



## **GENERAL ISSUES COMMITTEE REPORT 18-019**

9:30 a.m.

Wednesday, September 19, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

**Present:** Mayor F. Eisenberger, Deputy Mayor T. Whitehead (Chair)  
Councillors T. Anderson, T. Jackson, C. Collins, S. Merulla,  
M. Green, J. Farr, D. Conley, M. Pearson, B. Johnson, L. Ferguson,  
A. VanderBeek, R. Pasuta, J. Partridge

**Absent with  
Regrets:** Councillors A. Johnson – Personal

### **THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 18-019 AND RESPECTFULLY RECOMMENDS:**

- 1. International Village Business Improvement Area (BIA) Revised Board of Management (PED16011(b)) (Wards 2 and 3) (Item 5.1)**

That the following individual be appointed to the International Village Business Improvement Area (BIA) Board of Management:

- (i) Nadine Ubl

- 2. Open for Business Sub-Committee, Clerk's Report 18-002, September 6, 2018 (Item 5.2)**

That the Open for Business Sub-Committee, Clerk's Report 18-002, September 6, 2018, be received.

**3. Pauline Kajiura, Information Hamilton, respecting a Funding Request for Information Hamilton (Item 6.1)**

- (a) That Healthy and Safe Communities staff be directed to prepare a comparative report, in consultation with Information Hamilton, respecting information and referral organizations in other Ontario cities, with that report to include the structure, funding and per capita comparison, and report back to the Healthy & Safe Communities Committee; and,
- (b) That Healthy and Safe Communities staff be directed to meet with Information Hamilton to determine the feasibility of the City utilizing the information and referral software created by Information Hamilton, and report back to the Healthy and Safe Communities Committee, with that report to include the feasibility of a licensing fee for the use of that software.

**4. Term of Council Accomplishments (2014-2018) (CM18019) (City Wide) (Item 7.1)**

That Report CM18019, respecting the Term of Council Accomplishments, be received.

**5. Facility Naming Sub-Committee, Report 18-003, August 15, 2018 (Item 8.1)**

**(a) Renaming of A.M. Cunningham Parkette to Crown Point East Parkette (PW18068) (Ward 4) (Item 8.1)**

That the request to rename A.M. Cunningham Parkette, 300 Roxborough Avenue, to Crown Point East Parkette, attached as Appendix "A" to Report PW18068, be approved, as this request meets the guidelines set out in the City of Hamilton Municipal Property and Building Naming Policy.

**(b) Naming of The Ray Lewis Track & Field Centre at Mohawk Sports Park (PW18069/HSC18039) (Ward 6) (Item 8.2)**

That the request to name the track and field complex at Mohawk Sports Park the Ray Lewis Track & Field Centre, attached as Appendix "B" to Report PW18069/HSC18039, be approved, as this request meets the guidelines set out in the City of Hamilton's Municipal Property and Building Naming Policy.

**(c) Renaming of Pier 8 Promenade Park to "Copps Pier" (PW18070) (Ward 2) (Item 8.3)**

That the request to rename Pier 8 Promenade Park, 47 Discovery Drive, to "Copps Pier", attached as Appendix "C" to Report PW18070, be approved, as this request meets the guidelines set out in the City of Hamilton Municipal Property and Building Naming Policy.

**6. Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application 2192929 Ontario Inc. and 2156600 Ontario Inc. – 133, 135 and 153 King Street West, Dundas (PED10214(a)) (Ward 13) (Item 8.2)**

(a) That the maximum amount of the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant ERG-10-02 approved for 2142929 Ontario Inc. and 2156600 Ontario Inc. (Steve Pocrnic), owners of the property at 133, 135 and 153 King Street West, Dundas, be increased to \$367,183 from \$140K and be made payable to 2142929 Ontario Inc. and 2156600 Ontario Inc., jointly, over a maximum of ten years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Grant Program provided for in the approved ERASE Community Improvement Plan;

(b) That the City enter into an ERASE Redevelopment Grant Agreement and that the Mayor and City Clerk be authorized and directed to execute said Agreement together with any ancillary documentation required, to effect recommendation (a) of Report PED10214, in a form satisfactory to the City Solicitor; and,

(c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any grant amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the ERASE Redevelopment Grant ERG-10-02, as approved by City Council on September 28, 2010 are maintained.

**7. Assessment Act Amendments Providing a Property Tax Exemption to Non-Profit Long-Term Care Homes - Update (FCS16076(b)) (City Wide) (Item 8.3)**

(a) That, given the significant impact the change in taxation status for Non-Profit Long-Term Care (LTC) facilities has on the City of Hamilton, the Province be requested to identify a plan to continue with the Transitional Mitigation Payment for a multi-year period;

- (b) That the Mayor correspond with the Honourable Victor Fedeli, Minister of Finance, to request the extension of the Transitional Mitigation Payment; and,
- (c) That the unbudgeted transitional funds provided for 2018, in the amount of \$972,307, be allocated to reducing the impact of 2018 assessment appeals.

**8. Attracting Diversity During the Recruitment Process (HUR18017) (City Wide) (Item 8.4)**

That staff be directed to proceed with the 2018 - 2022 Recruitment Process utilizing the expanded Communications Plan, as defined in Appendix "A" attached to Report 18-019, within the existing budget.

**9. Bernie Arbour Stadium - Sponsorship Agreement (CM18018) (City Wide) (Item 8.5)**

- (a) That the Director of Strategic Partnerships and Communications be authorized to negotiate a \$50,000/5-year agreement (\$10K/year), with CARSTAR Canada for the naming, advertising and sponsorship rights of Bernie Arbour Memorial Stadium, to commence January 1, 2019; and,
- (a) That the Director of Strategic Partnerships and Revenue Generation or his designate be authorized to execute the \$50,000/5-year agreement (\$10K/year), for the naming, advertising and sponsorship rights at Bernie Arbour Memorial Stadium to CARSTAR Canada to commence January 1, 2019, in a form satisfactory to the City Solicitor.

**10. Hamilton Waterfront Trust – Revised Deed of Trust (CM18017) (City Wide) (Item 8.6)**

- (a) That the revisions to the Hamilton Waterfront Trust's original Deed of Trust, as outlined in the attached Appendix "B" to Report 18-019, be approved; and,
- (b) That the Mayor and City Clerk be authorized and directed, to execute the revised Deed of Trust between the City of Hamilton and the Hamilton Waterfront Trust, attached as Appendix "C" to Report 18-019, and any ancillary or related documents, with content acceptable to the City Manager and in a form satisfactory to the City Solicitor.

**11. Hamilton Urban Fellowship Program (HUR18015(a)) (City Wide) (Item 8.7)**

That Report HUR18015(a), respecting the Hamilton Urban Fellowship Program, be received.

**12. Hamilton Urban Fellowship Program (HUR18015) (City Wide) (Item 8.8)**

That Report HUR18015, respecting the Hamilton Urban Fellowship Program, be received.

**13. Business Improvement Area Advisory Committee Report 18-008, September 11, 2018 (Item 8.9)**

**(a) Downtown Dundas Business Improvement Area Expenditure Request for Cleaning and Maintenance of Public Road Allowances, for the Purchase and Maintenance of Christmas Decorations, and for the Purchase and Maintenance of Flower Baskets (Item 9.1)**

That the expenditure requests, from the Downtown Dundas Business Improvement Area, in the amount of \$13,487.08, for the following projects to be funded from the 2018 Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved:

- (i) \$3,000 Public road allowance cleaning and maintenance;
- (ii) \$8,000 Christmas decorations and their maintenance; and,
- (iii) \$2,487.08 Purchase and watering of hanging baskets.

**(b) Concession Street Business Improvement Area Expenditure Request for Spring and Summer Flowers and Winter Banners (Item 9.2)**

That the expenditure requests, from the Concession Street Business Improvement Area, in the amount of \$13,726.45 for the following projects, to be funded from the Shared Parking Revenue Program (Parking Revenue Account 815010-45559), be approved:

- (i) \$9,982.00 Spring and summer flowers; and,
- (ii) \$3,744.00 New winter banner; be approved.

**(c) Downtown Hamilton Business Improvement Area Expenditure Request for Christmas Decorations and Spring Flowers and New Planters (Item 9.3)**

- (i) That the expenditure requests from the Downtown Hamilton Business Improvement Area, in the amount of \$13,849.04 for Christmas decorations and removal/storage, to be funded from the Shared Parking Revenue Program (Parking Revenue Account 815010-45559); and,
- (ii) That the expenditure requests from the Downtown Hamilton Business Improvement Area, in the amount of \$5,702.72 for Spring flowers and new planters, to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905); be approved.

**(d) International Village Business Improvement Area Expenditure Request (Item 9.4)**

- (i) That the expenditure request from the Downtown Hamilton Business Improvement Area, in the amount of \$14,941.29 for Victorian Night in the Village and Ferguson Station Movie Night, to be funded from the Shared Parking Revenue Program (Parking Revenue Account 815010-45559), be approved; and,
- (ii) That the expenditure request from the Downtown Hamilton Business Improvement Area, in the amount of \$6,918.32 for Banner Maintenance, Graffiti Removal, and Office Furniture, to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved.

**(e) Downtown Dundas Business Improvement Area Expenditure Request (Item 9.5)**

That the expenditure request from the Downtown Dundas Business Improvement Area, in the amount of \$25,786.67 for the five week Dickens of a Christmas special event, to be funded from the Shared Parking Revenue Program (Parking Revenue Account 815010-45559), be approved.

**(f) Westdale Village Business Improvement Area Expenditure Request (Item 9.6)**

- (a) That the expenditure request from Westdale Village Business Improvement Area, in the amount of \$19,133.75 for purchase of 60

planters and maintenance of those planters, and beautification of street and pedestrian areas to be funded from the Shared Parking Revenue Program (Parking Revenue Account 815010-45559), be approved; and,

- (b) That the expenditure request from Westdale Village Business Improvement Area in the amount of \$12,740.98 for flower baskets and maintenance of flower those baskets, to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved.

**14. Capital Projects Work-in-Progress Review Sub-Committee, Report 18-005, September 11, 2018 (Item 8.10)**

**(a) Capital Project Closing Report as of June 30, 2018 (FCS18078) (City Wide) (Item 8.1)**

- (i) That the Acting General Manager of Finance and Corporate Services be authorized to transfer a combined \$127,804.09 from the Unallocated Capital Levy Reserve (108020) and other Program Specific Reserves to the capital projects as outlined in Appendix “D” to Report 18-019;
- (ii) That the Acting General Manager of Finance and Corporate Services be directed to close the completed and / or cancelled capital projects listed in Appendix “E” to Report 18-019 in accordance with the Capital Closing Policy;
- (iii) That Appendix “C” to Report FCS18078, Capital Projects Budget Appropriations for the period covering January 1, 2018 through June 30, 2018, be received for information;
- (iv) That Appendix “F” to Report 18-019, Capital Projects Budget Appropriations above \$250,000 for the period covering January 1, 2018 through June 30, 2018 totalling \$1,452,415.42, be approved;
- (v) That Appendix “G” to Report 18-019, Capital Projects requiring Federal Gas Tax Reductions as of June 30, 2018 totalling \$2,692,020.00, be approved.

**(b) Public Works - Capital Projects Status Report as of June 30, 2018 (FCS18077) (City Wide) (Item 8.2)**

- (i) That the Capital Projects Status Report, Public Works Tax Supported Projects, as of June 30, 2018, attached as Appendix "A" to Report FCS18077, be received; and,
- (ii) That the Capital Projects Status Report, Public Works Rate Supported Projects, as of June 30, 2018, attached as Appendix "B" to Report FCS18077, be received.

**15. Opportunities and Flexibility of Existing Housing Programs (Item 9.1)**

That Housing Services staff be directed to investigate and report back to the Healthy and Safe Communities Committee on opportunities and flexibility in existing housing programs, in consultation with the Ministry of Housing, as applicable, that can be utilized or reallocated to specifically assist the householder waiting for housing on the centralized social housing wait-list system.

**16. Acquisition of Lands in Stoney Creek for Public Works Operations (PW18089) (Wards 10 and 11) (Item 12.2)**

- (a) That the direction provided to staff in Closed Session, respecting Report PW18089, Acquisition of Lands in Stoney Creek for Public Works Operations, be approved; and,
- (b) That Report PW18089, respecting the Acquisition of Lands in Stoney Creek for Public Works Operations, remain confidential until completion of the real estate transaction.

**17. Disposition of City-owned Industrial Land (PED17206(a)) (Ward 11) (Item 12.3)**

- (a) That the direction provided to staff in Closed Session, respecting Report PED17206(a), Disposition of City-owned Industrial Land, be approved; and,
- (b) That Report PED17206(a), respecting the Disposition of City-owned Industrial Land, remain confidential until completion of the real estate transaction.

18. **Organizational Structure Changes in the Healthy and Safe Communities Department and the Strategic Partnerships and Communications Division, City Manager's Office (CM18021) (City Wide) (Item 12.4)**
- (a) That the direction provided to staff in Closed Session, respecting Report CM18021, Organizational Structure Changes in the Healthy and Safe Communities Department and the Strategic Partnerships and Communications Division, City Manager's Office, be approved; and,
  - (b) That the recommendation, Report CM18021 and Appendix "A" to Report CM18021, remain confidential until approved by Council.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 1)**

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

**1. MINUTES OF PREVIOUS MEETING (Item 3)**

3.1 September 5, 2018

Item 13 – there is a typographical error – the references to the "Bell Mobility Access Agreement" should read the Bell "*Municipal*" Access Agreement. All copies of the official record have already been amended to reflect this change

**2. CONSENT ITEMS (Item 5)**

5.3 Business Improvement Area Advisory Committee Minutes, July 10, 2018

**3. PUBLIC HEARINGS/DELEGATIONS (Item 6)**

6.2 Clinton Younge, MMJ Canada / LOST Organization, respecting the legalization of cannabis and what's potentially to come with all the new applications and existing retail dispensaries.

Mr. Younge advised that he would not be in attendance (through his agent), but has instead provided correspondence for your consideration.

**4. DISCUSSION ITEMS (Item 8)**

- 8.5 Bernie Arbour Stadium - Sponsorship Agreement (CM18018) (City Wide)

There is an account number correction to page 2 of the report under the Financial Implications section. The Dept. ID currently reads as the "General Parks Maintenance #792667", but should read "*Stadium Maintenance and Repairs Dept. ID #792668*".

- 8.9 Business Improvement Area Advisory Committee Report 18-008, September 11, 2018

- 8.10 Capital Projects Work-in-Progress Review Sub-Committee, Report 18-005, September 11, 2018

**5. PRIVATE & CONFIDENTIAL (Item 12)**

- 12.1 Closed Session Minutes – September 5, 2018

There is are two typographical errors – the references to the "Bell Mobility Access Agreement" should read the Bell "*Municipal*" Access Agreement. All copies of the official record have already been amended to reflect this change; and the date should be *September 5<sup>th</sup>* rather than August 13<sup>th</sup> on the agenda face page.

- 12.4 Organizational Structure Changes in the Healthy and Safe Communities Department and the Strategic Partnerships and Communications Division, City Manager's Office (CM18021) (City Wide)

Pursuant to Section 8.1, Sub-sections (b) and (d) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (b) and (d) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City employees; and, labour relations or employee negotiations.

The agenda for the September 19, 2018 General Issues Committee meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

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

**(i) September 5, 2018 (Item 3.1)**

The Minutes of the September 5, 2018 meeting of the General Issues Committee were approved, as amended.

**(ii) September 11, 2018 (Item 3.2)**

The Minutes of the September 11, 2018 meeting of the General Issues Committee were approved, as presented.

**(d) CONSENT ITEMS (Item 5)**

**(i) Business Improvement Area Advisory Committee Minutes, July 10, 2018 (Item 5.3)**

As this matter was not addressed at the September 19, 2018 General Issues Committee, it will be placed on the December 12, 2018 agenda to be received.

**(e) PUBLIC HEARINGS / DELEGATIONS (Item 6)**

**(i) Pauline Kajiura, Information Hamilton, respecting a Funding Request for Information Hamilton (Item 6.1)**

Pauline Kajiura, Information Hamilton, addressed Committee respecting a funding request for Information Hamilton.

The presentation provided by Pauline Kajiura, Information Hamilton, respecting a funding request for Information Hamilton, was received.

A copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

For disposition of this matter, please refer to Item 3.

- (ii) **Correspondence from Clinton Younge, MMJ Canada / LOST Organization, respecting the legalization of cannabis and what's potentially to come with all the new applications and existing retail dispensaries. (Item 6.2)**

Clinton Younge, MMJ Canada / LOST Organization, advised that he would not be in attendance (through his agent), but provided correspondence respecting the legalization of cannabis and what's potentially to come with all the new applications and existing retail dispensaries in place of his attendance.

The correspondence provided by Clinton Younge, MMJ Canada / LOST Organization, respecting the legalization of cannabis and what's potentially to come with all the new applications and existing retail dispensaries, was received.

A copy of the correspondence is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

**(f) STAFF PRESENTATIONS (Item 7)**

- (i) **Term of Council Accomplishments (2014-2018) (CM18019) (City Wide) (Item 7.1)**

Mike Zegarac, Interim City Manager, addressed Committee and provided a PowerPoint presentation respecting Report CM18019, Term of Council Accomplishments (2014-2018).

The presentation respecting Report CM18019, Term of Council Accomplishments (2014-2018), was received.

A copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

For disposition of the above matter, please refer to Item 4.

**(g) NOTICES OF MOTION (Item 10)**

- (i) **Opportunities and Flexibility of Existing Housing Programs (Item 10.1)**

Councillor C. Collins introduced a Notice of Motion respecting opportunities and flexibility of existing housing programs.

The Rules of Order were waived to allow for the introduction of a motion respecting opportunities and flexibility of existing housing programs.

For disposition of the above matter, please refer to Item 15.

**(h) GENERAL INFORMATION / OTHER BUSINESS (Item 11)**

**(i) Amendments to the Outstanding Business List (Item 11.1)**

The following amendments to the General Issues Committee's Outstanding Business List, were approved:

**(a) Items to be removed:**

- (i) Attracting Diversity During the Recruitment Process**  
(Addressed as Item 8.4 on today's agenda – Report HUR18017)
- (ii) Hamilton Urban Fellowship Program** (Addressed as Items 8.7 and 8.8 on today's agenda – Reports HUR18015 and HUR18015(a))

**(ii) Blue Green Algae at the Hamilton Harbourfront (Item 11.2)**

Councillor Farr raised concerns respecting the blue-green algae that is currently present in the water along the Hamilton Harbourfront.

**(i) PRIVATE & CONFIDENTIAL (Item 12)**

**(i) Closed Session Minutes – September 5, 2018 (Item 12.1)**

- (a)** The Closed Session Minutes of the September 5, 2018 General Issues Committee meeting, as amended, were approved; and,
- (b)** That the Closed Session Minutes of the September 5, 2018 General Issues Committee meeting, as amended, shall remain confidential.

Committee moved into Closed Session respecting Items 12.2 to 12.4, pursuant to Section 8.1, Sub-sections (b), (c) and (d) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (b), (c) and (d) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to personal matters about an identifiable individual, including City employees; a proposed or pending acquisition or disposition of land for City purposes; and, labour relations or employee negotiations.

**(ii) Acquisition of Lands in Stoney Creek for Public Works Operations (PW18089) (Wards 10 and 11) (Item 12.2)**

Staff was provided direction in Closed Session.

For further disposition of this matter, please refer to Item 16.

**(iii) Disposition of City-owned Industrial Land (PED17206(a)) (Ward 11) (Item 12.3)**

Staff was provided direction in Closed Session.

For further disposition of this matter, please refer to Item 17.

**(iv) Organizational Structure Changes in the Healthy and Safe Communities Department and the Strategic Partnerships and Communications Division, City Manager's Office (CM18021) (City Wide) (Item 12.4)**

Staff was provided direction in Closed Session.

For further disposition of this matter, please refer to Item 19.

**(j) ADJOURNMENT (Item 13)**

There being no further business, the General Issues Committee adjourned at 12:49 p.m.

Respectfully submitted,

T. Whitehead, Deputy Mayor  
Chair, General Issues Committee

Stephanie Paparella  
Legislative Coordinator  
Office of the City Clerk

<b>Print Resources</b>	
Hamilton Spectator	<ul style="list-style-type: none"> <li>• Quarter page advertisement</li> <li>• 100,000 readers</li> <li>• \$1600.00/daily edition</li> </ul>
Media Release	<ul style="list-style-type: none"> <li>• Announcement made by Communication staff to the media.</li> <li>• Min. 100,000 readers if media release is picked up by Hamilton Spectator</li> </ul>
Hamilton Community Newspaper	<ul style="list-style-type: none"> <li>• Half page advertisement</li> <li>• 50,000 readers across the 4 editions (Ancaster News, Dundas Star News, Hamilton Mountain News and Stoney Creek News)</li> <li>• \$2,550.00/ daily edition</li> </ul>
Turtle Island Newspaper	<ul style="list-style-type: none"> <li>• Half page advertisement</li> <li>• 10,000 readers</li> <li>• \$700.00/weekly edition</li> </ul>
Snapd Newspaper	<ul style="list-style-type: none"> <li>• Half page advertisement</li> <li>• 50,000 readers</li> <li>• \$700.00/monthly edition</li> </ul>
Neighbourhood Community Newspapers (As identified by the Neighbourhood Association Directory)	<ul style="list-style-type: none"> <li>• Depending on circulation schedule (monthly or quarterly), advertisement in each edition during any recruitment campaign.</li> <li>• Neighbourhood Newsletter readers</li> </ul>
@ CityofHamilton Newsletter	<ul style="list-style-type: none"> <li>• Quarter of a page advertisement in quarterly edition within the recruitment campaign.</li> <li>• 8,000 City of Hamilton Staff. Next edition of Newsletter published October 2018</li> </ul>
Our Future Hamilton Newsletter	<ul style="list-style-type: none"> <li>• Quarter of a page advertisement in quarterly edition within the recruitment campaign.</li> <li>• 2,500 Our Future Hamilton community partners</li> </ul>
Posters (400) created by City of Hamilton Staff	<ul style="list-style-type: none"> <li>• Placement at City of Hamilton Recreation Centres and Libraries as well as key community agencies that target diverse populations.</li> <li>• In excess of 5 million participant visits across COH recreation facilities (with 30,000 unique users who participated in registered programs)</li> <li>• \$400.00 for 400 posters(approx.)</li> <li>• \$200.00 for poster mail out (approx.)</li> </ul>

<b>Electronic Medium Resources</b>	
Banner on eNet	<ul style="list-style-type: none"> <li>• Daily exposure on eNet during recruitment campaign.</li> <li>• Approx. 7,000 users</li> </ul>
Banner on Hamilton.ca	<ul style="list-style-type: none"> <li>• Daily exposure on Webpages during recruitment campaign.</li> <li>• Approx. 15,000 users/day</li> </ul>
City of Hamilton Social Media feeds (Facebook, Instagram, Twitter)	<ul style="list-style-type: none"> <li>• Unlimited opportunity for feeds to be reposted or retweeted during recruitment campaign</li> <li>• 63,300 City of Hamilton Twitter followers</li> <li>• A general tweet will receive 5-8,000 impressions</li> </ul>
City of Hamilton LinkedIn page (professional networking)	<ul style="list-style-type: none"> <li>• Daily exposure to LinkedIn subscribers during the recruitment campaign.</li> <li>• 4,500-20,000 LinkedIn users per post</li> </ul>
TV Monitors at Hamilton Farmer’s Market	<ul style="list-style-type: none"> <li>• Continuous feed on Market days during recruitment campaign.</li> <li>• 10,000 Market users /week</li> </ul>
Neighbourhood Community Social Media feeds (as identified in the Community Neighbourhood Directory)	<ul style="list-style-type: none"> <li>• Unlimited opportunity for feeds to be reposted or retweeted during recruitment campaign.</li> <li>• 50 Community Neighbourhoods and 32 Related Community Groups</li> <li>• Over 200 contacts on master mailing list</li> </ul>
Our Future Hamilton special email notification	<ul style="list-style-type: none"> <li>• Email notifications during recruitment campaign.</li> <li>• 2,500 community partners (organizations and citizens)</li> </ul>
Email blasts to City of Hamilton created special community lists (as identified by Hamilton Anti-Racism Resource Centre)	<ul style="list-style-type: none"> <li>• Unlimited opportunity for recipients to forward email through their personal social media networks.</li> <li>• 80 + Ethno racial community organizations</li> </ul>
Snapd Event Calendar	<ul style="list-style-type: none"> <li>• Post link to City of Hamilton Web page during recruitment campaign.</li> <li>• Calendar content is generated by an engaged community interested in promoting events.</li> </ul>
Email blast through Information Hamilton	<ul style="list-style-type: none"> <li>• E-mail blasts on a as requested basis during the recruitment campaign.</li> <li>• 500 registered business, organizations and individual citizens</li> <li>• \$25.00 for 1<sup>st</sup> blast</li> <li>• \$20.00 for each subsequent blast.</li> </ul>

DiverseCity onBoard (professional networking)	<ul style="list-style-type: none"> <li>• One time subscription by City of Hamilton Staff. Advertisement can be emailed during recruitment campaign.</li> <li>• 200 qualified Hamilton community members with training in board governance</li> <li>• \$500.00 annual fee</li> </ul>
<b>Public Information Session</b>	
Open House	<ul style="list-style-type: none"> <li>• Invite participation through print media and electronic medium advertisement approaches. Light refreshment offered.</li> <li>• \$100.00</li> </ul>
Community Meeting Attendance	<ul style="list-style-type: none"> <li>• Internally communicate Advisory (Volunteer) Committee opportunities to City of Hamilton Staff who regularly interact with community agencies and groups.</li> <li>• Dependant on the number of available community meetings that occur in the recruitment period</li> </ul>

**Summary of Proposed Revisions:**

1. Removes all mention of the HPA as a condition of its withdrawal from the Trust;
2. updates the description of the HWT's mandate/governance to reflect the HWT's connection to waterfront as outlined in the HWT's Positioning Statement and its Vision Statement;
3. provides the City with the authority and discretion to dissolve the Trust on 12 months' notice;
4. imposes a monetary limitation of \$250,000 on the HWT's ability to conduct transactions without City approval;
5. grants the HWT explicit authority, with the City's consent, to create subsidiary corporations, such as HWT Inc.;
6. requires four year terms for HWT Board Trustees coincident with Council terms;
7. increases HWT Board meetings from four to six mandatory meetings per year;
8. requires the HWT to publicize minutes of its meetings;
9. confirms the City's discretion to increase the minimum number of Board members;
10. grants City Council the authority to resolve a deadlock among HWT Board Trustees;
11. formally aligns the HWT's fiscal year with City's fiscal year; and
12. requires the HWT to provide an annual report to City outlining its Annual Audited Financial Statements, its 10 Year Capital Plan, its Strategic Plan and any changes to its organizational structure.

**THIS REVISED DEED OF TRUST** (the "**Revised Deed**") is effective as of October 1, 2018 (the "**Effective Date**") and revises the original Deed of Trust (the "**Deed**") that established the HAMILTON HARBOUR DEVELOPMENT TRUST as of November 24, 2000

**B E T W E E N:**

**CITY OF HAMILTON** (the "**City**")

-and-

**HAMILTON WATERFRONT TRUST** (the "**Trust**")

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

**WHEREAS** by a Trust Deed dated November 24, 2000, the City and the Hamilton Harbour Commissioners (the "**Commissioners**")—now known as the Hamilton Port Authority (the "**HPA**")—established a trust known as the Hamilton Harbour Development Trust which is now known as the Hamilton Waterfront Trust (the "**Trust**");

**AND WHEREAS** on or about November 24, 2000, the Commissioners transferred to the Trust approximately \$6.3 Million for the purposes of land assembly, improvements and development costs relating to Hamilton's West Harbour which funds have long since been invested or expended and the Trust has since developed several alternative revenue sources;

**AND WHEREAS** as of October 26, 2019, the City, the HPA and the Trust have each approved a restructuring of the Board whereby the City would henceforth appoint all Trustees and the HPA withdrew from further participation in, and oversight of, the Trust;

**AND WHEREAS** the City or other parties may hereafter transfer or cause to be transferred to the Trust money, securities, land and other assets, all of which are to be

held by the Trustees upon the trusts and with and subject to the powers and provisions declared and contained in this Revised Deed;

**NOW THEREFORE THIS REVISED DEED OF TRUST WITNESSETH** that in consideration of the premises and the mutual covenants and agreements herein contained, it is hereby covenanted and agreed by and between the Parties as follows:

**DESIGNATION AND CONTINUATION OF TRUST**

1. The City and the Trust hereby continue a trust known and designated as the Hamilton Waterfront Trust. The Trustees may, in their discretion, in that name, hold title to or ownership of any or all of the assets from time to time forming part or all of the assets of the Trust, carry out any transaction on behalf of the Trust and enter into any contracts or arrangements or otherwise exercise any of the powers, discretion and authorities herein conferred upon them.
  
2. (a) This Revised Deed is effective as of the Effective Date and shall continue until terminated by the City on no less than twelve (12) months written notice to the Trust.  
  
(b) On receipt of this termination notice from the City, the Trust shall immediately take appropriate steps to wind-up its operations as well as that of its related companies, trusts and other entities, including, without limitation:
  - i. promptly providing working notice to its employees;
  - ii. promptly providing notice of contract termination to its contractors and service providers;
  - iii. disposing of its existing assets; and
  - iv. otherwise resolving all outstanding liabilities.
  
- (c) On completion of the wind-up of its operations, the Trust shall transfer any remaining Trust Assets including any monetary assets to the City.

## **INTERPRETATION**

### **3. Meanings of Terms**

In this Revised Deed:

- (a) **"Board"** means all of the then currently appointed Trustees collectively;
  
- (b) **"Lands"** refers to the lands covered by the Hamilton West Harbour Waterfront Recreation Master Plan, and any other lands specifically designated by the City as being subject to the mandate of the Trust including all lands adjacent to Lake Ontario with the City of Hamilton including, specifically, Hamilton Harbour;
  
- (c) **"Person"** means and includes any individual, corporation, partnership, firm, association, organization, foundation, trust, government or governmental authority of any jurisdiction whatsoever;
  
- (d) **"Trust"** shall mean the Hamilton Waterfront Trust;
  
- (e) **"Trust Assets"** shall mean all money, securities and other assets owned by the Trust and any further assets which any other Person or Persons may donate, sell or otherwise transfer or cause to be transferred to, or vest or cause to be vested in, the Trust and any assets substituted therefore and capital accretions thereto and all income from such assets to be held upon the trusts and with and subject to the powers and provisions hereof;
  
- (f) **"Trustees"** shall mean and include the trustee or trustees currently appointed to the Board either in accordance with the Trust Deed or this Revised Trust Deed,; and
  
- (g) **"Hamilton West Harbour Waterfront Recreation Master Plan"** means the Hamilton West Harbour Waterfront Recreation Master Plan dated April 14, 2010.

## **TRUST ASSETS**

### 4. (a) **Administration of Trust Assets**

The Trust shall administer all Trust Assets upon the trusts and subject to the powers and provisions contained in this Revised Deed.

### (b) **Transfer of Further Property**

The Trustees shall have the right at any time during the continuance of the Trust to accept such further, substituted or additional assets which the Trust, the City or any other Person or Persons may donate, sell or otherwise transfer or cause to be transferred to, or vest or cause to be vested in, the Trust either personally or by testamentary disposition, and all such assets shall, upon acceptance by the Trustees, form part of the Trust Assets.

## **PURPOSE OF TRUST**

5. Subject to the provisions of paragraph 4 of this Revised Deed, the Trust shall receive and stand possessed of the capital and income of the Trust Assets and shall invest and keep the same invested and shall pay out, use and apply all or any part of the Trust Assets from time to time exclusively for the following purposes:

- (a) to promote and facilitate the public's access to, and enjoyment of, Hamilton's Waterfront as more specifically outlined in its Positioning Statement and its Vision Statement, each as amended from time to time;
- (b) the improvement and development of the Lands; and,
- (c) to administer Trust Assets, funds and capital gifts from donors for the purposes set out herein.

Notwithstanding the foregoing it is agreed by the Parties that the City must first approve any transaction, purchase, transfer or similar disposition of, or affecting, the Trust Assets that has of a value of \$250,000 or greater.

## **ADDITIONAL TRUSTEE POWERS**

6. In addition to all other powers vested in trustees by law or otherwise and without in any way restricting the general powers, discretions and authority given to the Trustees in this Revised Deed, the Trustees shall have from time to time and at any time or times the power, discretion and authority:

(a) **Investments**

To retain, invest or reinvest, any money or property constituting the whole or any part of the Trust Assets in any investments, including without limiting the generality of the foregoing, any real or personal property or any interest therein, which the Trustees shall in their discretion determine to be advisable, provided such investments are authorized by law for trustees.

(b) **Disposition of Property**

To sell, transfer, assign, exchange, convey, grant an option with respect to or otherwise dispose of the whole or any part of the investments or other assets constituting the Trust Assets from time to time, in any manner and at any price and upon such terms and conditions as the Trustees shall in their discretion determine advisable and for the benefit of the Trust and the Trustees shall not be bound to obtain the prior consent or approval of any person, official, authority, tribunal or court whomsoever or whatsoever.

(c) **Shares and Other Securities**

To exercise all voting powers attaching to and all rights incidental to the ownership of stocks, shares, bonds or other securities and other assets held as part of the Trust Assets, and to appoint others as proxies and to delegate their discretionary powers in respect thereof; to sell or exercise any subscription rights and to exercise options, conversions, privileges or rights to subscribe for additional securities attaching to any securities held as part of the Trust Assets from time to time in connection with the exercise of subscription rights, to use

money of the Trust Assets for such purpose; to enter into any agreements in respect of the ownership of any securities which at any time form part of the Trust Assets; to consent to, participate in or join in any proposal or fundamental change of or with respect to any issuer of securities, which at any time form part of the Trust Assets; to authorize the sale of the assets or undertaking or a substantial portion of the assets or undertaking of any such corporation; generally to act in respect of such investments as fully and effectually from time to time as if the same were not property of the Trust, but always for the benefit of the Trust.

(d) **Professional Assistance**

To employ and pay for such professional, expert, specialized or other assistance as the Trustees may consider advisable in the discharge of their duties as Trustees.

(e) **Investment Counsel**

To appoint and/or employ one or more trust companies or investment counsel to manage the Trust Assets or to act as their agent in respect of the management of the Trust Assets and from time to time in their discretion to terminate any such appointment and make another. The Trustees are further authorized to fix the remuneration to be paid to any such trust company or investment counsel and such remuneration is to be charged upon the Trust Assets to be payable out of the capital or income thereof in such proportions as the Trustees from time to time decide in their discretion. In making any such arrangement as aforesaid, the Trustees are authorized to place the investment counsel and to transfer such investments or any of them into the name of any such trust company or any nominee thereof or therefore.

(f) **Act on Professional Advice**

To act on the opinion or advice of or information obtained from any lawyer, barrister, solicitor, accountant, financial advisor, valuer, surveyor, broker,

auctioneer or from other experts and professional persons, and the Trustees shall not be responsible for any loss, depreciation or damage occasioned by acting, or not acting, in accordance therewith.

(g) **Determination of Questions**

To determine all questions and matters of doubt which may arise in the course of the management, administration, realization, liquidation, partition or winding up of the Trust.

(h) **Legal Proceedings**

To institute and defend proceedings at law and to proceed to the final determination thereof or compromise the same as the Trustees shall in their discretion determine to be advisable.

(i) **Cash Deposits**

To deposit any money forming part of the Trust Assets at any time in any chartered bank or trust company duly authorized to carry on its business in the jurisdiction in which such deposit is made.

(j) **Borrowing**

To borrow money on the credit of Trust Assets, for the purpose only of funding current operating expenses of the Trust Assets.

(k) **Agreements**

To carry out transactions and enter into contracts or agreements with any person or corporation concerning any asset forming part of the Trust Assets where the Trustees consider such agreement to be in the best interest of the Trust and in connection therewith, the Trustees may make, execute, acknowledge and deliver any and all instruments that may be necessary, proper or desirable.

(l) **Officers**

To appoint any officer or officers to carry out any of the purely administrative duties and responsibilities of the Trustees.

(m) **Creation of Related Companies**

With the City's prior written consent, establish and operate subsidiary or related companies, trusts or other entities.

**EXPENSES OF ADMINISTRATION**

7. Subject to any other applicable provision in this Revised Deed, the customary expenses in connection with the administration of the Trust, including the investment and reinvestment of any part of the Trust Assets and the collection of income and other sums derivable therefrom, shall be charged against the income of the Trust Assets, but if such income is insufficient for the purpose, then the same shall be charged against the capital of the Trust Assets, or so much thereof as may be required, in addition to the income for the purpose.

**TRUSTEES' EXPENSES**

8. The Trustees shall serve as such without remuneration, and no Trustees shall directly or indirectly receive any profit from his position as a Trustee; provided that a Trustee shall be entitled upon approval by any two officers of the Trust so authorized by the Trustees to be reimbursed for all reasonable expenses incurred in the performance of his/her duties.

**TRUSTEES**

9. (a) **Number and Term of Officer**

At all times there shall be no fewer than five (5) Trustees of this Trust all of which shall be appointed by the City. Each shall be appointed for a four (4) year term

consistent with the term served by each City Council. Subject to paragraphs 9(e), (f) and (g) of this Revised Deed, each Trustee shall continue to act as a Trustee until his or her successor is appointed. Trustees shall be eligible for re-appointment by the City.

(b) **Chairperson**

On an annual basis, the Trustees shall appoint a Chairperson of the Trustees from among themselves.

(c) **Execution of Instruments**

Any and all bills of exchange, promissory notes, cheques, other orders for the payment of money, powers of attorney, transfers, papers, documents, contracts or other instruments in writing requiring at any time and from time to time to be executed for or on behalf of this Trust shall be validly executed if signed or otherwise authorized by any two or more officers of the Trust so authorized by the Trustees.

(d) **Majority Decision**

Every discretion or power hereby or by law conferred on the Trustees shall be an unfettered and absolute and uncontrolled discretion or power and every decision required at any time or from time to time to be made by the Trustees may be made by a majority of the Trustees, subject to paragraphs 2, 6(m) and 10(c). Subject to paragraph 9(i), no Trustee shall be held liable for any loss or damage occurring as a result of such Trustee concurring or refusing or failing to concur in any exercise of discretion or power by the Trustees. It shall be the duty of any Trustee not concurring in any lawful decision of the majority to execute such instruments and do such acts and things as may be necessary to give effect to such decision.

(e) **Resignation**

Any Trustee may at any time resign from the office of Trustee hereof on giving not less than thirty (30) days written notice addressed to the Board of Trustees and the City.

(f) **Automatic Termination of Office**

The Office of a Trustee shall be *ipso facto* determined and vacated if such Trustee, being an individual, shall be found to be a mentally incompetent person, or if s/he shall be declared bankrupt or insolvent, or make an assignment in bankruptcy, or removed by order of a court of competent jurisdiction, effective as of the date of such finding, declaration, assignment or removal.

(g) **Removal of Trustees**

All Trustees serve at the pleasure of the City. In the event it is desirable that any Trustee, including any person or persons substituted for the original Trustees, be removed from the position of Trustee, the City at any time may by written notice direct such Trustee to resign as a Trustee, and upon receipt of such notice, such Trustee shall forthwith resign.

In the event of a death, retirement, resignation or removal of any Trustee or upon the occurrence of any of the events to which reference is made in paragraph 9(f), a substitute Trustee shall be appointed forthwith by the City so that at all times (except for the period in which the appointments shall be so made) there shall be at least five (5) Trustees of this Trust. In the event of the death of a Trustee, his heirs, administrators, executors and assigns shall be fully discharged from all further duties and responsibilities in respect of this Revised Deed as of the date of death.

(h) **Notice of Changes**

Notices of every change of Trustees hereunder shall be signed by the City and the Trust and every such notice shall be sufficient evidence to any person having dealings with the Trustees for the time being hereof as to the facts to which it relates.

(i) **Willful Misconduct and Indemnification of Trustees**

No Trustee shall be liable for any error of judgment or mistake of fact or law, or for any act or omission when administering this Revised Deed save the willful neglect or default of, or the willful misconduct of, such Trustee or the willful breach of the terms

of this Revised Deed by such Trustee and each Trustee shall be indemnified and held harmless by the Trust against every claim or loss (except those arising from the willful neglect, default or misconduct of such Trustee or the willful breach of the terms of this Revised Deed by such Trustee), death duties, taxes and impositions arising in connection with the Trust Assets or any part thereof.

(j) **Residence**

Every person who shall be a Trustee shall at all times be required to be a resident of Hamilton, Ontario.

(k) **Bond or Security not Required**

No Trustee shall be required to give any bond or security in connection with the administration of the Trust Assets and the discharge of the trusts hereby created.

(l) **Profits used for Trust**

The Trust shall be carried on without pecuniary gain to its Trustees and any profits or accretions to the Trust shall be used for the promotion of the objects of the Trust and not for the benefit of its Trustees.

(m) **Conflict of Interest – Contracts**

A Trustee who is a party to any proposed contract with the Trust or who has a direct or indirect interest in a corporation or other business which is a party to any proposed contract with the Trust shall disclose the nature and extent of his interest at the meeting of Trustees at which the question is first taken into consideration, or if he was not then interested at the next meeting after he becomes so interested and if he becomes interested after the contract is made, he shall declare his interest at the first meeting held after he becomes so interested. No Trustee shall participate in any decision in respect of any contract or arrangement in which he is so interested.

(n) **Conflict of Interest – Investments**

The Trustees shall not cause or permit any investments of the Trust Assets or any part thereof to be made or to continue in any corporation or other business in which the Trustees or any of them have any interest either directly or indirectly except if such interest is as holder of shares of a company listed on a recognized stock exchange.

(o) **Fiscal Year and Annual Report**

The fiscal year of the Trust shall be from January 1 to December 31.

(p) **Appointment of Additional Trustees**

The City may, on thirty (30) days written notice to the Trust increase the number of Trustees beyond the minimum number set forth in paragraph 9(a) of this Revised Deed.

(q) **Annual Briefing**

Within ninety (90) days of the end of each fiscal year of the Trust, the Trust shall appear before the Council, or an appropriate Committee of the City to present and report on the following:

- (a) its annual audited Financial Statements;
- (b) its Strategic and/or Business Plans and any changes thereto;
- (c) its ten (10) year Capital Plan; and
- (d) any changes to its organizational structure.

**MEETINGS**

10.(a) **Number of Meetings and Notice of Meetings**

The Trustees shall meet at least six (6) times a year at such times as the Trustees unanimously agree or as the Chairperson shall determine upon ten (10) days notice in writing by the Chairperson to the Trustees. A notice of meeting shall specify the date, time and location of the meeting, and shall include an agenda of matters to be addressed at such meeting, with reasonable details. To the extent reasonably

possible, all reports or other documentation to be considered at such meeting shall be provided to the Trustees with the notice of the meeting.

Any two (2) Trustees may request the Chairperson in writing to call a special meeting, and shall include with their request such information as may be reasonably necessary in order for the Chairperson to fulfill the requirements for providing an agenda and other documentation to all Trustees with the notice of the meeting, as provided in this paragraph. Upon receipt of such request, the Chairperson shall call as a special meeting for a date not later than thirty (30) days following the receipt of the request and information required for the agenda.

The Chairperson shall set out the place of meeting in the notice of the meeting. Meetings may also be held by conference call or by similar telecommunications or electronic means. All records and minutes of the Board shall be kept at a place to be determined by the Trustees by unanimous agreement. The Trustees may waive the delivery of notice of meeting, and shall be deemed to have done so by attending such meeting without objection.

(b) **Quorum**

In order to constitute a quorum, a majority of the Trustees shall be present in person. In the absence of a quorum, no business shall be transacted except the adjournment of the meeting.

(c) **Resolutions**

A Special Resolution shall be a resolution passed by a majority of not less than two-thirds (2/3) of the Trustees present at the meeting; provided that notice of the intention to propose such a resolution as a Special Resolution has been given in the notice calling such meeting. A resolution, including a Special Resolution, in writing and signed by every Trustee shall be as valid as if it had been passed by the Trustee at a meeting.

(d) **Validity of Meeting**

Subject to paragraphs 10(b) and (c), the proceeding at any meeting shall not be invalid merely by reason of any informality or irregularity in the convening or conduct thereof or otherwise.

(e) **Deadlocks**

In the event of a deadlock in any decisions required to be made by or among, any Trustees hereunder, any one of the Trustees may apply to City Council to resolve the deadlock.

(f) **Publication of Minutes of Board Meetings**

The Trustees shall record comprehensive minutes of each of its meetings and, once approved by the Board, post a copy of those minutes on its website and provide a copy to the City.

**BY-LAWS**

11. The Trustees may make By-Laws governing procedures and the business of the Trust provided they are consistent with this Revised Deed and any amendment hereto. Where this Revised Deed is in conflict with any By-Laws created by the Trustees, this Revised Deed shall govern.

**COMMITTEES OR ADVISORY COUNCILS**

12. The Trustees may establish such committees or advisory councils as they deem necessary to assist in carrying out the duties and responsibilities of the Trustees. Members of these committees or advisory councils shall hold office at the pleasure of the Trustees.

### **ACCOUNTS AND FINANCIAL STATEMENTS**

13. The Trustees shall appoint an auditor and shall keep accurate and detailed accounts and records of all receipts, disbursements, investments and transactions relating to the Trust Assets, and shall prepare or cause to be prepared all financial statements required by law to be prepared on behalf of the Trust or with respect the Trust Assets from time to time. Without limiting the generality of the foregoing, the Trustees shall prepare and file with each of the City and the Trust and annual financial report accompanied by the auditor's report thereon for the Trust Assets as soon as practicable after the end of the fiscal year of the Trust, and shall also provide to each of the City and Trust such information and material respecting the Trust Assets as either of them may in writing request from time to time.

### **AMENDMENT OF TRUST**

14. This Revised Deed of Trust may be amended by a Special Resolution of the Trustees, subject to the prior written approval of the City, provided that the Trust Assets shall at all times be held in trust absolutely and exclusively for the purposes set out in this Revised Deed.

### **ACCEPTANCE OF TRUST**

15. The Trustees accept the trusts hereby constituted, upon the terms and conditions outlined in this Revised Deed as amended from time to time.

### **PROPER LAW OF TRUST**

16. The Trust is established and continued under the laws of and the rights of all parties and the construction and effect of each and every provision hereof shall be according to the laws of Ontario.

**GENDER OR SINGULAR/PLURAL**

17. In this Revised Deed and in all By-Laws of the Trust hereafter passed, unless the context otherwise requires, words imposing the singular number of the masculine gender shall include the plural number or feminine gender, as the case may be, and vice-versa.

**NOTICE**

18. Wherever in this Revised Deed, any request or notice is required or permitted to be given, it shall be given:

(a) to any Trustee, by addressing it to the last address of record reported to the City;

(b) to the City at 71 Main Street West, Hamilton, Ontario L8P 4Y5, *Attention:* Municipal Clerk; and

(c) to the Trust at 47 Guise Street, Hamilton, Ontario L8L 1K1, *Attention:* Executive Director.

19. Notice shall be given by one of: (i) *personal service*, in which case it shall be deemed to have been given on the day of delivery, (ii) *reliable courier*, in which case it shall be deemed to have been given on the next business day following such delivery, or (iii) *pre-paid registered mail*, in which case it shall be deemed to have been given on the fifth day after such mailing, provided that if as of the date of such mailing, an interruption in the Canadian postal system has occurred or is likely to occur, such notice shall not be given by pre-paid registered mail, but shall be given by one of the other means provided for in this paragraph.

20. Each Trustee and Party shall immediately advise the other Trustees and Parties of any change in its address for notice purposes.

**EXECUTION PAGE FOLLOWS**

**IN WITNESS WHEREOF** the Parties have hereunto executed and delivered this Revised Deed of Trust at the City of Hamilton.

**CITY OF HAMILTON**

Per:

---

Name:

Position: Mayor

Date:

Per:

---

Name:

Position: City Clerk

Date:

I/We have authority to bind the Corporation

**HAMILTON WATERFRONT TRUST**

Per:

---

Name:

Position:

Date:

Per:

---

Name:

Position: Secretary

Date:

I/We have authority to bind the Corporation

City of Hamilton Capital Project Closings As of June 30, 2018 Projects impacting the Unallocated Capital Levy Reserve & Other Reserves						
Year Approved	ProjectID	Description	Surplus/ (Deficit) (\$)	Reserve	Description	
<b>Projects requiring funds</b>						
2007	4030720250	Dofasco Ingot Truck Route	(240,229.28)	108020	Unalloc Capital Levy	
2010	7101041707	ISF-2425 Morgan Firestone Twin	(108,567.98)	108020	Unalloc Capital Levy	
2013	7101341350	Greensville Hall Structure	(2,273.80)	108020	Unalloc Capital Levy	
2014	4401456101	Perth Park - Grange School	(563.53)	108020	Unalloc Capital Levy	
2015	3381557501	Capital Budget System Upgrade	(847.15)	108020	Unalloc Capital Levy	
2016	4031618330	Bridge 330-Birch @ Burlington	(1,785.69)	108020	Unalloc Capital Levy	
2016	4031618332	Bridge 332 - Birch @ Princess	(1,785.69)	108020	Unalloc Capital Levy	
2016	4401656613	RHV Trails Master Plan - The Turtle	(602.44)	108020	Unalloc Capital Levy	
2016	7101651210	Golf Cart Purchases PW16021	(1,803.40)	108020	Unalloc Capital Levy	
			<b>(358,458.96)</b>			
<b>Projects returning funds</b>			<b>\$</b>			
2008	7400841805	Station #31 - Waterdown	150,000.00	108020	Unalloc Capital Levy	
2011	4401156916	Freelton Community Park Development	703.71	108020	Unalloc Capital Levy	
2013	7101355801	Needs Assessments	3,977.88	108020	Unalloc Capital Levy	
2014	6771455100	Community Climate Change Plan	24,925.56	108020	Unalloc Capital Levy	
2015	4031518403	Bridge 403 - Harrison Rd, 275m s/o Kirk Rd	790.45	108020	Unalloc Capital Levy	
2015	6771557501	PHS Records and Info Mgmt	57,024.95	108020	Unalloc Capital Levy	
2016	4031610006	Minor Construction - 2016	1,101.15	108020	Unalloc Capital Levy	
2016	4031655556	Mapping Update - 2016	26,330.88	108020	Unalloc Capital Levy	
2017	4031711223	Semi Barrier Rehabilitation Program - 2017	37.67	108020	Unalloc Capital Levy	
			<b>264,892.25</b>			
<b>Net impact to the Unallocated Capital Levy Reserve</b>			<b>(93,566.71)</b>			
<b>Projects requiring funds</b>			<b>\$</b>			
2017	5161760522	Sewer Lateral Management Program (WWC) - 2017	(33,724.92)	5169309324	Unalloc Current Funds-Sanitary	
2017	5141760711	PW Capital Water Consumption Program - 2017	(512.46)	5169309324	Unalloc Current Funds-Sanitary	
<b>Net impact to Other Reserves</b>			<b>(34,237.38)</b>			
<b>Total Net impact to the Unallocated Capital Levy Reserve &amp; Other Reserves</b>			<b>(127,804.09)</b>			

CITY OF HAMILTON  
CAPITAL PROJECTS' CLOSING SCHEDULE  
AS OF JUNE 30, 2018

YEAR	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ (DEFICIT) (\$)	% SPENT
APPROVED			a	b	c	d = b - c	e = c/a
<b>UNALLOCATED CAPITAL LEVY RESERVE</b>							
2007	4030720250	Dofasco Ingot Truck Route	3,995,000.00	2,750,574.78	2,990,804.06	(240,229.28)	75%
2008	7400841805	Station #31 - Waterdown	1,500,000.00	150,719.00	719.00	150,000.00	0%
2010	7101041707	ISF-2425 Morgan Firestone Twin	10,275,000.00	10,225,604.06	10,334,172.04	(108,567.98)	101%
2011	4401156916	Freelton Community Park Development	160,510.00	160,510.78	159,807.07	703.71	100%
2013	7101341350	Greenville Hall Structure	329,340.00	329,347.52	331,621.32	(2,273.80)	101%
2013	7101355801	Needs Assessments	150,000.00	150,000.00	146,022.12	3,977.88	97%
2014	4401456101	Perth Park - Grande School	589,845.00	580,866.37	581,429.90	(563.53)	99%
2014	6771455100	Community Climate Change Plan	140,000.00	161,227.35	136,301.79	24,925.56	97%
2015	3381557501	Capital Budget System Upgrade	16,402.71	16,402.71	17,249.86	(847.15)	105%
2015	4031518403	Bridge 403 - Harrison Rd, 275m s/o Kirk Rd	107,000.00	42,257.37	41,466.92	790.45	39%
2015	6771557501	PHS Records and Info Mgmt.	244,854.00	244,855.57	187,830.62	57,024.95	77%
2016	7101651210	Golf Cart Purchases PW16021	685,673.00	685,673.00	687,476.40	(1,803.40)	100%
2016	4031618332	Bridge 332 - Birch @ Princess	100,000.00	52,703.67	54,489.36	(1,785.69)	54%
2016	4031618330	Bridge 330-Birch @ Burlington	100,000.00	53,044.58	54,830.27	(1,785.69)	55%
2016	4401656613	RHV Trails Master Plan - The Turtle	168,000.00	168,000.00	168,602.44	(602.44)	100%
2016	4031610006	Minor Construction - 2016	300,000.00	301,101.15	300,000.00	1,101.15	100%
2016	4031655556	Mapping Update - 2016	70,000.00	70,000.00	43,669.12	26,330.88	62%
2017	4031711223	Semi Barrier Rehabilitation Program - 2017	196,700.00	196,700.00	196,662.33	37.67	100%
<b>TOTAL FUNDS FROM UNALLOCATED CAPITAL LEVY (17)</b>			<b>19,128,324.71</b>	<b>16,339,587.91</b>	<b>16,433,154.62</b>	<b>(93,566.71)</b>	<b>86%</b>
<b>OTHER PROGRAM SPECIFIC RESERVES</b>							
2017	5161760522	Sewer Lateral Management Program (WWC) - 2017	3,500,000.00	3,500,000.00	3,533,724.92	(33,724.92)	101%
2017	5141760711	PW Capital Water Consumption Program - 2017	200,000.00	200,000.00	200,512.46	(512.46)	100%
<b>TOTAL FUNDS FROM PROGRAM SPECIFIC RESERVES (2)</b>			<b>3,700,000.00</b>	<b>3,700,000.00</b>	<b>3,734,237.38</b>	<b>(34,237.38)</b>	<b>101%</b>
<b>DELAYED/CANCELLED PROJECTS</b>							
2014	4241409107	Westdale HS - Artificial Turf	100,000.00	0.00	0.00	0.00	0%
2016	4241609211	No Right Turns on Red Barton	500.00	0.00	0.00	0.00	0%
2016	4241609214	Ladder Crossing Cannon	1,000.00	0.00	0.00	0.00	0%
2016	4241609218	Main 3 Phase Traffic Signal	200,000.00	0.00	0.00	0.00	0%
2016	4241609221	James Left Hand Turn Sign	5,000.00	0.00	0.00	0.00	0%
2016	4241609224	Barton Macnab Intersection	4,000.00	0.00	0.00	0.00	0%
2016	4241609225	Forest 3 Phase Traffic Signal	250,000.00	0.00	0.00	0.00	0%
2016	4241609281	Queen Street South Conversion	150,000.00	0.00	0.00	0.00	0%
2016	4241609804	Ward 8 Dynamic Speed Signs	15,000.00	0.00	0.00	0.00	0%
2017	4401756709	Augustus Jones Fountain Rep	13,750.00	0.00	0.00	0.00	0%
2017	5121794729	SWMMP - Alt Disposal Facility	0.00	0.00	0.00	0.00	0%
2017	5161772720	Central Park	0.00	0.00	0.00	0.00	0%
2017	5181760722	Municipal Drain Program - 2017	40,000.00	0.00	0.00	0.00	0%
2017	6731741701	Social Housing Capital Repairs	0.00	0.00	0.00	0.00	0%
2017	7201741700	Children's Museum Foundation Repair	0.00	0.00	0.00	0.00	0%
2017	7201758711	2019 Juno Awards	0.00	0.00	0.00	0.00	0%
<b>TOTAL DELAYED/CANCELLED PROJECTS (16)</b>			<b>779,250.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0%</b>

CITY OF HAMILTON CAPITAL PROJECTS' CLOSING SCHEDULE AS OF JUNE 30, 2018									A
YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ DEFICIT (\$)	% SPENT		
			a	b	c	d = b - c	e = c/a		
<b>COMPLETED PROJECTS</b>									
<b>Corporate Services, City Manager's Office and Councillor Infrastructure Programs (Tax Budget)</b>									
<b>Information Services</b>									
2017	3501757706	Management and Security for Android and IOS	63,000.00	62,573.36	62,573.36	0.00	99%		
<b>Corporate Facilities</b>									
2015	3541541532	Facility Capital Maintenance	539,092.06	539,299.67	539,299.67	0.00	100%		
<b>Planning &amp; Economic Development (Tax Budget)</b>									
<b>Tourism &amp; Culture</b>									
2010	7101058702	War of 1812 Commemoration	711,070.00	711,029.51	711,029.51	0.00	100%		
2012	7201258705	Hamilton & Scourge Radar System	206,350.00	241,314.13	241,314.13	0.00	117%		
2015	7101558503	Public Art-Fieldcote Walkway Ancaster	60,000.00	49,616.51	49,616.51	0.00	83%		
<b>Growth Management</b>									
2008	5160880883	Rymal - Dakota to Fletcher	2,402,420.00	1,992,566.87	1,992,566.87	0.00	83%		
2010	4141046103	Fall Fair Way Extension	694,650.00	683,027.22	683,027.22	0.00	98%		
2011	4141146107	Eden Park - Phase 1	173,000.00	167,139.72	167,139.72	0.00	97%		
2011	4141146108	Penny Lane Estates - Phase 1	592,000.00	563,274.40	563,274.40	0.00	95%		
2012	4141246102	Paradise Meadows - Phase 3	41,000.00	40,601.03	40,601.03	0.00	99%		
2012	4141246104	Penny Lane Estates - Phase 2	339,000.00	322,844.18	322,844.18	0.00	95%		
2013	4141346102	Glanbrook Hills - Phase 2	91,000.00	70,970.81	70,970.81	0.00	78%		
<b>Planning Division</b>									
2016	8121655608	Parkland Ded Plan Policy Bylaw	420,000.00	6,640.79	6,640.79	0.00	2%		
<b>Community and Emergency Services (Tax Budget)</b>									
<b>Public Health</b>									
2012	6771241203	MHC -PH Construction	10,300,000.00	10,020,906.00	10,020,906.00	0.00	97%		
<b>Public Works (Tax Budget)</b>									
<b>Parks &amp; Cemeteries (Tax Budget)</b>									
2015	4401552600	Playground Lifecycle Replace	195,000.00	195,000.00	195,000.00	0.00	100%		
2015	4401556802	Beach Park Dev Program	100,000.00	67,806.83	67,806.83	0.00	68%		
2016	4241609603	Irrigation System Macassa Park	80,000.00	79,627.36	79,627.36	0.00	100%		
2016	4401649104	Park Sports/Security Lighting Upgrade Program	3,700.00	3,655.87	3,655.87	0.00	99%		
2016	4401654699	Tennis Court Rehabilitation Program	36,350.00	36,351.65	36,351.65	0.00	100%		
2017	4401749610	Park bleacher Replacement	1,100.00	1,094.08	1,094.08	0.00	99%		
<b>Forestry &amp; Horticulture (Tax Budget)</b>									
2014	4451451009	1301 Upper Ottawa St Yard Enhancement	404,000.00	403,919.34	403,919.34	0.00	100%		
2016	4451653444	Tree Planting Program	1,345,000.00	1,200,915.84	1,200,915.84	0.00	89%		

CITY OF HAMILTON CAPITAL PROJECTS' CLOSING SCHEDULE AS OF JUNE 30, 2018									A
YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ (DEFICIT) (\$)	% SPENT		
			a	b	c	d = b - c	e = c/a		
<b>Open Space &amp; Development (Tax Budget)</b>									
2013	4241309202	McLaren Park - Redevelopment	734,060.76	734,060.76	734,060.76	0.00	100%		
2014	4241409214	Beasley Skateboard Park	8,800.00	8,711.02	8,711.02	0.00	99%		
2016	4401652600	Playground Lifecycle Replacement Program	200,000.00	194,356.23	194,356.23	0.00	97%		
2016	4401655600	Parks Testing and Reporting	42,700.00	42,667.26	42,667.26	0.00	100%		
2017	4401755600	Parks Testing and Reporting	95,000.00	95,093.56	95,093.56	0.00	100%		
<b>Entertainment</b>									
2013	3721341801	HCC Interior Renovations	195,700.00	195,702.33	195,702.33	0.00	100%		
2015	3721541803	HP Replacements & Renovations	200,000.00	186,810.11	186,810.11	0.00	93%		
<b>Recreation (Tax Budget)</b>									
2012	7101254214	Freelton Park Building	2,780,000.00	2,753,269.21	2,753,269.21	0.00	99%		
2013	4241309103	Seniors Facility Project in Ward 1	200,000.00	94,179.00	94,179.00	0.00	47%		
2013	7101354104	Ancaster Senior Centre Expand	1,920,560.00	2,014,759.60	2,014,759.60	0.00	105%		
<b>Waste (Tax Budget)</b>									
2013	5121357001	GPS System-Curbside Collection	85,000.00	84,846.82	84,846.82	0.00	100%		
2017	5121794700	Weighscale Software Upgrade	130,000.00	128,692.05	128,692.05	0.00	99%		
<b>Transit (Tax Budget)</b>									
2006	5310641001	Transit Accomodation	2,500,000.00	2,316,972.73	2,316,972.73	0.00	93%		
<b>Roads (Tax Budget)</b>									
2014	4241409115	Improvements to Emerson	60,000.00	2,910.34	2,910.34	0.00	5%		
2015	4041514015	RR 56 Urbanization - Traffic Signals	780,000.00	476,382.44	476,382.44	0.00	61%		
2016	4031649555	QA-QC Service Contract - 2016	150,000.00	116,695.66	116,695.66	0.00	78%		
2017	4041717384	Guide Rail Replacement Program - 2017	400,000.00	389,675.01	389,675.01	0.00	97%		
<b>Public Works (Rate Budget)</b>									
<b>Water (Rate Budget)</b>									
2016	5141649555	QA-QC Service Contract	110,000.00	110,000.00	110,000.00	0.00	100%		
2016	5141655556	Mapping Update - 2016	70,000.00	57,547.93	57,547.93	0.00	82%		
2016	5141662078	Substandard Water Service Replacement Program - 2016	3,000,000.00	3,000,000.00	3,000,000.00	0.00	100%		
<b>WasteWater (Rate Budget)</b>									
2015	5161560625	Post Zoom Camera Rehab	131,000.00	70,747.30	70,747.30	0.00	54%		
2017	5161711101	Road Restoration Program - 2017	1,800,000.00	1,800,000.00	1,800,000.00	0.00	100%		
2017	5161760576	Sewer Lateral Condition Assessment Program - 2017	900,000.00	900,000.00	900,000.00	0.00	100%		
2017	5161760711	PW Capital Water Consumption Program - 2017	140,000.00	140,000.00	140,000.00	0.00	100%		
2017	5161761241	Eastern Sanitary Interceptor (ESI) Rehab - SSR at Fruitland	4,775,000.00	4,774,118.54	4,774,118.54	0.00	100%		
2017	5161761740	Unscheduled Manhole & Sewermain - 2017	350,000.00	350,000.00	350,000.00	0.00	100%		
<b>StormWater (Rate Budget)</b>									
2015	5181572290	Storm Sewer Upgrades - 2015	267,000.00	267,000.00	267,000.00	0.00	100%		
2017	5181717549	Concrete Box Culvert Rehabilitation/Repair (< 3.0m span)	194,000.00	176,231.44	176,231.44	0.00	91%		
<b>TOTAL COMPLETED PROJECTS (52)</b>			<b>41,016,552.82</b>	<b>38,941,604.51</b>	<b>38,941,604.51</b>	<b>0.00</b>	<b>95%</b>		
<b>GRAND TOTAL COMPLETED/CANCELLED PROJECTS (85)</b>			<b>64,624,127.53</b>	<b>58,981,192.42</b>	<b>59,108,996.51</b>	<b>(127,804.09)</b>	<b>91%</b>		

CITY OF HAMILTON					
CAPITAL PROJECTS TO BE FUNDED ABOVE \$250,000					
FOR THE PERIOD COVERING January 1, 2018 THROUGH June 30, 2018					
<b>Recommendations</b>					
Appropriated From	Description	Appropriated To	Description	Amount (\$)	Comments
<b>Public Works (Tax Budget)</b>					
<u>Transit Services</u>					
49002-5300855100	Debenture Proceeds- Bus Rapid Transit Studies	49412-5300855100	Contribution from Reserve- Annual Bus Rapid Trans Studies	1,452,415.42	Fund project from Rapid Transit Reserve(108047) to eliminate the need for the budgetted debenture funding
<b>Public Works (Tax Budget) Total</b>				<b>1,452,415.42</b>	
<b>Project Totals</b>				<b>1,452,415.42</b>	

CAPITAL PROJECTS REQUIRING FEDERAL GAS TAX REDUCTIONS AS OF JUNE 30, 2018							
<b>Recommendations</b>							
Project ID	Description	FGT Budget (\$)	FGT Current Funding (\$)	FGT Available Balance (\$)	FGT Reduction Requested (\$)	Revised FGT Budget (\$)	Comments
<b>Public Works (Tax Budget)</b>							
<i>Roads Division</i>							
4031319101	Road Reconstruction 2013	5,887,000.00	5,887,000.00	0.00	(200,000.00)	5,687,000.00	FGT was fully funded for these projects as a result actuals must also be reduced
4031511015	Annual Resurfacing 2015	4,311,000.00	4,311,000.00	0.00	(500,000.00)	3,811,000.00	FGT was fully funded for these projects as a result actuals must also be reduced
4031518347	Bridge 347- Carlisle Rd	360,000.00	22,102.31	337,897.69	(300,000.00)	60,000.00	
4031518409	Bridge 409- Regional Rd 97	90,000.00	10,072.57	79,927.43	(79,020.00)	10,980.00	
4031518533	Hwy 8 Culvert (Dundas Hill)	900,000.00	546,126.92	353,873.08	(250,000.00)	650,000.00	
4031519101	Road Reconstruction 2015	3,565,000.00	3,565,000.00	0.00	(470,000.00)	3,095,000.00	FGT was fully funded for these projects as a result actuals must also be reduced
4031611016	Asset Preservation 2016	7,650,000.00	6,070,510.31	1,579,489.69	(800,000.00)	6,850,000.00	800K reduction is only plausible due to current project expenses.
4031618330	Bridge 330- Birch @ Burlington	90,000.00	43,044.58	46,955.42	(46,000.00)	44,000.00	This project is on the closing report allowing for 46K budget reduction
4031618332	Bridge 332- Birch @ Princess	90,000.00	42,703.67	47,296.33	(47,000.00)	43,000.00	This project is on the closing report allowing for 47K budget reduction
<b>Public Works (Tax Budget) Total</b>		<b>\$ 15,113,000.00</b>	<b>\$ 14,341,301.80</b>	<b>\$ 771,698.20</b>	<b>\$ (2,692,020.00)</b>	<b>\$ 13,313,980.00</b>	
<b>Project Totals</b>		<b>\$ 15,113,000.00</b>	<b>\$ 14,341,301.80</b>	<b>\$ 771,698.20</b>	<b>\$ (2,692,020.00)</b>	<b>\$ 13,313,980.00</b>	