



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT

19-009

June 6, 2019

9:30 a.m.

**Council Chambers, Hamilton City Hall
71 Main Street West**

Present Councillors C. Collins (Chair), M. Wilson (Vice-Chair), A. VanderBeek, B. Johnson, M. Pearson, L. Ferguson, B. Clark, and J. Partridge

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 19-009 AND RESPECTFULLY RECOMMENDS:

1. 2018 Provincial Offences Administration Annual Report (FCS19011) (City Wide) (Item 7.2)

That Report FCS19011, respecting the 2018 Provincial Offences Administration Annual Report, be received.

That Report FCS19011, respecting 2018 Provincial Offences Administration Annual Report be referred to the Hamilton Police Services Board and Municipal Law Enforcement for review.

2. Proposed Write-Off for Provincial Offences (FCS19012) (City Wide) (Item 7.3)

That staff be authorized to write-off the following outstanding Provincial Offences fines deemed uncollectible, in the total amount of \$1,173,573.29:

- (a) \$1,171,221.41 in uncollectible fines with a sentence date of December 31, 2011 and prior; and,
- (b) \$2,351.88 in underpayments from April 1, 2018 through March 31, 2019.

3. 2018 Annual Energy Report on Commodity Price Hedging (FCS19026 / PW19044) (City Wide) (Item 7.4)

That Report FCS19026 / PW19044, respecting the 2018 Annual Energy Report on Commodity Price Hedging, be received.

4. Tania Amaral, respecting a burst pipe resulting in an exorbitant water bill (Approved May 16, 2019) (Item 8.1)

That staff be directed to write off 50% of Tania Amaral's exorbitant water bill at 185 Weir Street North.

5. Grant Ranalli, respecting advocating for CBC Radio service in Hamilton (Approved May 16, 2019) (Item 8.2)

- (a) That the request from Grant Ranalli to support a CBC Radio Station in Hamilton be endorsed; and,
- (b) That a letter of endorsement be sent to the President of CBC and circulated to all leaders of the Federal Parties.

6. Proposed Amendments to Fair Wage Policy and Fair Wage Schedule (FCS19035 / HUR19008) (City Wide) (Item 10.1)

That the Fair Wage Policy and Fair Wage Schedule, attached as Appendix "A" to Audit, Finance & Administration Report 19-009, be approved.

7. 2019 Property and Liability Insurance Renewal Report (FCS19032) (City Wide) (Item 10.2)

- (a) That the Liability and Property Insurance coverage for the term January 1, 2019, to January 1, 2020, be renewed through Jardine Lloyd Thompson Canada Inc. (JLT) at a cost of \$6,627,835 (net of taxes) and be funded through the 2019 Risk Management Services (RMS) Budget, in accordance with Appendix "B" to Audit, Finance & Administration Report 19-009;
- (b) That the General Manager, Finance and Corporate Services, be authorized and directed to execute all associated documents related to the renewal of the Liability and Property Insurance coverage for the term January 1, 2019, to January 1, 2020, through Jardine Lloyd Thompson Canada Inc. (JLT), on behalf of the City of Hamilton; and,

- (c) That the 2019 unfavourable budget variance in insurance premiums of \$2,027,835 (net of taxes) resulting from the Liability and Property Insurance coverage for the term January 1, 2019, to January 1, 2020, be addressed in the year end operating budget variance report.

8. 2019 Development Charges Public Meeting Written Submissions - Staff Response (FCS19051) (City Wide) (Item 10.3)

That Report FCS19051, respecting 2019 Development Charges Public Meeting Written Submissions - Staff Response, be received.

9. 2019 Development Charges By-law and Background Study (FCS19050) (City Wide) (Item 10.4)

- (a) That the 2019 City of Hamilton Development Charges Study, as amended, prepared by Watson & Associates Economists Ltd. and dated March 13, 2019, amended May 15, 2019, be approved;
- (b) That, whenever appropriate, the City requests that grants, subsidies and other contributions be clearly designated by the provider as being to the benefit of existing development (or new development, as applicable);
- (c) That all of the growth capital projects listed in the City of Hamilton Development Charges Background Study, as amended, prepared by Watson & Associates Economists Ltd. and dated March 13, 2019, amended May 15, 2019, be approved, in principle, subject to annual capital budget approvals;
- (d) That, having considered the matters in Report FCS19050 including the changes incorporated into the 2019 Development Charges By-law, attached hereto as Appendix "A" of Report FCS19050, no further meeting under s.12 of the Development Charges Act, 1997 is required;
- (e) That Appendix "A" attached to Report FCS19050 respecting the 2019 Development Charges By-law, prepared in a form satisfactory to the City Solicitor, be passed and enacted;
- (f) That the "Local Service Policy" as included in the 2019 City of Hamilton Development Charges Study, as amended, be implemented effective July 6, 2019 and that the Planning and Economic Development Department be directed to make any updates required to co-ordinate the City's financial policies for new development with the "Local Service Policy";
- (g) That, where public stormwater management facilities have been provided at the cost of a developer, as a condition of development approval and the said facilities are deemed to be permanent and part of an ultimate solution, "credits

for services in-lieu” for the related stormwater component of the Development Charge will be applied for any unbuilt units upon the said facilities being included in the Development Charge Background Study and any applicable addendum(s). Should external future development lands take benefit of said stormwater management facilities and where a best efforts provision has been included within the development agreement under which the facility was built, the City will collect the full Development Charge from the external developer and reimburse the original developer (constructor of storm pond) only the original value of the proportionate share of the best effort;

- (h) That the General Manager of Finance and Corporate Services be delegated authority to authorize Development Charge deferral agreements as outlined in Section 34 of the DC By-law, attached hereto as Appendix “A” of Report FCS19050;
- (i) That Development Charge Reserves be set up for the following type of Development Charge collections;
 - (i) Waste Diversion Residential Reserve;
 - (ii) Waste Diversion Non-Residential Reserve;
 - (iii) Stormwater Combined Residential Reserve;
 - (iv) Stormwater Combined Non-Residential Reserve;
 - (v) Stormwater Separated Residential Reserve;
 - (vi) Stormwater Separated Non-Residential Reserve;
 - (vii) Administrative Studies – Community Based Studies Residential Reserve;
 - (viii) Administrative Studied – Community Based Studies Non-Residential Reserve;
- (j) That, having considered the matters in Report FCS19050 including the changes incorporated into the amending GO Transit By-law attached hereto as Appendix “B” to Report FCS19050, no further meeting under s.12 of the Development Charges Act, 1997 is required;
- (k) That Appendix "B" attached to Report FCS19050 being a By-law to amend By-law 11-174 – “City of Hamilton GO Transit Development Charge By-law, 2011”, prepared in a form satisfactory to the City Solicitor, be passed and enacted; and,
- (l) That staff be directed to report back to the Audit, Finance & Administration Committee regarding the anticipated impact of Bill 108: More Homes, More Choice Act 2019 on the 2019 Development Charges By-law once the regulations are released and the Bill has received Royal Assent.

That staff be directed to report back to Council on June 12, 2019 with Transitional Language for the Development Charges By-law.

10. Governance Review Sub-Committee Report 19-004 - May 28, 2019 (Added Item 10.5)

(a) Pregnancy and Parental Leave for Members of Council Policy (CL19007) (City Wide) (Item 10.1)

That Council approve the “Pregnancy and Parental Leave for Members of Council Policy” attached as Appendix ‘C’ of Audit, Finance & Administration Committee Report 19-009.

(b) Additional Administrative Support for Councillors' Offices (Item 11.1)

WHEREAS, the current allotment for vacation and sick leave is insufficient for Councillor administrative staff whose accumulated vacation entitlement exceeds the amount of coverage currently provided in the ward office budgets (2 weeks);

WHEREAS, our social media and engagement policies and practices at the city have been successful in engaging more residents than ever before with their ward Councillors’ offices subsequently requiring closer monitoring by staff and Councillor’s to these outlets to efficiently respond to constituent concerns;

WHEREAS, a 0.5 FTE administrative support person would provide greater continuity in the office by facilitating coverage of the FTE person resulting in a more seamless exchange between the constituent and the ward office staff on a given issue or concern;

WHEREAS, a single staff person often deals with complex issues or projects to support their Councillor’s initiatives requiring them to exercise greater responsibilities beyond basic constituency matters;

WHEREAS, the amount of work in each ward office is substantial and can be clearly demonstrated through activity levels there is a need to ensure we have the resources to protect the health and wellbeing of our admins who may incur negative impacts due to increased stress or burnout;

THEREFORE, BE IT RESOLVED:

That the administrative support previously allocated to old wards 7 & 8 of \$177,000 to be equally allocated across all new wards (or \$11,800 per ward), be approved.

11. Bill 108 "More Homes, More Choice Act, 2019" - Schedule 3 Comment Submission (FCS19057 / LS19023) (City Wide) (Added Item 10.6)

- (a) That Council endorse the draft comments, recommendations and requests submitted to the Province on May 29, 2019 in response to Schedule 3 (Development Charges Act, 1997) of Bill 108, More Homes More Choice Act, 2019 attached as Appendix "D" to Audit, Finance & Administration Committee Report 19-009, as the City's official comments;
- (b) That the General Manager of Finance and Corporate Services be authorized and directed to confirm the submissions made to the Province attached as Appendix "D" to Audit, Finance & Administration Committee Report 19-009, as the City's official comments;
- (c) That the General Manager of Finance and Corporate Services, in consultation with the City Solicitor, be authorized to make submissions on Bill 108, More Homes, More Choice Act, 2019 and any associated regulations consistent with the concerns raised in Report FCS19057 / LS19023 and Appendix "D" to Audit, Finance & Administration Committee Report 19-009; and,
- (d) That the Clerk forward this report to the Ministry of Municipal Affairs and Housing; and the Ministry of Environment, Conservation and Parks; Hamilton's Members' of Provincial Parliament (Donna Skelly - Flamborough—Glanbrook, Andrea Horwath - Hamilton Centre, Paul Miller - Hamilton East—Stoney Creek, Monique Taylor - Hamilton Mountain and Sandy Shaw - Hamilton West—Ancaster—Dundas) and the Association for Municipalities Ontario.

12. Access by Design Policy (Item 11.1)

That the Manager of Corporate Records and Freedom of Information be directed to report back to the Audit, Finance and Administration Committee on the development of a corporate wide Access by Design policy for the City of Hamilton to support the proactive disclosure of information/documents.

13. Community Room at 120 Strathcona Avenue North (Added Item 11.2)

WHEREAS, residents of CityHousing Hamilton properties deserve dignified and safe, affordable housing; and,

WHEREAS, improvements to the interiors of CityHousing Hamilton community room helps prevent the negative impact of social isolation and promotes a healthy and engaged community;

THEREFORE, BE IT RESOLVED:

That \$5,000 be provided to CityHousing to help furnish the Community Room at 120 Strathcona Avenue North from the Ward 1 Discretionary Account No. 3301909100.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. COMMUNICATIONS (Item 5)

- 5.1 Correspondence from Andrew Smith, A.J. Clarke and Associates Ltd., respecting the 2019 Development Charges Background Study, Projects Review

Recommendation: Be received and referred to the consideration of Item 10.4.

- 5.2 Correspondence from Aldo De Santis, Multi-Area Developments Inc., respecting the 2019 Development Charge Review, Summit Park Phase 11 and Phase 9

Recommendation: Be received and referred to the consideration of Item 10.4

- 5.3 Correspondence from Watson & Associates Economists Ltd., respecting their submission to John Ballantine, Ministry of Municipal Affairs and Housing, respecting Bill 108: Potential Changes to the Development Charges Act

Recommendation: Be received and referred to the consideration of Item 10.4

- 5.4 Correspondence from Joel Farber, Fogler, Rubinoff LLP, respecting the 2019 Development Charges and Background Study

Recommendation: Be received and referred to the consideration of Item 10.4

2. DELEGATION REQUESTS (Item 6)

- 6.1 Terry MacDougall, respecting an appeal to a water bill amount (For a future meeting)

3. DISCUSSION ITEMS (Item 10)

10.5 Governance Review Sub-Committee Report 19-004 - May 28, 2019

10.6 Bill 108 "More Homes, More Choice Act, 2019" - Schedule 3
Comment Submission (FCS19057 / LS19023) (City Wide)

4. NOTICES OF MOTION (Item 12)

12.1 Community Room at 120 Strathcona Avenue North

The agenda for the June 6, 2019 Audit, Finance and Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Wilson declared an interest to Item 10.4, respecting the Development Charges By-law as a family member does not provide affordable housing but due to the sphere of activity in relation to affordable housing financing it is a conflict as deemed by the Integrity Commissioner.

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

(i) May 16, 2019 (Item 4.1)

The Minutes of the May 16, 2019 meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

The following Communications items were received and referred to the consideration of Item 10.4, respecting the 2019 Development Charges By-law and Background Study (FCS19050):

- (i) Correspondence from Andrew Smith, A.J. Clarke and Associates Ltd., respecting the 2019 Development Charges Background Study, Projects Review (Added Item 5.1)
- (ii) Correspondence from Aldo De Santis, Multi-Area Developments Inc., respecting the 2019 Development Charge Review, Summit Park Phase 11 and Phase 9 (Added Item 5.2)
- (iii) Correspondence from Watson & Associates Economists Ltd., respecting their submission to John Ballantine, Ministry of Municipal Affairs and Housing, respecting Bill 108: Potential Changes to the Development Charges Act (Added Item 5.3)
- (iv) Correspondence from Joel Farber, Fogler, Rubinoff LLP, respecting the 2019 Development Charges and Background Study (Added Item 5.4)

(e) DELEGATION REQUESTS (Item 6)

- (i) Terry MacDougall, respecting an appeal to a water bill amount (For a future meeting) (Added Item 6.1)**

The delegation request from Terry MacDougall, respecting an appeal to a water bill amount, was approved for a future meeting.

(f) CONSENT ITEMS (Item 7)

- (i) Various Advisory Committee Minutes:**

The following minutes from Various Advisory Committee meetings, were received:

- (1) Hamilton Aboriginal Advisory Committee – December 6, 2018
(Item 7.1(a))
- (2) Hamilton Aboriginal Advisory Committee – March 7, 2019
(Item 7.1(b))
- (3) Hamilton Aboriginal Advisory Committee – April 4, 2019
(Item 7.1(c))
- (4) Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee
– January 17, 2019 (Item 7.1(d))

(g) PUBLIC HEARINGS / DELEGATIONS (Item 8)

- (i) Tania Amaral, respecting a burst pipe resulting in an exorbitant water bill (Approved May 16, 2019) (Item 8.1)**

Tania Amaral, addressed the Committee respecting a burst pipe resulting in an exorbitant water bill, with the aid of a presentation.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the office of the City Clerk.

The delegation from Tania Amaral, respecting a burst pipe resulting in an exorbitant water bill, was received.

For disposition of this matter, refer to Item 4.

(ii) Supporting Documentation Provided by Staff respecting Tania Amaral's water bill (Item 8.1(a))

The supporting documentation provided by staff respecting Tania Amaral's water bill, was received.

(iii) Grant Ranalli, respecting advocating for CBC Radio service in Hamilton (Approved May 16, 2019) (Item 8.2)

Grant Ranalli addressed the Committee respecting advocating for CBC Radio service in Hamilton, with the aid of a presentation.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the office of the City Clerk.

The delegation from Grant Ranalli, respecting advocating for CBC Radio service in Hamilton, was received.

For disposition of this matter, refer to Item 5.

(h) DISCUSSION ITEMS (Item 10)

(i) 2019 Development Charges By-law and Background Study (FCS19050) (City Wide) (Item 10.4(a))

Gary Scandlan, from Watson & Associates, addressed the Committee respecting the 2019 Development Charges By-law and Background Study, with the aid of a presentation.

The presentation from Gary Scandlan, Watson & Associates respecting the 2019 Development Charges By-law and Background Study, was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the office of the City clerk.

For disposition of this matter, refer to Item 9.

(i) NOTICES OF MOTION (Item 12)

(i) Community Room at 120 Strathcona Avenue North (Added Item 12.1)

Councillor Wilson introduced her notice of motion respecting the Community Room at 120 Strathcona Avenue North.

The rules of order were waived to allow for the introduction of a Motion respecting the Community Room at 120 Strathcona Avenue North.

For disposition of this mater, refer to Item 13.

(j) ADJOURNMENT (Item 15)

There being no further business, the Audit, Finance & Administration Committee adjourned at 11:43 a.m.

Councillor C. Collins, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk



City of Hamilton

Fair Wage Policy and Fair Wage Schedule

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1. POLICY STATEMENT

Every Contractor and Sub-Contractor shall compensate their Employees in accordance with the Fair Wage Policy and Fair Wage Schedule on all Construction Contracts with the City. The compensation requirements as set out in the Fair Wage Policy and Fair Wage Schedule are minimum requirements.

2. INTERPRETATION

In this Fair Wage Policy and Fair Wage Schedule:

- a) a word defined in or importing the singular number has the same meaning when used in the plural number, and vice versa;
- b) the provisions shall be read with changes of gender or number as the context may require;
- c) a reference to any Act, by-law, rule, procedure or regulation shall be deemed to include a reference to any substitution or amendment thereof;
- d) any reference to an officer of the City shall be construed to mean the person holding that office, the designate or delegate of that person.

3. DEFINITIONS

Capitalized words and phrases used in this Fair Wage Policy and Fair Wage Schedule shall have the following meanings, unless expressly stated otherwise.

“Benefits” includes employer contributions to such items as a pension plan, Registered Retirement Savings Plan (RRSP), medical plan bonus, retention pay or the like and vacation;

“City Council” means the Council of the City of Hamilton;

“City” means the City of Hamilton, its officers, officials, employees and agents;

“Construction Contract” means any construction work awarded to a Contractor of a minimum of \$500,000.00 excluding residential sectors;

“Contractor” means any person having a Construction Contract with the City but does not include any person that only supplies materials for the Construction Contract;

“Employees” mean those persons employed by the Contractor or Sub-Contractor who perform work identified in the Fair Wage Schedule, for a Construction Contract with the City;

“Fair Wage Policy” means the Fair Wage Policy approved by Council, as amended from time to time;

“Fair Wage Schedule” means the Fair Wage Schedule approved by Council, as amended from time to time. The Fair Wage Schedule stipulates the Total Hourly Compensation for Employees;

“Hours of Work” means the regular hours of work per day and week and shall include a provision for the payment of overtime beyond such regular hours, as per the Employment Standards Act, 2000, S.O. 2000, c.41, specifically Part VIII Overtime Pay;

“Initiator” means any person who submits a complaint to the City alleging non-compliance with the Fair Wage Policy and Fair Wage Schedule by any Contractor or Sub-Contractor performing construction work on a City Construction Contract.

“Manager of Procurement” shall mean the Manager of Procurement or designate.

“Sub-Contractor” means any person performing work on a City Construction Contract for a Contractor, or an agreement with another Sub-Contractor, but does not include any person that only supplies materials for the Construction Contract;

“Total Hourly Compensation” means the aggregate amount of Wages and Benefits as stated in the Fair Wage Schedule;

“Wages” means the Employees basic hourly rate, which is paid as earned at the time of undertaking the work.

4. CITY RESPONSIBILITIES

- 4.1. The Director of Financial Services shall periodically review the Fair Wage Policy and recommend to the appropriate standing committee of Council any required amendments to the Fair Wage Policy.
- 4.2. The Director of Employee & Labour Relations will prepare and review the Fair Wage Schedule from time to time and recommend to the appropriate Standing Committee of Council those amendments to the Fair Wage Schedule.
- 4.3. The Manager of Procurement shall reference the Fair Wage Policy and Fair Wage Schedule in all City Construction Contracts. The City’s Procurement website will post the Fair Wage Policy and Fair Wage Schedule and Fair Wage Complaint Form at hamilton.ca/procurement.
- 4.4. The Manager of Procurement will co-ordinate the preparation of an annual report for the appropriate Standing Committee of Council regarding complaints investigated and resulting audits performed pursuant to the Fair Wage Policy and Fair Wage Schedule.
- 4.5. The City shall address a written objection to the administration of the Fair Wage Policy and Fair Wage Schedule.
- 4.6. The City is not in any way liable, obligated or responsible to any Employee, Sub-Contractor, Contractor or any other person for the payment of any monies not paid by a

Contractor or Sub-Contractor in accordance with the Fair Wage Policy and Fair Wage Schedule, and the City assumes no responsibility to such Employee, Sub-Contractor, Contractor or any other person for the administration and enforcement of the Fair Wage Policy and Fair Wage Schedule.

5. AD HOC FAIR WAGE COMMITTEE

- 5.1 The City shall participate in an ad hoc Fair Wage Committee to discuss issues and provide a forum for consultation regarding issues related to the Fair Wage Policy and Fair Wage Schedule.
- 5.2 The Committee shall meet on an as required basis.
- 5.3 The Committee, as determined by the City, shall be comprised, as a minimum, of the following members:
 - a) Director of Financial Services or designate,
 - b) Director of Employee & Labour Relations or designate,
 - c) A representative from:
 - Hamilton & District Heavy Construction Association,
 - Hamilton-Brantford Ontario, Building and Construction Trades Council,
 - Labourers' International Union of North America,
 - Christian Labour Association of Canada, and
 - Merit OpenShop Contractors Association of Ontario.

6. CONTRACTOR AND SUB-CONTRACTOR RESPONSIBILITIES

- 6.1 A Contractor shall ultimately be responsible for any violations or non-compliance of Sub-Contractors on its City Construction Contracts.
- 6.2 A Contractor is fully responsible for ensuring that all Sub-Contractors comply with the Fair Wage Policy and Fair Wage Schedule.
- 6.3 The Contractor or Sub-Contractor shall not be responsible for any increase to the Fair Wage Schedule which occurs after the closing of the Request for Tenders or Request for Proposals for the City Construction Contract awarded to the Contractor.
- 6.4 At the commencement of the work, the Contractor shall post a copy of the Fair Wage Policy and Fair Wage Schedule in a prominent location at the City Construction Contract site to enable Employees of the Contractor and Sub-Contractor to review. Alternate methods may be considered, and if approved by the Manager of

Procurement, shall be in writing prior to the commencement of the Construction Contract.

- 6.5 After substantial performance (as defined in the Construction Act, R.S.O. 1990, c. C.30) of the Construction Contract, for all Construction Contracts with the City, the Contractor shall provide to the City, in a form acceptable to the City, a statutory declaration confirming that the Contractor and its Sub-Contractors complied with the Fair Wage Policy and Fair Wage Schedule.
- 6.6 The City reserves the right to withhold from the Contractor, a minimum of FIVE THOUSAND DOLLARS (\$5,000.00) from any final payments until the Contractor's sworn statement of compliance is received and deemed to be satisfactory by the City.

7. COMPLIANCE

- 7.1 A Contractor or Sub-Contractors shall be in compliance with the Fair Wage Policy and Fair Wage Schedule when the Employee receives a minimum compensation package that includes Wages and Benefits, which aggregate amount is not less than the Total Hourly Compensation as set out in the Fair Wage Schedule.
- 7.2 Employees shall be paid on a "pay by pay basis" every pay period in accordance with Fair Wage Schedule. Alternate methods of payment may be considered, and if approved by the Manager of Procurement, shall be in writing prior to the commencement of the Construction Contract. For example any lump sum pay-out made to the Employee to reconcile money owed at the completion of the Construction Contract is not permitted.
- 7.3 Any lump sum payment approved is to be made no later than the date of substantial performance of the related Construction Contract.

8. RECORDS

- 8.1 The Contractor and Sub-Contractor shall keep records of the names, addresses, Wages, Benefits, vacation paid or provided, and hours worked for all of its Employees to demonstrate compliance with the Fair Wage Policy and Fair Wage Schedule.
- 8.2 Unless otherwise approved by the City, the Contractor and Sub-Contractor shall make these records available for inspection upon request by the City within ten business days.
- 8.3 In any agreement with a Sub-Contractor, the Contractor shall require the Sub-Contractor to:
 - a) provide written acknowledgment prior to the commencement of construction work that the Fair Wage Policy and Fair Wage Schedule applies;

- b) keep records of the names, addresses, Wages, Benefits, vacation paid or provided, and hours worked for all of its Employees to demonstrate compliance with the Fair Wage Policy and Fair Wage Schedule; and
 - c) Unless otherwise approved by the City, make these records available for inspection upon request by the City within ten business days.
- 8.4 If a Contractor or Sub-Contractor enters into a contract for service with a self employed independent contractor to perform work identified in the Fair Wage Schedule, the Contractor or Sub-Contractor shall keep the following records to demonstrate that the self-employed independent contractor is not an Employee of the Contractor or Sub-Contractor:
- a) duties and responsibilities of both parties;
 - b) self-employed independent contractor invoices;
 - c) self-employed independent contractor HST registration number;
 - d) self-employed independent contractor Workplace Safety and Insurance Board and insurance certificates; and
 - e) self-employed independent contractor trade certificates or licences which relate to the Construction Contract.

Should there be concerns regarding the self-employed independent contractor's degree of dependency from the Contractor or Sub-Contractor, further records shall be made available to demonstrate that an employer employee relationship does not exist between the Contractor or Sub-Contractor and a self-employed independent contractor. The guideline issued by Canada Revenue Agency RC4110 "Employee or Self-Employed" may be used to assist in making a final determination.

9. INSPECTION AND AUDITS

The City retains the right to inspect and audit the records of the Contractor or Sub-Contractor (as referred to in Section 8. Records) at any time during the period of the Construction Contract and at any time thereafter as deemed by the City.

10. CONSEQUENCES OF NON-COMPLIANCE

- 10.1 Upon determining that a Contractor or Sub-Contractor is non compliant with the Fair Wage Policy and Fair Wage Schedule, the Manager of Procurement:
- a) shall advise the Contractor, in writing, that it has been determined that the Contractor or Sub-Contractor is non-compliant and that the Contractor or Sub-Contractor is required to rectify the non-compliance(s) and provide written proof of the same, in a form satisfactory to the City, within ten business days;
- and

- b) may withhold making payment to the Contractor in an amount which is equal to the shortfall in Wages or Benefits, or may take any other remedies that are otherwise available at law or in equity;
and
 - c) shall impose upon the Contractor a minimum cost of \$5,000.00 (excluding taxes) for the City inspection, audit or other action as deemed necessary by the City and may deduct such costs from any payment or payments (as appropriate) owed by the City to the Contractor, or may take any other remedies that are otherwise available at law or in equity. In addition, the Contractor shall be responsible for all the City's costs beyond the minimum cost of \$5,000.00(excluding taxes), which will be payable immediately upon request.
- 10.2 Where a Contractor or Sub-Contractor has been determined to be non-compliant with the Fair Wage Policy and Fair Wage Schedule for the first time in a five year period, the Manager of Procurement may require the Contractor to pay for and submit a licensed Public Accountant assurance report, acceptable to the City, which verifies compliance with the Fair Wage Policy and Fair Wage Schedule on the next three (3) City Construction Contracts to which the Contractor is awarded or the Sub-Contractor is carried on a Construction Contract

Such assurance report shall provide sufficient information and detail to demonstrate compliance with the Fair Wage Policy and Fair Wage Schedule and shall be submitted after substantial performance (as defined in the Construction Act, R.S.O. 1990, c. C.30) of the Construction Contract and prior to the release of money owing the Contractor. . The City reserves the right to not release part or all of the money owing on a Construction Contract until such assurance report is received and deemed to be satisfactory by the City.

The City reserves the right to treat a first non-compliance as a second or subsequent non-compliance.

- 10.3 Where a Contractor or Sub-Contractor has been determined to be non-compliant with the Fair Wage Policy and Fair Wage Schedule for a second or subsequent time within a five (5) year period from the date of the first determination of non compliance by the Manager of Procurement, the City, as approved by City Council, may impose a ban and refuse:

- a) to accept any bid, quotation or proposal from such Contractor or Sub-Contractor, or;
- b) the use of a Sub-Contractor where the Sub-Contractor was determined to be non-compliant with the Fair Wage Policy and Fair Wage Schedule

on any City contract for a period of no less than two (2) years from the date of City Council approval or as otherwise approved by City Council, save and except any Construction Contract the Contractor may currently have with the City.

Within five (5) years from the date of the expiration of a ban imposed upon a Contractor or Sub-Contractor for non-compliance with the Fair Wage Policy and Fair Wage Schedule, the Manager of Procurement may require the Contractor to pay for and submit a licensed Public Accountant assurance report, acceptable to the City, verifying

the previously banned Contractor's or Sub-Contractor's compliance with the Fair Wage Policy and Fair Wage Schedule on at least three City Construction Contracts where:

- a) the previously banned Contractor is awarded a Construction Contract or is carried as a Sub-Contractor on a Construction Contract; or
- b) the previously banned Sub-Contractor is awarded a Construction Contract or is carried as a Sub-contractor on a Construction Contract.

Any determination of non-compliance with the Policy or Schedule during the five-year period may result in a further ban imposed upon the Contractor or Sub-Contractor by City Council on any City Construction Contract. Any determination of non-compliance with the Fair Wage Policy and Fair Wage Schedule during the five (5) year period may result in a further ban imposed upon the Contractor or Sub-Contractor by City Council.

- 10.4 If the Contractor or Sub-Contractor fails to keep accurate records, the Contractor or Sub-Contractor will pay a licensed Public Accountant to provide an assurance report, acceptable to the City, which clearly demonstrates compliance with the Fair Wage Policy and Fair Wage Schedule.
- 10.5 Failure to provide assurance reports in a timely fashion shall be deemed to be a material non-compliance with the Fair Wage Policy.

11. COMPLAINTS

- 11.1 Any person may submit a complaint to the City, alleging non-compliance with the Fair Wage Policy and Fair Wage Schedule, by any Contractor or Sub-Contractor performing construction work on a City Construction Contract. All complaints must be submitted in writing and contain sufficient information in order to investigate the complaint. The Fair Wage Complaint Form may be completed for this purpose
- 11.2 The complaint must be forwarded to the City's Manager of Procurement via email (procurement@hamilton.ca), regular mail or in person to the Procurement Section, Corporate Services Department, 120 King Street West, Suite 900, Hamilton, Ontario L8P 4V2.
- 11.3 The complaint may be initiated at any time during the Construction Contract but shall be received by the City no later than 21 calendar days following substantial performance of the related Construction Contract.
- 11.4 Upon receipt of a complaint, the Manager of Procurement will conduct an initial review of the complaint submitted and advise the Initiator of the complaint of the investigation fee and what the likely cost of the investigation will be. The minimum cost of an investigation will be \$5,000.00 (excluding taxes). The City, at its discretion, may waive the cost of an investigation if an Employee is the Initiator of the complaint.
- 11.5 The Initiator shall confirm to the City in a timely manner whether or not they would like to proceed with the complaint.

- 11.6 The City shall take such action as it deems is necessary to determine whether the Contractor or Sub-Contractor involved or named in the complaint is compliant with the Fair Wage Policy and Fair Wage Schedule. Such action, as deemed necessary by the City, to determine compliance or non-compliance shall begin within 30 calendar days of receipt of a completed Fair Wage Complaint Form submitted to the Manager of Procurement.
- 11.7 Once such action to determine compliance or non-compliance is completed to the City's satisfaction, the Manager of Procurement shall inform the Initiator and any Contractor or Sub-Contractor involved or named in the complaint of the City's determination of the Contractor's or Sub-Contractor's compliance or non-compliance with the Fair Wage Policy and Fair Wage Schedule.
- 11.8 Whenever a complaint is initiated by a person other than an individual Employee of the Contractor or Sub-Contractor involved or named in the complaint, and said Contractor or Sub-Contractor is found to be compliant with the Fair Wage Policy and Fair Wage Schedule with respect to the complaint, the costs associated with the inspections, audits or other action deemed necessary regarding the investigation of the complaint will be borne solely by the Initiator. Until the Initiator has paid the associated costs to the City, the City will not accept any additional complaints from the Initiator.
- 11.9 For the purposes of the City not accepting any additional complaints from the Initiator under section 11.8 of this Fair Wage Policy, a reference to Initiator shall also include an officer, director, a majority or controlling shareholder, or a member of the Initiator, if a corporation; a partner of the Initiator, if a partnership; any corporation to which the Initiator is an affiliate of or successor to, or an officer, a director or a majority or controlling shareholder of such corporation; and any person with whom the Initiator is not at arm's length within the meaning of the Income Tax Act (Canada).
- 11.10 The City shall make every effort to safeguard the confidentiality of each Initiator's identity. However, this information is subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56. For greater certainty and direction regarding how such issues of confidentiality will be handled and may affect an Initiator's rights, the Initiator should reference the City's policies related to Freedom of Information on the City's website under the Office of the City Clerk at hamilton.ca.

12. APPEALS PROCESS

- 12.1 Contractors, Sub-Contractors or Initiators may feel aggrieved and may seek to dispute the outcome of a Fair Wage complaint process. If anyone wishes to appeal the outcome of a Fair Wage complaint, they shall write to the Manager of Procurement within five business days of being notified of the Fair Wage complaint outcome and provide a detailed statement outlining the grounds of the appeal and request a meeting with the Manager of Procurement.

- 12.2 If no resolution satisfactory to both parties has been achieved, the Contractor, Sub Contractor or Initiator will have three business days from the date of the meeting with the Manager of Procurement to make a formal written request with the Manager of Procurement to meet with the General Manager of the Client Department issuing the Construction Contract and the General Manager of Finance and Corporate Services regarding their complaint. The General Managers will make the final decision regarding the outcome of the Fair Wage complaint process.

13. FAIR WAGE SCHEDULE UPDATE

- 13.1 The Fair Wage Schedule shall be automatically updated every three years.
- 13.2 Unless otherwise approved by Council, the Total Hourly Compensation rates set out in the Fair Wage Schedule shall be:
- a) based upon the collective hourly wage rates set out in the respective collective agreements from the three-year's preceding the date of the last Fair Wage Schedule update. For example, the hourly rates set in 2016 shall be updated in 2019 (three years after 2016). The updated rates in 2019 shall be based upon the 2016 hourly rates (three years preceding 2019);
 - b) calculated by increasing the respective collective agreement's hourly wage rates by no more than 24%; and
 - c) frozen for the three-year term.

Fair Wage Schedule

Road Work:

Work performed	Total Hourly Compensation
Shovels, backhoes, draglines, gradalls, clams (on site), Grader "A", fine grade bulldozer, Pitman type cranes, self-erecting tower cranes	\$46.21
Clams (yard operation), mechanics, welders	\$45.22
Hydra-lift truck mounted hydraulic cranes	\$44.97
Curb machine, self-propelled power drills, hydraulic, etc. bulldozer operators, all front end loader operators, scrapers (self-propelled), dozer 815 type, off highway vehicles and concrete paver, pulverizer and asphalt planer	\$44.81
Mixer man on asphalt plant	\$44.73
Engineers on boilers (with papers), asphalt spreader (self-propelled), asphalt roller	\$44.66
Farm and industrial type tractor operators with excavating attachments, grader operator B', snippers, hydro axe and tree farmer, feller buncher, hydro shear, trenching machines, caisson boring machines under 25 H.P., lubrication unit operator, skid steer loaders, Kabota skid steer loaders, Kabota bobcat type excavators and those less than 65 H.P. and similar types, skidder type equipment with hydraulic and cable attachments	\$44.48
Boiler fireman (without papers), burnerman on asphalt plant	\$43.98
Roller Operator (asphalt) 'B', mobile sweeper	\$43.60
Farm and industrial type tractor, (towed and self-propelled compaction units), grade rollerman, including self-propelled rubber tired rollers, hydro-vac truck	\$43.30

Road Work, Open Cut Work for Sewer and Watermain Construction:

Work performed	Total Hourly Compensation
Engineers operating Cranes with a manufacturer's rating of 70 tons capacity and over, self-erecting tower cranes.	\$41.80
Engineers operating crawler cranes, mobile cranes, piledrivers, caisson boring machines and working foreman.	\$40.68
Engineers operating crawler backhoes, gradalls, Pitman type cranes, graders, mechanics and welders, articulating Hydraulic Crane (Knuckleboom). Asphalt plant operator. Self-propelled hydraulic drills.	\$39.44
Engineers operating bulldozers, frontend loaders, industrial tractors with backhoe and all other attachments, crawler tractors, crawler tractor and scraper, self-propelled scrapers, sideboom, Concrete Paver, Asphalt Planer, asphalt spreaders, curb machines, asphalt roller. Dozer 815 type and boom trucks. Dump truck drivers. Float, Flatbed Drivers, Off highway vehicles.	\$39.07
Engineers operating bobcat, skid steer, all frontend loader with all attachments, Kubota type backhoe with all attachments, trenchers, hydro-vac truck.	\$37.26
Engineers operating self-propelled roller, packer - rubber tired, sheepsfoot on grade or backfill, farm tractor, pump 6" and over.	\$34.76

Open Cut Work for Sewer and Watermain Construction:

Work performed	Total Hourly Compensation
Engineer operating cranes, self-erecting tower cranes, caisson boring machines 25 H.P. and over, sidebooms cranes, clams, backhoes, derricks, pile-drivers, gradalls, mobile and similar equipment, Pitman type cranes. Grader operator 'A' and fine grade bulldozer operator.	\$47.01
Heavy duty field mechanics and equipment repair welders.	\$45.69
Hydra-Lift truck mounted hydraulic cranes.	\$45.66
Operators of bulldozers, tractors, scrapers, emcos, grader "B", all front-end loaders and similar equipment, farm and industrial tractors with excavating attachments, trenching machines, caisson boring machines under 25 h.p., snippers, hydro axe and tree farmer, feller buncher, hydro shear, lubrication unit operator, skid steer loaders, Kabota skid steer loaders, Kabota Bobcat type excavators and those less than 65 h.p. and similar types, skidder type equipment with hydraulic and cable attachments, curb machines and self-propelled power drills, hydraulic, etc., off highway vehicles.	\$45.57
Service men on shovels, compressors, pumps, self-propelled rollers, boom truck drivers, operators of 5 or more heaters.	\$44.21
Oilers, greasers, mechanics helpers hydro-vac truck - 3rd year.	\$43.71
Oilers, greasers, mechanics helpers hydro-vac truck - 2nd year.	\$42.47
Oilers, greasers, mechanics helpers hydro-vac truck - 1st year.	\$41.23

Labourers - Sewer Watermain, Roads Building Paving, Parking Lots, Bridge Rehab:

Work performed	Total Hourly Compensation
Labourer	\$39.69
Skilled Labourer	\$40.23
Crawler Type Drillman, Powderman	\$42.95
Catch Basin Constructors	\$40.97
Asphalt Raker, Pipelayers, Trenchless Tech. Carpenters, Cement Finishers	\$41.61
Man Hole Valve Chamber Constructors	\$41.40
Rodman Reinforcing Installers, Curb-setters, Bricksetters, Stonepaving	\$40.66
Working Foreman	\$43.14
Watchman Six Shifts Per Week, (10) hours per shift (Weekly)	\$23.39
Traffic Control Person	\$36.75

Labourers - Bridge Building, Underpasses, Overpasses, Pedestrian retaining walls connected with dams etc.:

Work performed	Total Hourly Compensation
Labourer	\$40.49
Skilled Labourer	\$41.03
Powderman, Crawler Type Driller	\$43.33
Carpenters	\$42.42
Rodman	\$41.78
Concrete Finisher	\$42.17
Piling Driving (All types Operation)	\$41.16
Working Foreman	\$43.95
Watchman Six Shifts Per Week, (10) hours per shift (Weekly)	\$23.39
Traffic Control Person	\$36.13

Labourers - Mining and Tunneling Operation:

Work performed	Total Hourly Compensation
Labourer	\$41.22
Underground Labourer, Pipelayer, Reinforced Concrete Worker, Skilled	\$41.94
Concrete Leader	\$42.23
Pumpman (3" Disc. and Under), Deck Man, Pit Bottom Man, Signal Man	\$41.56
Pile Driving all types and all Operations related thereto	\$42.36
Mucker and Miner Helper, Grout Machine Man, Diamond Drill, Welder	\$42.56
Shield Driver and Mole Driver, Lead Miner	\$42.85
Powderman	\$42.93
Fence Erector	\$42.80
Working Foreman	\$43.23
Watchman and Dryman	\$41.81

Building and Construction Work:

Work performed	Total Hourly Compensation
Engineers operating: cranes with a manufacturer's rating of over 164 to 219 tons capacity.	\$49.13
Engineers operating: cranes with a manufacturer's rating of 100 to 164 tons capacity, 1 st class Stationary Engineers, and skyway, climbing, hammerhead and kangaroo and GCI type cranes.	\$48.56
Engineers operating: all conventional and "hydraulic" type cranes, save and except those set' out in Article 1.1 above, 15 ton capacity and over boom truck, clams, shovels, gradalls, backhoes, draglines, piledrivers, all power derricks, gantry cranes, caisson boring machines (over 25 HP), and similar drill rigs, mine hoists, and all similar equipment working on land or water, overhead cranes, chimney hoists, multiple drum hoists, single drum hoists (over 12 stories), single drum hoists of manual friction and brake type, and all similar equipment, dredges - suction and dipper, hydraulic jacking equipment on vertical slip forms, hydraulic jacking poles, creter cranes, and hydraulic skoopers. heavy duty mechanics, qualified welders and 2nd Class Stationary Engineers and self-propelled hydraulic drills. Self-erecting cranes 15 ton capacity and over. Carry Deck cranes 15 ton capacity and over.	\$47.64
Pitman type cranes of 10 ton to less than 15 ton. Self-erecting cranes 10 ton to less than 15 ton capacity. Carry Deck cranes 10 ton to less than 15 ton capacity.	\$47.05
Operators of: air tuggers used for installation of vessels, tanks, machinery, and for steel erection; side booms on land or water; man and material hoist and single drum hoists 12 stories and under not of a manual friction and brake type; elevators, monorails, bullmoose type equipment of 5 ton capacity or over, air compressor feeding low pressure into air locks, tunnel mole. 3rd Class Stationary Engineer. Self-erecting cranes less than 10 ton capacity. Carry Deck cranes less than 10 ton capacity.	\$46.45
Operators of: bulldozers (including 815 type), tractors, scrapers, graders, emcos, overhead and front-end loaders, side loaders, industrial tractors with excavating attachments, trenching machines, and all similar equipment, mobile concrete pumps, Pitman type cranes under 10 ton capacity, mobile pressure grease units, mucking machines, hydraulically operated utility pole hole digger, and Dinky locomotive type engines. 4th Class Stationary Engineers. Kubota Type Backhoe and Skid Steer Loader.	\$46.25
Operators of: batching and crushing plants, 6" discharge pumps and over, wellpoint systems and all similar systems, concrete mixers of 1 cubic yard and over, gas, diesel, or steam driven generators over 50 HP (portable), fork lifts over 8' lifting height, air tuggers except those in Group 1.3, caisson boring machines (25 HP and under), drill rigs, post hole diggers, portable air compressors 150 CFM and over, and concrete pumps. Signalman.	\$43.35

Building and Construction Work: (continued)	Building and Construction Work: (continued)
Operators of: boom trucks, "A" Frames, driver mounted compaction units, bullmoose type equipment under 5 ton capacity, fork lifts 8' and under in lifting height and conveyors. Firemen. Permanent automatically controlled elevators on Commercial and Institutional buildings.	\$42.11
Operators of: Pumps under 6" discharge where three (3) or more pumps are employed on the same job site, hydraulic jacking equipment for underground operations, portable air compressors under 150 CFM where attendant is required, and driver mounted power sweepers. Attendants for forced air, gas, or oil burning temporary heating units of 500,000 BTU's or over per hour, or, five (5) or more on the same job site, oilers, oiler-drivers, and mechanics helpers.	\$40.63
2nd Year	\$38.45
1st Year	\$35.81
Engineers operating: draglines, cranes including but not limited to Self-erecting Cranes and Carry Deck Cranes. Heavy Duty Mechanics. Spider-type cranes.	\$46.04
Engineers operating: shovels, backhoes, hoptoes, gradalls and similar equipment, whip hammer, power mounted drill.	\$45.24
Welders	\$45.64
Operators of: bulldozers (including 815 type), tractors, scrapers, emcos, graders, overhead loaders, front-end loaders, industrial tractors with excavating attachments, compressor operators. Kubota Type Backhoe and Skid Steer Loader.	\$44.40
Mechanic's helpers and Servicemen	\$42.16
Oiler-Grademen and Oiler-Drivers	\$41.59
Compactors	\$41.70

Tunnel Work:

Work performed	Total Hourly Compensation
Engineer operating all hoists hoisting materials out of shafts, tuggers, and derricks with lifting capacity over 2000 lbs, self-erecting tower cranes, compressor house set up man, self-propelled power drills, hydraulic etc.	\$46.96
Heavy duty field mechanics.	\$45.97
Engineer operating shaft hoist, tuggers and derricks, 2000 lbs or less, compressor operators 500 CFM or over, hydro-vac truck.	\$45.84

Marble, Tile, Terrazzo, Cement Masons, Resilient Floor Layers and Their Helpers:

Work performed	Total Hourly Compensation
Marble Mason	\$45.76
Terrazzo Tile Mechanic	\$45.56
Base Machine Operator	\$44.24
Terrazzo Helper	\$43.92
Marble Tile Helper	\$43.82

Bricklayers, Masons, and Plasterers:

Work performed	Total Hourly Compensation
Bricklayers, Masons, and Plasterers	\$48.77
Apprentice 1	\$24.39
Apprentice 2	\$31.69
Apprentice 3	\$39.01
Apprentice 4	\$43.90

Glaziers:

Work performed	Total Hourly Compensation
Journeyman Glazier Metal Mechanic with Certificate of Qualifications	\$41.48
Apprentice 1 (1-1000hrs)	\$20.75
Apprentice 2 (1001-2000hrs)	\$22.82
Apprentice 3 (2001-3000hrs)	\$24.89
Apprentice 4 (3001-4000hrs)	\$26.96
Apprentice 5 (4001-5000hrs)	\$29.04
Apprentice 6 (5001-6000hrs)	\$31.11
Apprentice 7 (6001-7000hrs)	\$33.18
Apprentice 8 (7001-8000hrs)	\$35.25

Elevator Constructors:

Work performed	Total Hourly Compensation
Elevator Mechanic	\$63.26
Probationary Helper I	\$31.63
Probationary Helper II	\$34.79
Helper I	\$44.28
Helper II	\$47.45
Improver Helper	\$50.62
Adjuster	\$71.18
Mechanic in charge (4-9) people	\$71.18
Mechanic in charge (10-19) people	\$72.75
Mechanic in charge (20+) people	\$74.02

Heat and Frost Insulators (Asbestos):

Work performed	Total Hourly Compensation
Journeyman	\$46.46
Fourth Year Apprentice	\$38.13
Third Year Apprentice	\$32.55
Second Year Apprentice	\$26.88
First Year Apprentice	\$21.32
Provisional	\$25.97
Conditional	\$29.91
Asbestos Remover Level One	\$25.33
Asbestos Remover Level Two	\$28.33
Asbestos Remover Level Three	\$26.19

Millwrights:

Work performed	Total Hourly Compensation
Journeyman	\$49.34
Foreperson	\$57.09
Sub-foreperson	\$53.25
Apprentice (0-1999hrs)	\$29.60
Apprentice (2000-3999hrs)	\$34.53
Apprentice (4000-5999hrs)	\$39.47
Apprentice (6000-8000hrs)	\$44.40

Plumbers, Steamfitters and Pipefitters:

Work performed	Total Hourly Compensation
Journeyman	\$50.24
Apprentice 1	\$20.10
Apprentice 2	\$25.12
Apprentice 3	\$30.14
Apprentice 4	\$35.17
Apprentice 5	\$40.20
Foreman	\$56.46

Welders:

Work performed	Total Hourly Compensation
Journeyman	\$50.24
Apprentice 1	\$25.12
Apprentice 2	\$30.14
Apprentice 3	\$35.17

Electrical:

Work performed	Total Hourly Compensation
Journeyman Electrician	\$51.03
Foreman	\$57.40
Apprentice 1	\$16.54
Apprentice 2	\$22.37
Apprentice 3	\$28.05
Apprentice 4	\$33.85
Apprentice 5	\$39.53

Painters – Industrial:

Work performed	Total Hourly Compensation
Journeyman Painter	\$41.50
5401 - 6000 hours worked	\$31.12
4501 - 5400 hours worked	\$29.05
3601 - 4500 hours worked	\$24.90
1801 - 3600 hours worked	\$22.83
1001 - 1800 hours worked	\$20.76
451 - 1000 hours worked	\$17.36
1 - 450 hours worked	\$17.36
Apprentice Helper (Unless Minimum Wage is Greater than \$11.00)	\$17.36

Painters – Commercial:

Work performed	Total Hourly Compensation
Journeyman Painter	\$35.29
5401 - 6000 hours worked	\$26.47
4501 - 5400 hours worked	\$24.70
3601 - 4500 hours worked	\$21.18
1801 - 3600 hours worked	\$19.41
1001 - 1800 hours worked	\$17.65
451 - 1000 hours worked	\$17.36
1 - 450 hours worked	\$17.36
Apprentice Helper (Unless Minimum Wage is Greater than \$11.00)	\$17.36

Roofers:

Work performed	Total Hourly Compensation
Foreman	\$47.34
Journeyman	\$46.97
Material Handler	\$44.75
Third Year Apprentice	\$36.44
Second Year Apprentice	\$32.35
First Year Apprentice	\$27.11
Pre-apprentice	\$22.01

Sheet Metal:

Work performed	Total Hourly Compensation
Foreman (3 - 15 men)	\$52.25
Foreman (16 - 25 men)	\$53.49
Foreman (Over 25 men)	\$54.42
Journeyman	\$47.48
First Year Apprentice	\$17.89
Second Year Apprentice	\$23.82
Third Year Apprentice	\$29.57
Fourth Year Apprentice	\$35.01
Fifth Year Apprentice	\$40.83
Sheeter / Decker	\$47.26
Sheeter / Decker Assistant	\$43.64
Material Handler	\$38.22
Probationary Employee	\$21.82

Drywall Finishers:

Work performed	Total Hourly Compensation
Journeyperson (Drywall Finishers)	\$45.12
3601 - 5400 hours worked	\$33.84
2401 - 3600 hours worked	\$29.33
1201 - 2400 hours worked	\$24.81
1 - 1200 hours worked	\$18.60

Iron Workers: Bridge, Structural, Ornamental and Reinforcing Iron Workers

Work performed	Total Hourly Compensation
GF Foreman	\$59.40
Foreman	\$55.44
Base Wage (Journeyman)	\$49.50
Apprentice (0-1000hrs)	\$29.71
Apprentice (1001-2000hrs)	\$34.66
Apprentice (2001-3000hrs)	\$37.09
Apprentice (3001-4000hrs)	\$39.61
Apprentice (4001-5000hrs)	\$42.09
Apprentice (5001-6000hrs)	\$44.55

Rodmen: Bridge, Structural, Ornamental and Reinforcing Iron Workers

Work performed	Total Hourly Compensation
Foreman	\$53.90
Sub-Foreman	\$51.42
Base Wage (Journeyman)	\$47.70
Apprentice (0-500hrs)	\$28.63
Apprentice (501-1000hrs)	\$33.39
Apprentice (1001-2000hrs)	\$38.17
Apprentice (2001-3000hrs)	\$40.55
Apprentice (3001-4000hrs)	\$45.32

**CITY OF HAMILTON
2019 PROPERTY AND LIABILITY INSURANCE RENEWAL
COVERAGES AND LIMITS**

TYPE OF COVERAGE	COVERAGE \$	DEDUCTIBLE \$
Municipal Liability	*5,000,000	250,000
Errors & Omissions Liability	Included	
Non-Owned Auto	Included	
Excess Liability	Included	
Municipal Conflict of Interest	100,000	
Legal Expense	250,000	
Medical Malpractice Liability	*5,000,000	250,000
Comprehensive Crime	10,000,000	25,000
Crime Excess	Included	
Property	3.5 Billion Replacement Value	500,000
Boiler	Included	100,000
City Automobile	*5,000,000	500,000
Garage Liability Insurance	*5,000,000	
WWTP Environmental Impairment Liability	10,000,000	500,000
Terrorism	As per schedule	100,000
Cyber Liability	5,000,000	150,000
HSR Rolling Stock (Transit)	Included in Property	50,000
HSR Auto Fleet	*5,000,000	100,000
Excess Umbrella* Excess over; Municipal Liability, Medical Malpractice Liability, Automobile Liability (City and HSR), Garage Liability	*45,000,000	NIL

CITY OF HAMILTON 2019 PROPERTY AND LIABILITY INSURANCE RENEWAL INSURANCE PREMIUM COMPARISON		
	2018-2019	2019-2020
Total all Policies (Net of Taxes)	\$4,665,402	\$6,627,835
Taxes	\$186,644	\$320,604
Grand Total All	\$4,852,046	\$6,948,439

Policy Number: CL01-2019

Effective Date: June 12, 2019

Review Date: As required due to Legislative Changes

Status: Current

Council Approval: June 12, 2019



CITY OF HAMILTON

PREGNANCY AND PARENTAL LEAVE FOR MEMBERS OF COUNCIL POLICY

1.0	PURPOSE
1.1	To provide a clear and transparent process for Members of Council requesting and taking a pregnancy or parental leave in a manner that respects the Members' statutory role or appointment.
2.0	SCOPE
2.1	This policy applies to Members of Council
3.0	POLICY STATEMENT
3.1	The City of Hamilton recognizes the right of a Member of Council to take leave related to the Member's pregnancy, the birth of a Member's child or the adoption of a child by a Member in accordance with the provisions of the Municipal Act, 2001, as amended. The City is committed to providing a clear and transparent process for Members on pregnancy and parental leave.
	Pregnancy or Parental Leave
3.2	Each Member of Council shall be entitled to a leave of absence from Council and Committee meetings for 20 consecutive weeks or less if the absence is the result of a Member's pregnancy, the birth of a Member's child, or the adoption of a child by the Member.
3.3	A resolution of Council is not required to authorize a pregnancy or parental leave of absence.
3.4	The Member requesting the leave shall complete Form 1 attached hereto and submit the completed form to the City Clerk at least eight (8) weeks prior to commencing their leave.

Pregnancy and Parental Leave for Members of Council Policy

3.5	Where there are emergent circumstances beyond the Member's reasonable control, the Member shall submit Form 1 to the City Clerk as much in advance as possible prior to commencing their leave or as soon as possible after commencing their leave.
3.6	For greater certainty, nothing herein shall prevent a Member from exercising their leave of absence for failing to submit Form 1 prior to the commencement of their leave on account of emergent circumstances beyond the Member's reasonable control.
	Office does not become Vacant
3.7	The office of a Member shall not become vacant if a Member is absent for 20 consecutive weeks or less if the absence is the result of the Member's pregnancy, the birth of a Member's child, or the adoption of a child by the Member.
	Member Exempt from Attending Meetings
3.8	A Member on Pregnancy or parental leave shall be exempt from attending Council, Committee Agency or Board meetings, which the Member has been appointed.
	Receipt of Correspondence, Agendas, Minutes while on Leave
3.9	If agreed to by the Member on Form 1, the Member shall continue to receive copies of all Council, Committee, Agency and Board communications and correspondence, including notices of regular and special meetings, all meeting agendas and related material (public and confidential), and minutes of meetings.
	Member may Attend Meeting while on Leave
3.10	A Member on pregnancy or parental leave may attend Council, Committee, Agency and Board meetings or constituent meetings and/or events at their discretion, and may cast a vote on any matter before Council, a Committee, Agency or Board to which the Member has been appointed at any meeting they attend.
3.11	The Member on pregnancy or parental leave shall advise the City Clerk if they will be attending a Council, Committee, Agency or Board meeting during their leave.
	Responding to Communications
3.12	A Member on pregnancy or parental leave may respond to communications at a level that the Member determines and shall utilize an automatic reply e-mail feature to identify that they are on leave.
	Meeting Attendance does not Extend or Terminate the Leave
3.13	If a Member decides to attend meetings intermittently during their leave, this shall not extend the leave for any additional weeks nor shall it be construed as terminating the Member's leave.

Pregnancy and Parental Leave for Members of Council Policy

	Council May Make Temporary Appointments
3.14	If deemed appropriate, Council may make temporary appointments to fill any vacancies of the Member to Council Committees, Agencies or Boards to which the Member has been appointed.
	Remuneration
3.15	A Member on pregnancy or parental leave shall continue to receive all remuneration and benefits afforded to Members of Council.
	Return from Leave
3.16	Upon a Member's return from a pregnancy or parental leave they shall resume all appointments to Council, Committees, Agencies and Boards that were held prior to the leave.
	Failure to Return from Leave
3.17	In the event, that the Member fails to attend Council, Committee, Agency or Board meetings after the expiry of their leave, the Member's seat may be declared vacant by Council in accordance with the terms and conditions of the City's Pregnancy and Parental Leave for Members of Council Policy and the provisions of the <i>Municipal Act, 2001</i> .
4.0	RESPONSIBILITIES
4.1	City Council is responsible for approving and maintain this Policy.
4.2	Individual Members of Council are responsible for completing and submitting the required notice (Form 1) of pregnancy and parental leave to the City Clerk in accordance with this Policy.
4.3	The City Manager is responsible for advising Council and the Senior Leadership Team of the Member's pregnancy or parental leave and the expected duration thereof.
	APPENDICES
Form 1	Notice of Pregnancy or Parental Leave for Members of Council



City of Hamilton
City Hall, 71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

General Manager, Finance and Corporate Services
Corpora Services Department
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May 29, 2019

ERO Number: 019-0017

Honourable Steve Clark
Minister of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, ON MSG 2E5

Dear Minister Clark:

Subject: City of Hamilton Submission on *Bill 108: More Homes, More Choice Act, 2019 Schedule 3*

Thank you for the opportunity to provide comments on the proposed Bill 108 - *More Homes, More Choices Act, 2019* (Bill 108). Please accept the following draft comments, for consideration, with respect to Schedule 3 of Bill 108.

As communicated by the Province of Ontario, the Provincial commenting period closes at 11:59pm on June 1, 2019. Given the short timeline provided to municipalities to comment on Bill 108, City of Hamilton (City) staff has assembled a letter that highlights initial requests along with concerns and pressures that have the potential to impact Hamilton taxpayers in an unfavourable fashion as well as constrain the financial sustainability of the City. The City's final comments will be forwarded to the Province once they have been endorsed by Council in June 2019.

The Province states that:

"If passed, the proposed changes to the Development Charges Act, 1997 would:

- Support a range and mix of housing options, and boost housing supply;*
- Increase the certainty of costs of development;*
- Make housing more attainable by reducing costs to build certain types of homes; and*
- Make other complementary amendments to implement the proposed reforms, including in relation to transitional matters."*

In some instances, the proposed changes through Schedule 3 of Bill 108 support efforts that the City has taken steps to implement such as the exemption of secondary suites.

The City provides that, if passed as written, the changes to the *Development Charge Act, 1997* could also:

- increase municipal property taxes;
- increase municipal debt;

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- increase municipal administration;
- increase Development Charges for the remaining services;
- reduce municipal services; and,
- if done without maintaining revenue neutrality, may slow the rate at which municipalities can afford growth.

Notwithstanding the above, the Province has not yet released regulations to clarify how the broad changes through the proposed Bill 108 would be implemented. The City's insights are broad because these regulations have not been communicated to municipalities and the public. The City requests further consultation to provide feedback on all aspects of Bill 108; inclusive of the regulations.

The City is concerned with changes proposed by Bill 108. The changes are a significant departure from the current legislative framework and undermine an effective tool for creating vibrant communities. Reducing development charges will not make housing more affordable. Restricting cost recovery tools does not guarantee lower house prices. House prices are set by the market. The changes proposed by Bill 108 would require extensive administration and expose municipalities to collection risks.

If more municipal operating revenues are needed to cover the cost of growth, it will be at the expense of maintaining existing capital assets, levels of services, or current property tax rates. In addition, municipalities may not have the funds available to put the infrastructure in place needed for development to occur in a timely manner. Further restricting cost recovery tools is counterproductive and will increase inequities within communities. These are unintended consequences that will undermine the health and vibrancy of Ontario's communities.

The City requests the Province to reconsider the entirety of Schedule 3 to Bill 108 under the guiding principles:

- Growth should pay for growth;
- Complete, vibrant communities are good for everyone;
- Provincial legislation related to municipal governance should be enabling and permissive; and
- Provincial red tape costs municipalities time and money.

These are the guiding principles used in the Schedule 3 comments being submitted by the Municipal Finance Officers' Association of Ontario (MFOA). These guiding principles are supported by the City and are not upheld within the proposed changes through Schedule 3 of Bill 108.

All other comments and requests have been prepared should the proposed changes to the *Development Charges Act, 1997* remain despite the previous recommendation.

The City's draft comments and requests have been detailed in the attached list which is organized by section of the *Development Charges Act, 1997*. The City requests that all comments and requests be reviewed and considered by the Province.

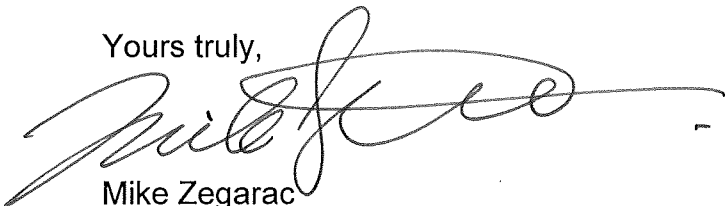
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The changes through Schedule 3 of Bill 108 are intricately entangled with the changes to Section 37 of the *Planning Act, 1990* through Schedule 12 of Bill 108. The City of Hamilton is submitting comments through both commenting portals on the Environmental Registry of Ontario (ERO) website and has provided overlapping comments in this, Schedule 3, submission. In addition, the City will concurrently be submitting comments on other Schedules of Bill 108 such as Schedules 5, 9 and 11.

Thank you again for the opportunity to provide meaningful input into this review. We look forward to reviewing regulations and, ultimately, the final version of Bill 108. City of Hamilton staff would be pleased to meet with you to discuss these comments in greater detail.

Yours truly,



Mike Zegarac
General Manager, Finance and Corporate Services
Corporate Services Department

c.c. -

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**City of Hamilton Submissions on *Bill 108: More Homes, More Choice Act, 2019*
Schedule 3 – Development Charges Act, 1997**

Recommendation

The City requests the Province to reconsider the entirety of Schedule 3 to Bill 108 under the guiding principles:

- Growth should pay for growth;
- Complete, vibrant communities are good for everyone;
- Provincial legislation related to municipal governance should be enabling and permissive; and
- Provincial red tape costs municipalities time and money.

These are the guiding principles used in the Schedule 3 comments being submitted by the Municipal Finance Officers' Association of Ontario (MFOA). These guiding principles are supported by the City and are not upheld within the proposed changes through Schedule 3 of Bill 108.

All other comments and requests have been prepared should the proposed changes to the *Development Charges Act, 1997* remain despite the previous recommendation.

General Comments:

1. The City requests the Province to extend the June 1, 2019 timeline on the Environmental Registry of Ontario for comments on proposed Bill 108 to provide additional time for municipalities to comment on the proposed legislation.
2. The City requests the Province to consult with the City prior to issuing any draft regulations associated with proposed Bill 108, before the coming into force of the proposed Bill, such that the City can fully understand and be able to analyse the impact of the proposed Bill changes comprehensively, including the cumulative financial impacts to municipalities.
3. The City requests the Province to enshrine revenue neutrality in the proposed legislation and if not, create a municipal compensation fund to support municipalities whose revenues decline under the proposed community benefit charge regime.
4. The City requests the Province to provide a transparent and thorough stakeholder consultation process in the development of all regulations associated with proposed Bill 108.
5. The City requests the Province to provide the later of four years or the expiry of the current development charges by-law, from the date of enactment of the regulation that sets out any prescribed requirements for the community benefit charges (CBC) before a municipality must adopt a CBC By-law.

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Specific Comments:

Section / Change	Description	Comments / Insights	Requests to Province
2(3) Secondary Suites	The requirements related to exempting additional dwelling units within existing residential buildings has been reworded to include reference to additional dwellings in new residential buildings as well as ancillary structures; subject to prescriptions within the regulations (not yet released).	<p>It is unknown how many additional dwellings are to be permitted according to each class of residential building.</p> <p>It is unclear how duplexes / stacked townhouses and other multiple-dwelling forms of residential development would be considered in the regulations.</p> <p>An increase in the statutory exemptions will correlate into a reduction of cash flow needed to put municipal infrastructure in place to service the same population growth.</p>	<p>The City is supportive of encouraging more and varied forms of housing.</p> <p>The City requests the Province to ensure that the regulation expressly limits the number and size of additional/secondary dwelling units and the classes of housing types that they can be located in and prevents unintended units from qualifying (e.g. stacked townhouses).</p> <p>The City requests that the Province ensure that municipalities can remain revenue neutral as a result of this exemption, and any statutory exemptions, by permitting statutory exemptions to be adjusted for through the calculation of the per unit DC.</p>

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Section / Change	Description	Comments / Insights	Requests to Province
2(4) List of services that a DC can be collected for	<p>Previously, a municipality could calculate a DC for all services except for a prescribed list. Under the proposed Bill 108, a municipality can only calculate a DC for a prescribed list of services.</p> <p>The change limits the DC to the former 'hard' services and moves waste diversion to a 'hard' service. Other services that required a 10% mandatory deduction have been removed from eligibility in the DC calculation.</p>	<p>Municipalities are expected to provide services in addition to the prescribed list; such as parks, libraries, affordable housing, recreation centres, etc.</p> <p>The changes to Section 37 of the Planning Act, through Schedule 12, may provide an alternate tool (CBC By-law) for municipalities to collect funds for the services no longer eligible for inclusion in a DC By-law. The extent to which a CBC By-law will be able to offset the revenues lost from the DC By-law cannot be assessed until the regulations are released.</p> <p>Currently, there is a link between the charge for a service and the growth-related costs for the service. The proposed CBC needs to raise sufficient revenue to cover growth related costs for services captured by the CBC. If it does not, critical infrastructure will be significantly delayed, the cost burden will be transferred to existing taxpayers and ratepayers, or the infrastructure will not be built at all.</p>	<p>The City requests the Province to enshrine revenue neutrality in the proposed legislation and if not, create a municipal compensation fund to support municipalities whose revenues decline under the proposed community benefit charge regime.</p>
9.1 Transitional matters	<p>Provides transitional policies that appear to provide that 'soft' services would continue to be collected through a DC By-law until the earlier that a municipality adopts a CBC By-law or a prescribed date (not yet prescribed).</p>	<p>How the transition will apply to DC By-law passed after May 2, 2019 and before Bill 108 received Royal Assent is unclear.</p> <p>It is also unclear how debt payments for soft services issued under the DC Act may be impacted by the transition to a CBC. It is also unclear how budgeted, but not yet spent, soft service DC allocations will transition to a CBC. Without knowing what is contained in the regulations, it is possible that the costs may fall to existing property tax payers.</p>	<p>The City requests the Province to provide clear transition provisions which ensures recovery of growth costs and avoids confusion to development proponents.</p> <p>The City requests the Province to prescribe the date to be the later of the expiry of the current/2019 DC By-law or four years from Bill 108 receiving Royal Assent.</p> <p>The City requests the Province to prescribe transition provisions for debt issued for soft services under the existing DC Act as well as funds approved to be spent under the existing DC Act in such a way that municipalities are able to recover the same costs from growth.</p>

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Section / Change	Description	Comments / Insights	Requests to Province
26.1 Introduction of instalment payments <i>... Continued on following page</i>	Payment of DCs for rental and non-profit housing, and institutional, industrial, and commercial development will be payable in equal instalment commencing at occupancy and each year for the following five years. Interest will be able to be added at a prescribed rate (not yet prescribed).	<p>Other Bill 108 changes mean that only the 'hard' services are eligible to be included in the DC calculation. Infrastructure such as water, wastewater and storm service is required to be in place prior to development occurring. Receiving the DC to pay for this infrastructure up to six years after occupancy will necessitate an increase in municipal debt.</p> <p>Delaying the receipt of DCs does not change the types of infrastructure needed to service land. The proposed plan will hurt municipal cash flow and could result in unsustainable levels of debt. The proposed instalment plan will delay the works needed to permit development of any kind. This will adversely affect the supply of serviced land and housing supply.</p> <p>Financing costs are eligible costs in the DC Act and therefore the interest related to the required increased debt will become part of the calculated DC, thereby increasing the DC. Any financing costs that cannot be added to the DC will be a burden on existing tax and rate payers.</p> <p>The increased debt will impact a municipality's annual repayment limit, which could lead to Councils being faced with the decision between debt to upgrade existing services or debt to service growth.</p> <p>There is no ability for a municipality to register a notice on title regarding unpaid DCs. There is no clear mechanism that municipalities can use to protect themselves from the risk non-payment. Many events can occur over an extended payment period which add complications to the collections process, including changes in ownership, bankruptcies, mergers and acquisitions of companies, and changes in use for e.g. condo conversions (rental to residential).</p>	<p>The City requests that the Province remove the mandatory instalment terms and allow municipalities to determine when and if a deferral is appropriate using Section 27 and to provide municipalities with the ability to register notice of a DC deferral on title.</p> <p>Alternatively,</p> <p>The City requests that the Province provide authority to register notice of DC instalment payments on title.</p> <p>The City requests that the Province provide clear definitions of the development types that will pay DCs in instalments, including how mixed-uses will be treated.</p> <p>The City requests the Province prescribe a threshold that where the DC payable is under the prescribed threshold (e.g. \$500 K) that the DC be payable at permit issuance regardless of the type of development.</p> <p>The City requests the Province define "person", e.g. the person required to pay a DC and the person required to provide notice of occupancy.</p> <p>The City requests that non-residential developments be removed from Section 26.1 as it is outside the scope of increasing affordable housing and will ultimately result in increased DCs required due to increased debt.</p>

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Section / Change	Description	Comments / Insights	Requests to Province
<p><i>... Continued from previous page</i></p> <p>26.1 Introduction of instalment payments</p>		<p>There is no clarity on how mixed-use development will be handled.</p> <p>Administering and enforcing the payment schedule will be challenging and will require the use of additional resources. Municipalities will need to keep track of rates for different developments, ensure payments are made as set out, and pursue alternative collection methods if needed. Municipalities may need to charge higher planning fees to recover the additional administrative burden. The administration of such payment system is not built within the functionality of existing development software or considered in the administration budget of a municipality; it would require a municipality to face increased costs.</p> <p>There is no minimum DC to trigger this payment system, meaning that a conversion or expansion that triggers a \$1,000 DC payable would be payable in six annual instalments commencing at occupancy.</p> <p>There is no clarity as to who the "person" is that is required to inform a municipality of occupancy.</p> <p>Reduces the ability/need for a municipality to utilize Section 27 deferral agreements.</p> <p>It is not clear how the instalments for non-residential development will aid with the supply and affordability of housing stock.</p>	

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Section / Change	Description	Comments / Insights	Requests to Province
<p>26.2 Freezing DCs - Setting the applicable DC rate at an earlier point in time</p> <p>... Continued on following page</p>	<p>The applicable DC rate will be set at the later of an application for site plan or zoning by-law, subject to a maximum period of time from approval of the relevant application (not yet prescribed); otherwise the date of building permit issuance applies.</p> <p>Interest will be able to be added from date the DC is set to date of payment, at a prescribed rate (not yet prescribed).</p>	<p>There is concern that unnecessary planning applications will be made to freeze the DC rate.</p> <p>Freezing DC rates well in advance of building permit issuance will produce a shortfall in the amounts needed to cover growth related costs. This will further move away from the concept of growth paying for growth.</p> <p>The proposal could also reduce the speed with which developers build by removing the financial incentive to move quickly to building permit.</p> <p>Freezing the DCs may have an impact on land values and increase investor speculation rather than achieving the goal of more and varied housing stock.</p> <p>Creates administrative complexity to determine what rate applies at time of permit issuance.</p> <p>Creates administrative complexities for determining DC exemption policy and necessitates a review of how DC exemption policy is used in a municipality's DC By-law.</p> <p>The City's current site plan practice is to ensure timely site plan approval. Applications are scheduled for consideration at the Development Review Team meeting within 4 – 6 weeks of receipt of a complete application. If there are no major issues or concerns with the application, conditional site plan approval is granted and the applicant has one year to satisfy the conditions of site plan approval and obtain a building permit. The City receives and considers an average of 128 site plan applications annually (excluding minor applications, applications in the rural area or infill applications for single detached dwellings).</p>	<p>The City requests the Province to limit the prescribed time period to one year.</p> <p>The City requests the Province to change the date that sets the DC rate to the same date that the prescribed amount of time applies from, i.e., the approval date versus the currently stated application date.</p>

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<p data-bbox="111 272 331 329"><i>... Continued from previous page</i></p> <p data-bbox="111 370 380 516">26.2 Freezing DCs - Setting the applicable DC rate at an earlier point in time</p>		<p data-bbox="728 272 1371 483">The applicant controls the timing for the clearing of the site plan conditions and obtaining a building permit. If the conditions of site plan approval and issuance of a building permit cannot be obtained within the one year time frame, the applicant can apply for a site plan approval extension, and subsequent extensions for a further one year can be granted.</p> <p data-bbox="728 516 1371 605">The Planning Division processes approximately 10 site plan extension requests annually. This means that 93% of applicants obtain a building permit within one year.</p> <p data-bbox="728 638 1371 695">Based on the above, the prescribed time period should be limited to a maximum of one year.</p>	

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Related Schedule 12 (Planning Act, 1990) Comments:

Section / Change	Description	Comments / Insights	Requests to Province
<p>Schedule 12 37 Community Benefits Charge (CBC) By-law</p>	<p>Current density bonusing provision will be replaced with new CBC provisions.</p> <p>A municipality can have only one CBC By-law.</p>	<p>Under the new s37, there is no mechanism for increasing height and density zoning of development projects, which typically enables intensification and supports the province's goal of increasing the housing supply. The removal of this mechanism, parkland under s42, and the significant changes to charges for growth-related capital (DCs and CBCs), leaves municipalities with fewer revenue tools.</p> <p>In the City's experience neighbourhood associations in and around the Downtown supported a s37 process as it provided certainty and a mechanism to achieve community benefits as a result of tall building development. There were no appeals to the s37 provisions in the new Downtown Secondary Plan or in implementing zoning by-law.</p> <p>The new s37 does not permit a CBC By-law to contain area specific rates for different parts of a municipality.</p> <p>A municipality is only permitted to have one CBC By-law and there is no ability for a municipality to provide exemptions which suggests that a municipality cannot have varying, or area specific, CBCs.</p> <p>A CBC is of no benefit to the City if the calculation does not permit a charge at a rate higher than the parkland dedication rates to ensure that the CBC is sufficient to pay for parks, libraries and other essential soft services.</p> <p>A CBC makes sense in an urban area where it isn't possible to build a traditional park but, as currently written, the legislation will pit urban vs suburban areas in terms of how the charge is calculated and the monies spent if the CBC stays at the equivalent of a parkland dedication rate.</p>	<p>The City requests the Province to enable a municipality to have a city-wide community benefit charge by-law or area-specific by-laws provided only one community benefit by-law applies in any given area;</p> <p>The City requests the Province to include the ability to set varying CBC rates for different areas/zones within a municipality.</p> <p>The City requests the Province to enshrine revenue neutrality in the proposed legislation and if not, create a municipal compensation fund to support municipalities whose revenues decline under the proposed community benefit charge regime.</p>

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Section / Change	Description	Comments / Insights	Requests to Province
Schedule 12 37 (4), 37 (5), Exclusions	A CBC will not be able to be imposed on prescribed types of development (not yet prescribed) and cannot be imposed for services collected through a DC By-law or for a prescribed list of services (not yet prescribed)	<p>Limitations will be placed on what services a municipality can collect for through a CBC By-law and what types of developments are subject to a CBC.</p> <p>There is no express statement allowing municipalities to establish exemptions from CBCs.</p>	<p>The City requests the Province to enshrine revenue neutrality in the proposed legislation and if not, create a municipal compensation fund to support municipalities whose revenues decline under the proposed community benefit charge regime.</p> <p>The City requests the Province to clearly prescribe any limitations on services or types of development subject to a CBC after a transparent and thorough stakeholder consultation process.</p> <p>The City requests the Province to allow municipalities to establish their own exemption policy for CBCs.</p>

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Schedule 12 37 (6), (7), (8) In-kind contributions	A municipality may allow an owner of land to provide to the municipality facilities, services or matters and the municipality shall provide a value to that provision which will be deducted from the CBC the developer is required to pay.	<p>No authority to enter into or register an agreement for an in-kind contribution is included in the legislation.</p> <p>No authority to require the owner of land to provide a facility, service or matter. For certain matters (e.g., parkland) municipalities should be able to require the matter to be provided in-kind.</p>	<p>The City requests the Province to add the following provisions to Section 37 of the <i>Planning Act</i> as 37(6.1) and (6.2) in Schedule 12:</p> <p>a) "6.1 Where an owner of land elects to provide an in-kind facility, service or matter because of development or redevelopment in the area to which a community benefits charges by-law applies, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facility, service or matter."</p> <p>b) "6.2 Any agreement entered into under subsection (6.1) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the <i>Registry Act</i> and the <i>Lands Titles Act</i>, any and all subsequent owners of the land."</p> <p>The City requests the Province to add the ability for a municipality to require a facility, service or matter in-kind under agreement which may be registered on title. See related request within Section 42.</p>

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Section / Change	Description	Comments / Insights	Requests to Province
Schedule 12 37 (9) CBC Strategy	Before passing a CBC By-law a municipality must prepare a strategy that identifies the facilities, services and matters that will be funded with community benefits charges; and complies with any prescribed requirements (not yet prescribed).	There is currently no detail as to what is required in a CBC strategy or the prescribed requirements. There is no timeline for how long a CBC By-law can be active or requirements for updating. There is no detail as to how to calculate a CBC or restriction on that calculation other than Section 37(12).	<p>The City requests the Province to enshrine revenue neutrality in the proposed legislation and if not, create a municipal compensation fund to support municipalities whose revenues decline under the proposed community benefit charge regime.</p> <p>The City requests the Province to provide the later of four years or the expiry of the current development charges by-law, from the date of enactment of the regulation that sets out any prescribed requirements for the community benefit charges (CBC), before a municipality must adopt a CBC By-law.</p>
Schedule 12 37 (12) Max % of land value	The amount of a CBC is required not to exceed a prescribed percentage of the value of the land (not yet prescribed).	<p>The CBC cap will be a percentage of the land value. Different percentages for different municipalities or classes of municipalities and for different values of land may be prescribed by the Minister. The construction cost to provide parks, recreation centres, libraries, etc. is somewhat consistent across municipalities but land values vary significantly.</p> <p>Land values not only fluctuate throughout the year and between municipalities, they can also vary inside a municipality. Prescribing a percentage is tricky because:</p> <ul style="list-style-type: none"> (a) A less desirable neighbourhood will have lower land value but could have greater needs for 'soft' services; (b) Less populous municipalities can have higher growth-related costs due to the availability of fewer suppliers and fewer economies of scale; and (c) It can be very costly to provide services for new residents in built up communities. <p>This proposed one size fits all approach removes the necessary flexibility that municipalities need in order to ensure that infrastructure required by growth can be constructed in a manner that is fiscally sustainable and fair to all taxpayers.</p>	The City requests the Province to remove the cap based on land values and explore other options such as the current DC methodology or a cap based on construction value.

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Section / Change	Description	Comments / Insights	Requests to Province
<p>Schedule 12 37 (13) to (22) Payment under protest</p>	<p>Where the owner is of the view that the required CBC exceeds the prescribed percentage of land value there is a back and forth appraisal process to settle the dispute.</p>	<p>There is no other appeal or complaint process in the legislation.</p> <p>A municipality will need to retain at least three appraisers at all times. Depending on how a CBC is to be calculated and the land values in a municipality, some municipalities may never be subject to payment under protest while others will regularly be challenged through this section. The administration of such a dispute process is not within the City's administration budget.</p> <p>The cost of an appraisal will need to be borne by municipalities and developers in resolving a payment under protest. Presently, this cost is estimated at a minimum of \$6,000 per appraisal. It is unclear if a CBC can recover this cost or if it will need to be passed to property tax payers.</p> <p>The cost of appraisals and the administration of such a dispute resolution system is not built within administration budget of a municipality; it would require a municipality to face increased costs.</p>	<p>The City requests the Province to remove the cap based on land values and explore other options such as the current DC methodology or a cap based on construction value with a corresponding revised dispute resolution process.</p>
<p>Schedule 12 37 (27) Spending requirement</p>	<p>Municipalities will be required to spend or allocate 60% of the CBC fund each year.</p>	<p>A system whereby funds are raised and immediately spent is not necessarily the most effective or financially responsible way to build a city.</p> <p>Municipalities need flexibility to plan to meet growth demands and respond to changing trends.</p> <p>The term "allocate" is not defined.</p> <p>Depending on how "allocate" is defined, this CBC requirement may not allow for the planning and construction of large dollar value facilities, services and matters with CBC funds.</p>	<p>The City requests the Province to define "allocate" such that Council approval of a proposed capital plan, in principle, meets the requirement.</p>

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Section / Change	Description	Comments / Insights	Requests to Province
Schedule 12 37 (28) Reporting requirement	Municipalities shall provide prescribed reports to prescribed persons at such times as prescribed (not yet prescribed).	The reporting requirements are extremely vague.	The City requests the Province to provide clear, non-onerous, reporting regulations for one annual report.
Schedule 12 42 Parkland By-law	A Parkland By-law is no longer in effect once a CBC By-law has been passed.	If a municipality adopts a CBC By-law they lose the ability to require parkland within a subdivision.	The City requests the Province to amend Section 42 of the <i>Planning Act</i> to provide additional predictability and transparency between Sections 37 and 42, and to support the achievement of complete communities in accordance with Amendment 1 of the Growth Plan, 2017 as follows:
Schedule 12 51.1 Plan of Subdivision	Plans of subdivision that are approved with a condition of parkland dedication are not subject to a CBC By-law.	<p>This poses a financial risk to municipalities for subdivisions that are approved with Section 51.1 requirements and are developed after a municipality adopts a CBC By-law or the transition period ends.</p> <p>Subdivisions with Section 51.1 requirements will not pay a CBC meaning that the City will be short revenue for all the soft services that were removed from the DC Act. This will become a pressure on existing tax payers.</p>	<p>a) enable municipalities to secure the conveyance of land for park purposes as a condition of the development or redevelopment of land along with the ability to secure a community benefits (facilities) charge in accordance with Section 37 of the <i>Planning Act</i>,</p> <p>b) clarify that where a municipality secures the conveyance of land for park purposes as a condition of development or redevelopment, the community benefits (facilities) charge will not include a payment in lieu of parkland for the site;</p> <p>c) revise for residential development the maximum conveyance of land for park purposes to be based on a maximum per cent of the development site as determined through a community benefits (facilities) charge strategy and as established by by-law as opposed to 5 per cent of the land currently proposed in Bill 108; and</p> <p>d) allow municipalities to set different maximum rates for the conveyance of land for park purposes for residential development based on building type(s) and intensity of development to ensure equitable contributions between different types of residential development and to support parkland need generated by the development.</p>