

Item 6.1



Hamilton

# 2019 OPERATING BUDGET COUNCIL REFERRED ITEMS

February 8, 2019

# 2019 RESIDENTIAL TAX IMPACT

2019 Municipal Preliminary Impact For the Average Residential Property Tax Bill (Excludes Education Impact)		
	\$	%
Municipal Taxes		
City Departments	75	2.2%
Boards & Agencies	18	0.5%
Capital Financing	17	0.5%
Capital Financing - PTIF2	1	0.02%
<b>Residential Tax Impact</b>	<b>111</b>	<b>3.2%</b>

Assumes (1.0%) benefit for growth and 0.5% reassessment impact

- *Anomalies due to rounding*
- *Average residential assessment: \$337,100*
- *These numbers exclude Council Referred Items & Business Cases*

2

# 2019 REMAINING PROCESS DATES

ITEM	DATE
Council Referred & Business Cases	Feb 8, 2019
Public Delegations	Feb 11, 2019
GIC Budget Deliberations	Feb 15, 25, 28, Mar 1, 2019
Council - Tax Operating Budget Approval	Mar 27, 2019



# 2019 COUNCIL REFERRED ITEMS

2019 OPERATING BUDGET

## 2019 COUNCIL REFERRED ITEMS

- Items previously considered at Council and referred to the budget process for further discussion.
- 6 council referred items:

Department	# of Items	Gross	Net	FTE
City Manager's Office	1	\$93,200	\$ 93,200	0.00
Planning & Economic Development	5	\$366,240	\$196,240	1.50
<b>TOTAL</b>	<b>6</b>	<b>\$436,440</b>	<b>\$289,440</b>	<b>1.50</b>

- Not included in Preliminary Budget. If approved, would result in a 0.03% tax impact.

# 2019 COUNCIL REFERRED ITEMS

#	Department	Details	Gross	Net	FTE
CR-01	Planning & Economic Development	Zoning Examiner/Enforcement Officer	\$116,240	\$116,240	1.00
CR-02	Planning & Economic Development	Cigarette Butt By-law Enforcement Officer	\$30,000	\$30,000	0.50
CR-03	Planning & Economic Development	Financial Incentives to Provide Accessible Taxicab Trips	Defer to 2020		
POST BUDGET BOOK					
CR-05	Planning & Economic Development	Hess Village Paid Duty Policing	\$50,000	\$50,000	0.00
CR-06	Planning & Economic Development	Licensing and By-Law Services	\$147,000	\$0	0.00
PLANNING & ECONOMIC DEVELOPMENT SUBTOTAL			\$343,240	\$196,240	1.50
CR-04	City Manager’s Office	City Enrichment Fund	\$93,200	\$93,200	0.00
	TOTAL		\$436,440	\$289,440	1.50

6



THANK YOU





**City Of Hamilton  
2019 Operating Budget  
Council Referred Form**

<b>Council Referred Overview</b>
----------------------------------

<b>Request Title</b>	Cannabis Enforcement Team
<b>Department</b>	Planning & Economic Development
<b>Division</b>	Licensing and By-Law Services
<b>Service</b>	Special Enforcement Team
<b>Request Driver</b>	Federal or Provincial Funding
<b>Funding Source</b>	Grants/Subsidies
<b>Proposed Start Date</b>	January-2019
<b>Report Reference</b>	PED18249(a)
<b>Strategic Plan Priorities</b>	<ul style="list-style-type: none"> <li>• Health &amp; Safe Communities</li> </ul>

<b>2019 Operating Budget Financial Impacts</b>
--

Description	2019 Amount	Annualized Amount
<b>Total Expenditures</b>	<b>\$147,000</b>	<b>\$220,000</b>
<b>Total Revenue</b>	<b>\$147,000</b>	<b>\$220,000</b>
<b>Net Levy</b>	<b>\$0</b>	<b>\$0</b>
<b>Full Time Equivalent (FTE)</b>	<b>N/A *</b>	<b>N/A *</b>
<b>Capital Budget Impact</b>	<b>\$26,000</b>	<b>\$26,000</b>

\* 2.0 Temporary FTE will be required for 24 months unbudgeted.

\*\* Capital impact will be funded from provincial funding.



**Referral:**

**7.4 City of Hamilton Cannabis Policy Statement**

WHEREAS, on January 14, 2019 Council permitted Cannabis Retail Stores to operate in the City of Hamilton, in accordance with the Cannabis Licence Act, 2018;

THEREFORE, IT BE RESOLVED:

- (a) That the Mayor submit the City of Hamilton Cannabis Policy Statement to the Province of Ontario along with a request that it be used to guide the Province in making decisions on the approval of locations of cannabis retail stores in the City of Hamilton, attached as Appendix “A”;
- (b) That the Director of Licensing and By-law Services or their designate be delegated the authority, on behalf of the City, to provide written submissions upon request of the Registrar as to whether the issuance of a retail store authorization is in the public interest, having regard to the needs and wishes of the residents, and that the Director of Licensing and By-law Services be guided in the exercise of this authority by the City of Hamilton Cannabis Policy Statement;
- (c) That all current and future funding from the Ontario Cannabis Legalization Implementation Fund and surpluses received from Ontario’s portion of the Federal Excise Tax, be deposited to a newly created balance sheet account to be used to offset costs associated with the legalization of recreational cannabis; and,
- (d) That staff report back during the 2019 Operating Budget process with what the operating and capital enforcement enhancements will be, for the 2- year transition period, to be funded through the Ontario Cannabis Legislation Implementation Fund and Federal Excise Tax.

**Background:**

Over the past 2 years, illegal cannabis dispensaries have opened across the City of Hamilton. At the peak, over 85 Stores were operating illegally

in the City.

Although the enforcement of illegal distribution of cannabis was mainly a policing matter, Municipal Law Enforcement was challenged to use resources to try to control and close these illegal dispensaries using the current municipal bylaws. Numerous community complaints came directly into Licensing and Bylaw Services. The Licensing and Bylaw Services team worked closely with the Hamilton Police Services to assist and attempt to curb this illegal activity.

In the past year, 86 zoning notices, 56 zoning charges, 40 business licensing charges, 15 sign bylaw infractions and 63 fees for service were completed against these establishments. Fines from the charges varied from \$500 to \$2000 for each infraction.

Licensing and Bylaw Services also worked with the Legal Department to take a very active illegal dispensary to Superior Court to seek an injunction to prevent them from operating which was contrary to zoning. The success of the injunction was somewhat limited. Although the Courts recognized that the activity was illegal, the court only restricted the operation of this dispensary to supply only citizens who had a prescription.

The dedication of Municipal Law Enforcement Officers to this task took officers away from their regular duties as these officers were focussed on this activity, and not the regular call for services. Municipal Law Enforcement investigates over 20,000 calls a year, while Licensing issues over 10,000 business licenses and permits per year.

This Special Cannabis team was redeployed in October 2018 back to regular duties when the Province enacted additional powers and authorities to the Police under the Cannabis Act of Ontario and also prohibited municipalities from using zoning as a way to keep dispensaries out of the community.

On October 17, 2018, the use of recreational cannabis was allowed in Canada.

The Province of Ontario, through the Cannabis Licence Act, allowed municipalities the ability to opt-in or opt-out of allowing cannabis dispensaries within their City.

November 26, 2018 - Letter from Ministry of Finance states:

RE: Ontario Cannabis Legalization Implementation Fund (OCLIF)

This fund will provide \$40 million in funding over two years to municipalities across Ontario to help with the implementation cost of recreational cannabis legalization. (In early January, the City of Hamilton received the first payment of \$574K from the Province with a second payment anticipated in the next couple of months).

Municipalities must use the money they receive from the Fund solely for the purpose of paying for implementation costs directly related to the legalization of cannabis. Examples of permitted costs include:

- increased enforcement (Police, public health and by-law enforcement, court administration, litigation)
- increased paramedic services
- increased fire services
- increased response to public inquiries (e.g. 311 calls, correspondence)
- by-law/policy development (e.g. police, public health, workplace safety policy)

On January 14, 2019, Council permitted cannabis retail stores to operate within the City of Hamilton.

### **Description of Referral:**

The team will be made up of 2 temporary MLE Officers to enforce all related bylaws.

They are not permanent officers, but are hired on for a temporary period based on workload.

A dedicated Municipal Enforcement Team is required to assist the Police and follow Councils direction to work closely with the Hamilton Police Service to close down the illegal dispensaries.

Two dedicated officers, not currently deployed, will have the ability to determine property ownership, tax roll information and bylaw violations.

They will complement the Hamilton Police Enforcement Team in compiling information and intelligence in order to shut down illegal dispensaries.

As of January 14th, two MLE Officers have been assigned and have worked with the Police to close down 8 illegal dispensaries. The team's enforcement statistics (for the past 3 weeks) are as follows:

Number of Illegal Dispensaries Identified - 36  
Number of Illegal Dispensaries closed down - 8  
Number of Inspections by the MLE Team - 40  
Number of Intelligence shared with the Police - 7  
Number of Raids attended - 4

Number of Charges under the Business Licensing Bylaw - 14  
Number of Charges under Property Standards - 20  
Number of Charges under Yard Maintenance - 11  
Number of Charges under Sign Bylaw - 17

Total Number of Charges by Administrative Penalties - 39  
Total Number of Charges by POS - 17

The cost of the two MLE officers is estimated to be \$220,000 per year.

The AGCO will also be seeking the municipality's comments on locations provided by applicants for store authorizations. There is a very quick, 15 day turnaround for public and City comments and the dedicated authority has been given to the Director of Licensing and Bylaw Services.

These two dedicated Cannabis Officers will monitor the AGCO website and will ensure proper community notification is completed. Similar to comments obtained for special occasion permits under the LCBO, this team will seek comments from the city wide stakeholders including Police, Fire, Building, Planning and the Ward Councillor.

Also relying on Council's cannabis policy, the team will compare the locations, notify residents in the area and develop comments and correspondence for comment on site locations. Although initially there may only be 2-4 applications within the City, the potential of store authorizations being unlimited could see pre-legislation numbers of 60-80 store authorization requests.

It is believed that most of the site authorization work will be completed within the first year, while the investigation and enforcement of illegal dispensaries will take the entire 2 year transitional funding period.

This team will also respond to all MLE service calls that are cannabis related from neighbour complaints to growing operations that are causing community concern. As a result MLE will have the expertise to ensure appropriate enforcement and accountability is taking place, while responding to community concerns.