Waterloo Region	<p>Same or similar text Hamilton’s list of exceptions, except no: (g) services provided without compensation by persons volunteering their time.</p> <p>Additional exceptions:</p> <ul style="list-style-type: none"> • Gifts of a nominal value (e.g., baseball cap, t-shirt, flash drive, book, etc.); • Use of property or facilities, such as a vehicle, office or vacation property at less than fair market value or at no cost shall be considered a gift.

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Municipality	Exceptions
	<ul style="list-style-type: none"> • If a Member agrees to fundraise on behalf of any community organization, not-for-profit group, or community association, the Member should ensure that contributions are received by a means that does not involve cash. Contributions should be made directly to the applicable organization, group or association. • Tickets that are provided to a Member at less than face value shall be treated as gifts and disclosed when applicable.
Windsor	<p>Same or similar text Hamilton's list of exceptions, except no:</p> <p>(e) admission to a charity or community organization for whose benefit the event is being held</p> <p>(f) admission to a training or education event related to the Member's duties and in the interest of the City, including meals and refreshments provided to all attendees.</p> <p>Additional exceptions:</p> <ul style="list-style-type: none"> • N/A

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Appendix 1 - City of Mississauga

A	B	C	D
<u>Type of Gift</u>	<u>Examples</u>	<u>Gift Disclosure.</u> Apparent Value at which Gift, or the cumulative value from one source in a calendar year is disclosable	<u>Gift No Longer Allowable</u> Condition or Actual Value beyond which gift is not allowable (Value assessed on basis of single Gift or cumulative Gift value from one source in calendar year) (without IC approval)
Token of Appreciation	Plaques, Pens, Mugs, Vase, Event Photos, and similar	No need to record - Deemed Zero Value	Actual Value of a single gift is over \$1000 (allowable in extenuating circumstances with IC approval)
	Perishable (includes flowers, food)	No need to record - Deemed Zero Value	Excludes Alcohol with actual value over \$100
	Gift to City	Not a 'Gift'. No need to record. City Clerk to record and take possession (but may be loaned out for display in areas normally visited by members of the public, including meeting rooms and Members' offices). Deemed Zero Value	N/A
Course of	Publications	No need to record - Deemed Zero Value	N/A

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Business	Art	\$250	\$1000
	Business Meals	\$250	\$500, \$1000 annual cumulative limit
	Business Hospitality	\$250	\$1000 More than two Event Tickets (Golf, Gala, Sporting, Entertainment) per event More than one event per year from the same person or organization (allowable in extenuating circumstances with IC approval)
	Official Hospitality	\$500	No limit

Appendix 2 – Peel Region

Gift Treatment and Disclosure

A	B	C	D
Type of Gift	Examples	Gift Disclosure	Gift No Longer Allowable
		<i>Apparent Value at which Gift, or the cumulative value from one source in a calendar year is disclosable</i>	<i>Condition or Actual Value beyond which gift is not allowable (Value assessed on basis of single Gift or cumulative Gift value from one source in calendar year) (without IC approval)</i>
Token of Appreciation	Plaques, Pens,	No need to record -	Actual Value of a single gift is
	Mugs, Vase, Event	Deemed Zero	over \$500
	Photos, and similar	Value	(allowable with IC approval)
	Perishable	No need to record -	Excludes Alcohol with actual
	(includes flowers,	Deemed Zero	value over \$100
	food)	Value	
	Gift to Regional	Not a ‘Gift’. No	N/A
		need to record.	
	Regional staff		
	(identify) to record		

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		and take	
		possession unless	
		otherwise on public	
		display. Deemed	
		Zero Value	
Course of Business	Publications	No need to record - Deemed Zero Value	N/A
	Art	\$100	\$500
	Business Meals	\$100	\$500
	Business Hospitality	\$100	\$750 More than two Event Tickets (Golf, Gala, Sporting, Entertainment) per event More than one event per year from the same person or organization (allowable with IC approval)
	Official Hospitality	\$500	No limit

DISCLOSURE STATEMENT

INFORMATION TO BE COMPLETED BY COUNCIL MEMBER

Council Member's Name: _____

Nature of Fee, Advance, Gift,
Loan or Personal Benefit: _____

Circumstance under which the Fee,
Advance, Gift, Loan or Personal Benefit
was provided and/or received: _____

Source of Fee, Advance, Gift,
Loan or Personal Benefit: _____

Date of Receipt: _____

Estimated Value: _____

What do you intend to do with the gift? _____

Will the gift be left with the City of Hamilton? _____

Any Additional Information:

NOTE: ANY DISCLOSURE STATEMENT IS A MATTER OF PUBLIC RECORD.

Signature: _____ Date: _____



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October 3, 2024

VIA EMAIL -- janet.pilon@hamilton.ca

Ms. Janet Pilon
Manager, Legislative Services/Deputy Clerk
Office of the City Clerk
Hamilton City Hall
71 Main Street West
Hamilton, Ontario L8P 4Y5

Dear Ms. Pilon:

**RE: HAMILTON IC SERVICES
Our File No. 976-100**

You requested that I review a report to the Audit, Finance and Administration Committee titled “Review of the Council Codes of Conduct at Other Municipalities Respecting Limiting or Prohibiting the Accepting of Gifts for Elected Officials” (the “Report”) and provide my comments and recommendations on the proposed changes contained therein. Please find my discussion of the Report and its proposed changes below.

Summary Opinion

I support the proposed changes to the Code of Conduct (the “Code”) for the City of Hamilton (the “City”) contained in the Report, with the following recommended changes:

1. Definitions:
 - a. Define the term “loan” in section 1 of the Code; and
 - b. Amend the definition of “gift or benefit” to read “gift or *personal* benefit”;
2. Amend s. 4(5)(e), which requires Members to disclose “the circumstances under which [the gift] was provided and/or received” on a Disclosure Form, to require that members also disclose the terms of any loan they receive;
3. Include a review mechanism in s. 4(8) so that Member Disclosure Forms are submitted directly to the Integrity Commissioner for review, who will determine whether the disclosed gift or benefit contravenes the Code;

4. Modify the Report's proposal for s. 4(7) so that the Clerk determines whether a disclosed gift has significance or historical value for the City and require that the Member transfer the gift to the Clerk for the City's Archives while the Member still holds office.

A detailed explanation of my recommendations, along with draft clauses, is included below.

Overview

The Report stems from a request by Council for the Clerk to review other municipal Codes of Conduct and report to the Audit, Finance and Administration Committee with recommendations on limiting or prohibiting elected officials from accepting gifts.

Proposed Amendments

The proposed amendments to the Code of Conduct in the Report are as follows:

- S. 4(1): Add "loans" and the word "personal" before the defined term "benefit" to the list of items that members are prohibited from accepting when they are connected, directly or indirectly, with the performance of their duties, except when the items falls within a list of permitted exceptions;
- S. 4(2): Add "loans" and the word "personal" before the defined term "benefit" to the list of items that are deemed to be given to a Member when they are given to a Member's family, staff, person related to the member, or a corporation or body with which the Member is associated with the Member's knowledge and when they are directly or indirectly connected to the performance of the Member's duties;
- S. 4(5): Add "loans" and the word "personal" before the defined term "benefit" to the list of gifts or benefits that constitute permitted exceptions and must be disclosed by way of a Disclosure Form to the City Clerk within 30 days if the value of a single transaction or series of transactions from a single source during a calendar year exceeds \$200;
- S. 4(5): Amend the Disclosure Form fields to include; the estimated value of the gift received, what the Member intend to do with the it, and whether the gift will be left with the City;
- S. 4(6) Implement a Gift Registry that will publish Disclosure Statements and make them accessible to the public;

- S. 4(7): Require that gifts received by Members of Council that have significance or historical value for the City be left with the Clerk for the City's Archives when the Member ceases to hold office;
- S. 4(8): Require Members to return a gift or benefit that does not comply with the Code and be provided with an explanation why the gift or benefit cannot be accepted.

Recommendations

1. Definitions

a. Define "Loan"

I recommend including a definition of the term "loan" in section 1 of the Code and for it to read as follows:

- (i) "loan" means delivery by a person or persons and receipt by a Member of a sum of money upon agreement, express or implied, to repay the sum with or without interest.¹ This does not include a loan obtained in accordance with the *Municipal Elections Act*, 1996, SO 1996, c 32, Sched.;

b. Amend the definition of "Benefit"

Section 1(g) of the Code defines the term "gift or benefit". I recommend amending the definition to include the word "personal" before the word "benefit".

2. Include an amendment to s. 4(5)(e) for loans

The Report proposes including section 4(5)(e) which would require Members to disclose "the circumstances under which [the gift] was provided and/or received" in a field on a Disclosure Form. I recommend including a provision that Members must disclose the terms of any loan(s) they received and that it read as follows:

- (e) the circumstances under which it was provided and/or received; and
- (i) where the gift or benefit is a loan, the Member shall also disclose the terms of the loan agreement, written or oral, pursuant to which the loan was given;

3. Include a Review Mechanism in s. 4(8)

The Report proposes that s. 4(8) require Members to return any gift or benefit that does not comply with the Code and be provided with an explanation as to why it does not comply. I

¹ *A.C. Simmonds & Sons Ltd. v. M.N.R.*, 1989 CanLII 10096 (TCC), citing *Black's Law Dictionary*, 5th (1979) ed for how it defines the term "loan".

recommend that s. 4(8) specify that the Integrity Commissioner will review gifts that are disclosed in a Disclosure Form or that are the subject of a Code of Conduct complaint. To facilitate this review, Members should file Disclosure Statements with the office of the Integrity Commissioner instead of the office of the City Clerk.

Where the Integrity Commissioner finds that receipt of the gift or benefit contravenes the Code, I recommend that the Member be required to return the gift or its monetary value to the person giving the gift. To accomplish this goal, I recommend including the following clauses (7) and (8) from the Code of Conduct for the City of Toronto, with amendments, as follows:

4. (5) In the case of one or more fees, advances, gifts, loans or personal benefits referred to or included in any of paragraphs 4(3)(b), (h), (i), (j) or (k), if the value thereof, or if the total value of any one or more such fees, advances, gifts or benefits, provided to or received by, a Member from any one source during the course of a calendar year, exceeds \$200, the Member shall, within 30 days of such provision or receipt, or of reaching or exceeding such amount, file a disclosure statement with the *Integrity Commissioner*. The disclosure statement shall indicate...

...

- (7) *On receiving a disclosure statement, the Integrity Commissioner must review whether it raises a question of whether there is a conflict between a private interest and the public duty of a member. If that is the case, the Integrity Commissioner must ask that member to justify receipt of the gift or benefit.*
- (8) *If the Integrity Commissioner decides that the member's explanation does not justify the receipt of the gift as being appropriate, the Integrity Commissioner must advise the Member. The Integrity Commissioner may require the Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the City.*

4. Modify the proposed s. 4(7)

For ease of reference, I am including the Report's proposed amendment to s. 4 below:

- (7) In the case of requirement (f) of the disclosure statement, those gifts received by Members of Council which have significance or historical value for the City of Hamilton shall be left with Clerk for the City's Archives when the Member ceases to hold office.

I agree with the Report that it is important for gifts that hold historical or significant value for the City of Hamilton to be left with the City. However, caselaw opining on the jurisdiction of Codes of Conduct has held that they do not apply to private citizens.² For that reason, it is important that any provision requiring members to leave gifts with the City should come into effect

² *Goyeau v Duncan*, 2021 ONMIC 16 (CanLII) at [para 8](#).

before they cease to hold office. To accomplish this goal, I recommend including the following provision:

- (9) Gifts received by Members of Council which have significance or historical value for the City of Hamilton, as determined by the Clerk, shall be deemed to have been made to the City at the time of the transfer and shall be transferred to the Clerk for the City's Archives.

I trust that you find the foregoing in order. If you have any questions, comments, or concerns, please do not hesitate to contact me.

Yours very truly,



David G. Boghosian,
Integrity Commissioner
and Lobbyist Registrar,
City of Hamilton

DGB/sg/ka