



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Legal and Risk Management Services Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	October 16, 2019
SUBJECT/REPORT NO:	Red Hill Valley Parkway Inquiry Update (LS19036) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Nicole Auty (905) 546-2424 Ext. 4636
SUBMITTED BY:	Nicole Auty City Solicitor Legal and Risk Management Services
SIGNATURE:	

RECOMMENDATION(S)

- (a) That Council approve the Funding Approval Guidelines for individuals seeking Standing at the Judicial Inquiry recommended by the Commissioner and attached as Appendix “C”;
- (b) That Council approve the direction provided in Confidential Appendix “D” and that direction remain confidential until approved by Council on October 23, 2019;
- (c) That Confidential Appendix “D” remain confidential.

EXECUTIVE SUMMARY

On April 24th, 2019 Council directed staff to provide regular updates on the costs to date of the Judicial Inquiry, to be paid from the Tax Stabilization Reserve.

This report provides both an update on the status of the Inquiry from the City’s legal representatives at Lenczner Slaght Royce Smith Griffin LLP (“Lenczner Slaght”) and the costs to date of the Inquiry.

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

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

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

In addition, Council is asked to approve the guidelines for funding applications by individuals granted standing to participate in the Judicial Inquiry and delegate approval of the funding applications to the City Manager.

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FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The costs of the Inquiry to date are outlined in the following chart, representing external legal fees for the Commissioner, the City and associated other expenses.

Date: To September 30, 2019

City	\$ 223,632.55
Commissioner	\$ 403,349.52
Other expenses	\$ 12,515.95
Total	\$ 639,498.02

Staffing: A temporary contract staff position has been added to the Legal Services Department to support staff as the Inquiry preparations are on-going. This position is funded from the Tax Stabilization reserve.

Legal: The legal implications are outlined in the attached appendices “A” and “D” from external legal counsel.

HISTORICAL BACKGROUND

In early 2019, the City of Hamilton received information regarding a 2013 friction report related to the Red Hill Valley Parkway.

On April 24, 2019, the City passed a resolution pursuant to s. 274 of the *Municipal Act, 2001* requesting the Chief Justice of Ontario to appoint a Superior Court judge to investigate matters related to the disclosure of the friction report.

The Honourable Mr. Justice Herman J. Wilton-Siegel was appointed to preside over the inquiry in May 2019.

The Commissioner has retained Robert Centa of Paliare Roland Rosenberg Rothstein LLP to act as counsel to the Commission.

The City has retained Eli Lederman and Delna Contractor of Lenczner Slaght to act as counsel to the City in the Inquiry.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not applicable.

RELEVANT CONSULTATION

Not applicable.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The analysis for the recommendations is set out in the appendices from external legal counsel.

ALTERNATIVES FOR CONSIDERATION

Council could approve funding guidelines and review all applications on an ad hoc basis; however this has not been the practice in other Judicial Inquiries.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report LS19036 – Report to Council from Lenczner Slaght regarding the status of the Judicial Inquiry

Appendix “B” to Report LS19036 – Q&A provided to City employees

Appendix “C” to Report LS19036 – Funding Guidelines for Individuals seeking Standing at the Judicial Inquiry

Appendix “D” to Report LS19036 – Confidential Report to Council from Lenczner Slaght