



CITY OF HAMILTON
CITY MANAGER'S OFFICE
Human Resources Division

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	December 5, 2019
SUBJECT/REPORT NO:	Hamilton Anti-Racism Resource Centre Update (HUR18010(c)) (City Wide)
WARD(S) AFFECTED:	City Wide
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SUBMITTED BY:	Lora Fontana Executive Director Human Resources
SIGNATURE:	

Discussion of this Confidential Appendix "E" to this Report in Closed Session is subject to the following requirement(s) of the City of Hamilton's Procedural By-law and the *Ontario Municipal Act, 2001*:

- Litigation or potential litigation, including matters before administrative tribunals, affecting the City
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose

RECOMMENDATION(S)

- (a) That the City of Hamilton assume full responsibility for the interim operation of a modified model of the Hamilton Anti-Racism Resource Centre (HARRC) for a period of 6-12 months to allow for the following to occur:
- (i) An interim operating model consisting of an active website presence, online reporting, phone reporting, and referral service to existing local service providers be developed by staff in Human Resources Talent and Diversity Team no later than the end of February 2020;

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- (ii) Staff establish an Independent Board of Directors to have governance and operational oversight of HARRC;
 - (iii) Staff continue to seek input from the community to continue to understand current needs and issues; and,
 - (iv) Staff to establish appropriate governance model and related Terms of Reference to operate HARRC once the Independent Board of Directors is established;
- (b) That the existing funding agreement between the partners McMaster University, Hamilton Centre for Civic Inclusion and the City of Hamilton be dissolved, and the outstanding funds held by McMaster University of approximately \$50,000 be returned to the City of Hamilton;
- (c) That the Mayor and City Clerk be authorized and directed to execute any documents required to implement subsections (a) and (b), with content acceptable to the and in a form satisfactory to the City Solicitor;
- (d) That the City continues to fund HARRC as per the original commitment of \$100,000/year from the Tax Stabilization Fund Reserve Account 58300 110046 for the remainder of the three-year pilot project (26 months remaining);
- (e) That City staff report back to Committee and Council to provide a status update in June 2020; and,
- (f) That Appendix E to Report HUR18010(c) remain confidential.

EXECUTIVE SUMMARY

The purpose of this report is to obtain Committee and Council's support for the proposed re-opening and resumption of funding for the Hamilton Anti-Racism Resource Centre (HARRC).

As the first Anti-Racism Resource Centre in Canada, it was not unexpected that there would be some challenges. After a period of nine months, it became evident that there were some adjustments required in order to ensure that HARRC effectively met the needs of the community.

Therefore, representatives of McMaster, HCCI and the City who participate on an Oversight Committee for the HARRC pilot project met and agreed to recommend to their respective organizations that their respective contributions under the Funding Agreement be suspended for a period of 6 – 12 months. The decision to pause was made by mutual agreement by all three parties. A joint media release was made by the parties to this effect on February 14, 2019. (**Appendix A to Report HUR1810(c)**)

City staff recognized the need to engage with the community to better understand the needs and issues relating to racism in Hamilton in order to ensure the re-envisioned Centre would meet expectations. Staff undertook a four-phase engagement strategy which included key stakeholder meetings, attendance at various community festivals and events, an extensive online survey and in-person focus groups to gather inputs in a variety of manners.

The online survey revealed several key messages including many individuals were not aware of the Centre (45%) or only learned of it once it closed (13%). It also supported that the community needs were relating to referral services, onsite counselling, data collection, and legal support. Furthermore, it showed that citizens would be more likely to report using online tools for both reporting experiences with racism (65%) or witnessing racism (78%). Sixty-seven percent of respondents also stated that the City should not run the Centre, but they were mixed on the preferred operating model. As a result, this was the issue discussed in greater detail at the focus group sessions.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The City of Hamilton continues to contribute \$100,000 per year for a three-year pilot program. The City has already made three payments of \$50,000 and will expect to receive the outstanding monies of approximately \$50,000 returned to the City by McMaster University upon dissolution of the original Funding Agreement towards the 2020 annual funding contribution by the City.

Human Resources Talent and Diversity team has spent \$21,000 in events and festivals and their staff spent over 300 hours engaged in various community engagement initiatives relating to HARRC from June to September 2019.

Staffing: Staff will need to be hired by HARRC once the Independent Board of Directors is established. In the meantime, City staff in existing roles will support HARRC in the proposed interim period.

Although the City of Hamilton receives no recognition for in-kind services as part of the original Funding Agreement, HR Diversity and Inclusion staff have supported the number of issues encountered. It is expected that continued support and assistance will be required until such time the Independent Board of Directors and appropriate staffing are in place.

Legal: Please refer to **Appendix E to Report HUR18010(c)** separate confidential legal considerations.

HISTORICAL BACKGROUND

The proposal for an Anti-Racism Resource Centre resulted from the work conducted by the City of Hamilton's Committee Against Racism (CAR) Volunteer Advisory Committee. The idea for HARRC first came during a symposium hosted by CAR in 2003. Subsequent symposiums held in 2006 and 2010 further reinforced the belief that a resource centre would be beneficial for the City of Hamilton. In 2012, City Council approved a feasibility study regarding the establishment of such a resource centre. These findings were then presented by CAR to City Council in February 2014. It was at this time Council requested staff to investigate the possibility to liaise with the Hamilton Centre for Civic Inclusion and to examine scope and funding of work between CAR and HCCI.

The feasibility study resulted in a proposal to City Council in November 2015 which included a three-party joint venture as follows:

1. City of Hamilton to provide \$100,000 annually for three years
2. McMaster University to provide \$70,000 annually for three years comprised of \$30,000 in cash and \$40,000 in kind contribution (including administration and hire and manage staff)
3. Hamilton Centre for Civic Inclusion to provide \$30,000 in kind contribution (including providing a downtown office location including administrative support) annually for three years

On November 25, 2015, City Council approved funding in the amount of \$300,000 over a three-year period to support a joint project with McMaster University ("McMaster") and Hamilton Centre of Civic Inclusion ("HCCI") to create an Anti-Racism Resource Centre in order to:

- (a) Address issues of racism, discrimination and oppression within the City of Hamilton;
- (b) Provide resources for community involvement towards making Hamilton a more inclusive city;
- (c) Conduct research and data analysis of complaints of racism; and
- (d) Demonstrate leadership to promote a sense of belonging for racialized people in Hamilton where individuals impacted by racism and other forms of race-related oppression can access information, support and resources.

The Funding Agreement to establish the Hamilton Anti-Racism Resource Centre ("HARRC") was entered into between the City, McMaster, and HCCI effective August 2, 2017. The Hamilton Anti-Racism Resource Centre officially opened on April 4, 2018. A series of milestones were included in the Funding Agreement to provide clarity on expectations and delivery commitments placed upon the parties.

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In order to carry out the project, the parties agreed to form an Oversight Committee comprised of equal representation from the City of Hamilton, McMaster University and HCCI to provide support and advice to the Anti-Racism Resource Centre Project and acts as a forum to resolve any potential issues and concerns. The Oversight Committee was also responsible for monitoring the achievement of milestones as outlined in the HARRC Funding Agreement.

HARRC also had a Project Steering Committee which existed to provide direction and implementation advice to the Oversight Committee and staff. Community members were appointed to the HARRC Steering Committee in July 2018 and onboarding occurred in November 2018. A HARRC Steering Committee Chair was appointed in December 2018 and later resigned in January 2019.

The HARRC was staffed by one individual employed by and reporting solely to McMaster University, Director of Human Rights and Dispute Resolution, Equity and Inclusion Office. The HARRC Program Manager was responsible for delivering reports to the Oversight Committee, City Council, CAR and other agencies. He was also responsible for an annual report to the City of Hamilton and an annual discussion forum between relevant stakeholders. The Program Manager was employed solely by McMaster University and McMaster was responsible for all aspects of his employment including, but not limited to, payroll, benefits, and performance management.

The Human Resources Diversity and Inclusion Office was responsible for submitting quarterly and annual reports to CAR and to make regular presentations to Council as requested on the status of the project or any other matter relating to the funding or Funding Agreement between the parties. An Information Report on HARRC was presented by staff to Council on March 26, 2018, just prior to the official opening of HARRC. The Hamilton Anti-Racism Resource Centre held its official launch on the evening of Wednesday, April 4, 2018. Subsequent reports were made to Council on June 11, 2018, during in camera sessions on February 7, 2019 and February 13, 2019, and as part of the annual Diversity and Inclusion Strategic Plan Update to Council on July 11, 2019.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The City of Hamilton has a legislative obligation to ensure that we act and deliver services in compliance with the *Ontario Human Rights Code*. This requires the corporation to ensure that discrimination against people based on the protected grounds in protected social areas, is prohibited. Protected grounds include age; ancestry, colour, race; citizenship; ethnic origin; place of origin; creed; disability; family status; marital status; receipt of public assistance (in housing only); sex; sexual orientation; and gender identity and gender expression.

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HARRC was intended to gather information regarding racism related issues occurring in Hamilton in order to better inform Council on community issues and concerns so that we can strive to eliminate racism and racism related issues in our City.

The City of Hamilton recognizes the importance of diversity and inclusion to its present and future success as a place to live, work and play.

RELEVANT CONSULTATION

HARRC Funding Agreement partners - Ongoing consultation has taken place between the HARRC Funding Agreement partners (City of Hamilton, McMaster University and HCCI) and the Committee Against Racism Chairperson and Committee throughout this process.

Community Stakeholders – Almost immediately upon the announcement of the pause, it became apparent that the community expected the City to take on a leadership role in resolving the issues affecting HARRC. As a result, the Human Resources Talent and Diversity staff developed and implemented a four-phase plan to communicate with the community in a meaningful manner and provide opportunities for citizen engagement throughout the process. These phases are as follows:

Phase 1 – Respond to requests to meet and stakeholder meetings – May 2019

Phase 2 – Festival and Event Information Displays (June to September 2019)

Phase 3 – Broader community engagement (June to September 2019)

a) Creation of City of Hamilton Anti-Racism website

b) Online Survey

Phase 4 – Community Forum to share feedback (October 29, 2019)

The purpose of attendance at community events and festivals was to ensure a meaningful in-person presence where community groups gathered. The goal was to promote awareness of and encourage participation in the survey by groups experiencing racism. Careful consideration was given on how to best engage citizens visiting the information booth by having small giveaways, a daily draw for a City Prize Pack, information on career and volunteer opportunities and postcards providing details on the HARRC website and survey links. The team also collected contact information to develop a database for ongoing communications. All information gathered was shared with the community at a public engagement session held on October 29, 2019. (**Appendix B to Report HUR18010(c)**)

By utilizing a variety of communication techniques (small focus groups, presentations, one to one conversations, and online survey) the team strived to provide a multitude of options to meet citizens where they are and provide a meaningful opportunity to have their experiences heard.

Additionally, the development of the contact list of over 400 citizens has been extremely helpful in keeping community members apprised of developments and events relating to HARRC to maximize the opportunity for participation.

The HARRC Survey captured a total of 575 individual responses and was successful in reaching higher proportions of its intended target populations. The purposeful survey promotion was able to reach a higher proportion of people who are most likely to experience racism including people who identify as Indigenous and as members of a racialized group. Estimates of these populations locally are 2.3% (note: as per the Aboriginal identity result from Statistics Canada 2016 Census; known under-estimation) and 19% (note: as per the Visible minority result from Statistics Canada 2016 Census) versus a survey sample of 8% and 46% respectively. While it would be fair to say that this influences the representativeness of the sample and introduces bias, these are traditionally difficult to reach and underrepresented populations in survey research adding some credibility to results particularly about racism discrimination experiences. The Phase Two work of the community engagement plan which included attendance at community cultural festivals and events throughout June to September 2019 is a likely contributor to the survey participation rate for groups that are traditionally underrepresented in such surveys.

Subgroup analysis reveals that participants who self-identify as non-Indigenous and not being a member of a racialized group also believe that racism is an issue and similar proportions report witnessing racism in the community. The analysis of the subgroups controls for the influence of the overrepresentation of some groups in the sample. While they differ on their experiences of racial discrimination, the majority of both members of racialized groups and non-members, report that racism is an issue (~80%), report that they have witnessed racism (~75%) and have witnessed racism in public spaces (~65%).
(Appendix C to Report HUR18010(c))

HARRC Survey results are similar to national assessments of the experiences of racism in Canada. Approximately 6% of Canadians report experiencing racial discrimination in their lifetime¹. The survey sample identified 4% of the respondents personally reporting the experience of racism.

1 Godley, Jenny. (2018). Everyday discrimination in Canada: Prevalence and patterns. Canadian Journal of Sociology. 43. 111-142.)

Overwhelmingly, the thousands of citizens we personally spoke to during our community engagement this summer antidotally supported the survey findings by sharing their own lived experiences or what they had witnessed. Of all the individuals we met, virtually all were supportive of the Centre and expressed that it was important this type of work be done to improve our City if we truly wish to achieve our vision of being the best place to raise a child and age successfully. It was also interesting to note how few citizens were aware of HARRC while it was operating as the survey demonstrated 45% of the participants had not ever heard of the Centre while another 13% only heard about it after it was paused.

Corporate Services – Legal and Risk Management Services

Legal Services have been consulted on the dissolution of the existing Funding Agreement. **(Appendix E to Report HUR18010(c))**. Financial Services have been consulted on the forecasted return of funds from McMaster University.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The recommendations have been developed after a thorough and careful review of the effectiveness of the Hamilton Anti-Racism Resource Centre and intended the objectives. All funding partners agreed that the original operating and personnel situation was not likely to result in favourable results. Therefore, the staff recommendations contained in this report are seen as the best way to support the desired success of the HARRC pilot project.

As part of the comprehensive approach to reviewing the effectiveness and direction of HARRC, a survey was designed and made available online through the City's Anti-Racism webpage. The survey was advertised through a variety of local media including community newspapers across the City, Farmers' Market billboards, press releases, social media including Twitter and LinkedIn, as well as through in-person interactions at festivals and events from June to September.

The following is a summary of 575 respondent's perceptions and experiences of racism in Hamilton.

- The majority (82%) of respondents believe that racism is an issue in the City of Hamilton.
- The majority (79%) of respondents have personally experienced and/or witnessed racism or racism related issues in the past year.
- The experiences with racism, whether personally experienced or witnessed, was most often identified to have occurred more than once in the past year.

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- The most common location where respondents personally experienced or witnessed racism was in public spaces.
- Respondents who witnessed racism or racism related issues were more likely to report the issue to HARRC compared to respondents who personally experienced racism or racism related issues.
- Respondents would most likely report racism they personally experienced or witnessed online.

The following is a summary of respondent's expectations of the Hamilton Anti-Racism Resource Centre (HARRC):

- Approximately 45% of respondents have never heard of the Hamilton Anti-Racism Resource Centre (HARRC). An additional 13% only heard about HARRC once it was paused.
- Respondents indicate that the HARRC should provide referral services to other service providers (79%), onsite counselling (77%), data collection (75%) and legal support (71%).
- Respondents indicate that the ideal location for HARRC should be in the downtown core (52%), in rotating locations (48%) and on a public transit line (36%).
- The HARRC operating model respondents most commonly identify as ideal is one that is not operated by the City and either housed with other community services or in a stand-alone facility.
- The majority of respondents indicate that the HARRC should be open Monday to Friday daytime and/or open for extended evening hours.

Some key messages that were heard consistently were the need to expedite the re-opening of HARRC and for the City to provide the necessary financial resources to do so. While there were a variety of reasons expressed why most citizens (67%) do not want the City to operate the Centre, it was clear there is an expectation that the City is best positioned to fund this work. The reasons expressed as to why the City should not operate HARRC included a lack of trust, too much bureaucracy, too expensive for tax payers, and structural and systemic institutional racism.

The survey indicated that the community was quite divided on the other operating models. As a result, this was the focus of the in-person community engagement breakout sessions. The focus group work indicated that upon further review, the Independent Board of Directors appeared most desirable.

While significant consideration was given to this feedback, the option to have the City operate a transitional model appears to be the only feasible and timely option readily available. The interim model would consist of online and phone reporting with City staff connecting interested parties with referrals to other local agencies to provide counselling, legal and other services. The City would continue to collect data during this interim period as well as continue to build a community contact list which would be provided to the newly formed Board of Directors once implemented. This approach would fulfil many of the community's requirements of the Centre while building the foundation for the Independent Board of Directors model through data collection, contact list development, and continued community engagement during the transition period.

To delay the re-opening of HARRC until an Independent Board of Directors would result in failing to achieve the promised timeline of a maximum of 12 month pause and would deprive citizens from having a critical resource in the interim. It was not deemed feasible that an Independent Board of Directors could be created in the remaining three-month period prior to February 2020.

Any of the other options would require significant time periods to establish the necessary framework and funding agreements. It should be noted that the original pilot project funding was approved in 2015 and the actual Funding Agreement was not signed by all parties until August 2017.

Should the recommendations contained in this report not be approved, there is a very real risk that the community would suffer negative implications as a result of not having the necessary resources and support available in dealing with racism issues.

ALTERNATIVES FOR CONSIDERATION

The Operating Models provided were developed as a result of reviewing the HARRC survey data in an effort to guide the community engagement discussions. The goal was to have community input on the advantages and disadvantages of each model, along with concrete and specific recommendations on the implementation plan considering the personnel, financial, legal, and physical space requirements. The preliminary survey data was shared with the Committee Against Racism Volunteer Advisory Committee members who developed and suggested the first three options. The survey information was also shared with the existing partners on the Oversight Committee from McMaster University and Hamilton Centre for Civic Inclusion. The fourth option was proposed as a result. While there may be multiple other options available, these four options were deemed to

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be the most feasible by those familiar with the experiences and lessons learned during the first ten months of operation.

The Focus Groups were co-facilitated by members of the Committee Against Racism Volunteer Advisory Committee and the Human Resources Talent and Diversity Staff.

These models were presented to the community during Phase 4 of the Community Engagement process. While the notion of an Independent Board of Directors clearly received the most favourable response, there was a fifth model proposed during the course of the focus group discussion. The options that were considered are as follows:

Option #1: Independent Board of Directors

This operating model would function in a similar manner to the Hamilton Conservation Authority. An Independent Board is a board that has a majority of outside directors who are not affiliated with the leaders of the organization and have minimal or no business dealings with the organization to avoid potential conflicts of interest. An Independent Board is expected to provide vigilant oversight to mitigate managerial opportunism and promote organizational value.

The purpose of an Independent Board is to ensure members are not influenced by the interests in the organization. The Independent Directors can serve as a watchdog for the organization and ensure good governance. This, in turn, can play a vital role in risk management.

While the movement to Independent Boards started in the 1980's, many not-for-profit organizations have recognized the value of Independent Board of Directors and are now also seeking similar boards.

A Board of Directors, unlike an Advisory Board or Committee, is a legal entity who are responsible to the public in not-for-profit organizations. Board members have legal and fiduciary (a position of trust or responsibility including decision-making powers relating to the affairs of an organisation) responsibilities and are bound by relevant laws and applicable organizational by-laws. Many Directors on not-for-profits are selected based on their respective profile in the community in order to raise awareness of the organization and also to facilitate fundraising efforts. This is often true even if the individual has limited knowledge of the organization's focus. This model would have staff that are hired by HARRC.

Given the absence of a transition period and the resulting delay in the re-opening of HARRC until the Independent Board of Directors was formed, this alternative is not recommended.

Option 2: Board of Directors Functioning as a Sub Committee of CAR

This organizational operating model would function in the same manner as the Hamilton Farmer's Market. This structure would consist of an incorporated, not-for-profit corporation in accordance with the Municipal Act, City of Hamilton Act, Corporations Act, Ontario Regulation 599/06 regarding Municipal Services Corporation with the City of Hamilton as the sole shareholder.

The City of Hamilton, in this scenario, would provide the following services:

- Recruitment, retention and management of all HARRC employees
- Health and Safety advice
- Payroll and Benefit Administration
- Return to Work services
- Employee file retention and maintenance

The Board would be comprised typically of between 7 to 13 members who are selected and appointed by the City of Hamilton. The Board would be comprised of Directors appointed from members of City Council and Directors from the private sector which could include members of HARRC staff and members of the community at large. HARRC staff would be employed through the City of Hamilton.

Due to the community feedback both through the survey as well as the focus groups, this option is not recommended. It was perceived by the community that the City of Hamilton would be too involved operationally and that the Volunteer Advisory Committee would not be adequately resourced to support HARRC.

Option 3: City Initiated Centre

This operating model would function as a standalone section housed within the City Manager's Office. This model would have staff hired by the City of Hamilton directly, with all funding provided by the City. HARRC staff would be required to provide regular updates to City Council and meet established performance metrics as specified by the organization. Committee Against Racism (CAR) would continue to serve as an advisory committee to both City Council and HARRC staff.

Due to the community feedback both through the survey as well as the focus groups, this option is not recommended. While some community members recognized the advantages of this model in terms of funding and stability, it was expressed that there was concern about the City having control of HARRC as an institution as opposed to a grassroots community initiative.

Option 4: Partner with Existing Community Hub

This operating model would see HARRC co-housed and operated by another community service or agency. This organization would be responsible for all operating decisions and the City of Hamilton would simply provide funding in a specified amount for the duration of the pilot project. The funding would be contingent on the partner organization meeting established funding milestones and deliverables as specified in a funding agreement.

This option most closely represents the model utilized in the original pilot. The community focus groups recognized that this model can often be problematic when agencies have differing agendas and the Centre itself may suffer as a result. Given the lessons learned during the operating period, this option is not recommended.

Option 5: Hybrid Model (Incorporation of Independent Board of Directors and Partner with Existing Community Hub)

This model was created by one of the focus groups at the Community Engagement session held on October 29, 2019. The concept consisted of starting out as Option 4 – Partner with an Existing Community Hub and migrating to Option 1 – Independent Board of Directors. It also suggested that three years was not long enough for the pilot and it should be extended to five years.

This option is not recommended for the same rationale as outlined in Option 4.

Phase 4 Focus Group Themes:

The Community Engagement session on October 29, 2019 consisted of a series of speakers to highlight the history of HARRC, the results gathered during the operating period of April 2018 to February 2019, the results of the City's community engagement done in person and through the online survey in an effort to provide everyone with a common foundation for discussion. Both the operating experience and the survey supported common themes.

The survey indicated that the services required to be provided by the Centre included referral services (79%), onsite counselling (77%), data collection (75%), and legal support (71%). This was supported by the evidence collected during the operating period. The original HARRC model focussed primarily on data collection and community information sessions. It is now apparent that other services are equally or more important to the community.

The survey also indicated that participants would be most likely to use an online tool to report racism they personally experienced (65%) or had witnessed (78%). This was not an option in the original model. The need for online options was also supported by the antidotal evidence gathered during the operating period. The only other municipality with

a similar anti-racism centre is located in Thunder Bay and reports that nearly 80% of participants choose to report online.

The input from the community forum held on October 29, 2019 has been captured verbatim and has been provided to all participants who provided email contact information. All focus groups expressed that the City of Hamilton should fund the Centre, but not have operating input or oversight. (**Appendix D to Report HUR18010(c)**)

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.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix A to Report (HUR18010(c)) – Media Release – February 2019 – HARRC

Appendix B to Report (HUR18010(c)) – HARRC Survey Results Pamphlet

Appendix C to Report (HUR18010(c)) – HARRC Survey Results – Detailed

Appendix D to Report (HUR18010(c)) – Focus Group Feedback

Appendix E to Report (HUR18010(c)) – Legal Implications (Confidential)