



GENERAL ISSUES COMMITTEE REPORT 21-004

9:30 a.m.

Wednesday, February 17, 2021

Due to COVID-19 and the Closure of City Hall, this meeting was held virtually.

Present: Mayor F. Eisenberger, Deputy Mayor M. Wilson (Chair)
Councillors J. Farr, N. Nann, S. Merulla, C. Collins, T. Jackson,
E. Pauls, B. Clark, M. Pearson, B. Johnson, L. Ferguson,
A. VanderBeek, J. Partridge

Absent: Councillors J. P. Danko, T. Whitehead – Personal

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 21-004, AND RESPECTFULLY RECOMMENDS:

1. 2020 Music Strategy Update (PED21041) (City Wide) (Item 6.1)

That Report PED21041, respecting the 2020 Music Strategy Update, be received.

2. Information and Communications Technology (ICT) and Digital Media Sector Foreign Direct Investment (FDI) Strategy: Findings and Recommendations (PED21027) (City Wide) (Item 8.1)

That Report PED21027, respecting Information and Communications Technology (ICT) and Digital Media Sector Foreign Direct Investment (FDI) Strategy: Findings and Recommendations, be received.

3. City of Hamilton - Ministry of Transportation 2020-2021 Dedicated Gas Tax Funding Agreement (FCS21011) (City Wide) (Item 9.1)

- (a) That the Mayor and the General Manager, Finance and Corporate Services, be authorized and directed to enter into an Agreement between the City of Hamilton and the Province of Ontario related to the funding commitment made by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Hamilton's Public Transportation Program;

- (b) That the Mayor and General Manager, Finance and Corporate Services, be authorized and directed to execute the Letter of Agreement attached as Appendix "A" to Report 21-004;
- (c) That the By-law attached as Appendix "C" to Report FCS21011 authorizing and directing the Mayor and General Manager, Finance and Corporate Services, to sign a Letter of Agreement between the City of Hamilton and the Province of Ontario with respect to funding under the Dedicated Gas Tax Funds for Public Transportation Program, be passed; and,
- (d) That, upon being passed, a certified copy of the By-law, together with two copies of the signed Letter of Agreement, be forwarded to the Ministry of Transportation.

4. Advisory Committee for Persons with Disabilities Report 21-001, January 12, 2021 (Item 9.3)

(a) Resignation of Shahan Aaron from the Outreach Working Group of the Advisory Committee for Persons with Disabilities (Item 6.3(a))

That the resignation of Shahan Aaron from the Outreach Working Group of the Advisory Committee for Persons with Disabilities, be received.

(b) Update on COVID-19 and Persons with Disabilities (Item 8.3)

WHEREAS, at the September 8, 2020 meeting of the Advisory Committee for Persons with Disabilities, Committee members Tim Nolan and Tom Manzuk were authorized to delegate at the General Issues Committee on behalf of the Committee respecting all matters related to the COVID-19 pandemic and its impact on persons with disabilities, including recommendations for improved policies and procedures;

WHEREAS, the Advisory Committee for Persons with Disabilities prepared a list of concerns and challenges faced by persons with disabilities throughout the course of the COVID-19 pandemic;

WHEREAS, it is important to ensure that pandemic plans, policies and procedures account for the needs of persons with disabilities; and,

WHEREAS, consultation with the Advisory Committee for Persons with Disabilities on pandemic plans, policies and procedures would help to mitigate unintended negative impacts and consequences for persons with disabilities;

THEREFORE, BE IT RESOLVED:

That General Manager of the Healthy and Safe Communities Department be directed to ensure the appropriate staff consult with the Advisory Committee for Persons with Disabilities when developing future pandemic plans, policies and procedures, when possible and appropriate, with the understanding that Public Health Services and the City's Emergency Operations Centre hold the safety and well-being of the public as paramount.

(c) Advisory Committee for Persons with Disabilities Working Group Membership Review (Item 8.4)

- (i) That the resignation of Tim Nolan from the Built Environment Working Group and the Transportation Working Group of the Advisory Committee for Persons with Disabilities, be received; and,
- (ii) That Tom Manzuk be appointed to the Transportation Working Group of the Advisory Committee for Persons with Disabilities for the remainder of the 2018 – 2022 term of Council.

5. Chedoke Creek Remediation Workplan (PW19008(j)) (City Wide) (Item 9.4)

That Report PW19008(j), respecting the Chedoke Creek Remediation Workplan, be received.

6. Greater Hamilton Volunteer Firefighters Association - CLAC Local 911, Ratification of Collective Agreement (HUR21003) (City Wide) (Item 13.2)

- (a) That the tentative agreement reached on January 19, 2021, between the City of Hamilton and the Greater Hamilton Volunteer Firefighters Association – CLAC Local 911 representing 192 volunteers, regarding the collective agreement that covers a four (4) year period, January 1, 2020, to December 31, 2023, be ratified; and,
- (b) That Report HUR21003, respecting the Greater Hamilton Volunteer Firefighters Association – CLAC Local 911 Ratification of Collective Agreement, remain confidential.

7. Central Composting Facility (LS21005) (City Wide) (Item 13.3)

- (a) That the direction provided to staff in Closed Session, respecting Report LS21005 - Central Composting Facility, be approved; and,

- (b) That Report LS21005, respecting the Central Composting Facility, remain confidential.

8. Litigation Matter (Item 13.4)

That the verbal update respecting the Litigation Matter, be received and remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

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

9. DISCUSSION ITEMS

- 9.4 Chedoke Creek Remediation Workplan (PW19008(j)) (City Wide)

13. PRIVATE AND CONFIDENTIAL

- 13.3 Central Composting Facility (LS21005) (City Wide)

Pursuant to Section 8.1, Sub-section (d) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-section (d) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to labour relations or employee negotiations.

- 13.4 Litigation Matter – Verbal

Pursuant to Section 8.1, Sub-sections (b), (d), (e) and (f) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (b), (d), (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees; labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The agenda for the February 17, 2021 General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

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

(i) February 3, 2021 (Item 3.1)

The Minutes of the February 3, 2021 General Issues Committee meeting were approved, as presented.

(d) PUBLIC HEARINGS / DELEGATIONS (Item 7)

(i) Shane Coleman, Hamilton Farmers' Market Stallholder Association, respecting Rent Relief for the Hamilton Farmers' Market (Item 7.1)

Shane Coleman, of the Hamilton Farmers' Market Stallholder Association, addressed Committee respecting Rent Relief for the Hamilton Farmers' Market.

The presentation provided by Shane Coleman, of the Hamilton Farmers' Market Stallholder Association, respecting Rent Relief for the Hamilton Farmers' Market, was received.

Staff was directed to review comparator municipalities such as Kitchener-Waterloo, London, Mississauga and Cambridge with respect to rent relief for their farmers' markets and market governance, and report back to the General Issues Committee.

(ii) Jennifer Hompoth, Friends of the Hamilton Farmers' Market, respecting the Well-Being of the Hamilton Farmers' Market (Item 7.2)

Jennifer Hompoth, of the Friends of the Hamilton Farmers' Market, addressed Committee respecting the Well-Being of the Hamilton Farmers' Market.

Jennifer Hompoth, Friends of the Hamilton Farmers' Market, was permitted additional time, beyond the permitted 5 minutes, to continue with her presentation.

The presentation provided by Jennifer Hompoth, of the Friends of the Hamilton Farmers' Market, respecting the Well-Being of the Hamilton Farmers' Market, was received.

(iii) Tom Manzuk, Advisory Committee for Persons with Disabilities, respecting Matters Related to COVID-19 and its Impact on Persons with Disabilities (Item 7.3)

Tom Manzuk, of the Advisory Committee for Persons with Disabilities, addressed Committee respecting Matters Related to COVID-19 and its Impact on Persons with Disabilities.

The presentation provided by Tom Manzuk, of the Advisory Committee for Persons with Disabilities, respecting Matters Related to COVID-19 and its Impact on Persons with Disabilities, was received.

(e) STAFF PRESENTATIONS (Item 8)

(i) Information and Communications Technology (ICT) and Digital Media Sector Foreign Direct Investment (FDI) Strategy: Findings and Recommendations (PED21027) (City Wide) (Item 8.1)

Norm Schleeahn, Director of Economic Development, introduced the presentation; and, Lauren Millier, from MDB Insights, provided a PowerPoint presentation respecting Report PED21027 - Information and Communications Technology (ICT) and Digital Media Sector Foreign Direct Investment (FDI) Strategy: Findings and Recommendations.

The presentation, respecting Report PED21027 - Information and Communications Technology (ICT) and Digital Media Sector Foreign Direct Investment (FDI) Strategy: Findings and Recommendations, was received.

For further disposition of this matter, please refer to Item 2.

(ii) COVID-19 Verbal Update (Item 8.2)

Paul Johnson, General Manager of the Healthy and Safe Communities Department, provided Committee with a verbal update respecting COVID-19.

The verbal update respecting COVID-19 was received.

Staff was directed to review the feasibility of creating a virtual memorial wall on the City of Hamilton website to honour citizens of Hamilton who have lost their lives to COVID-19, and report back to the General Issues Committee.

(f) **DISCUSSION ITEMS (Item 9)**

The following Motion was DEFEATED:

(i) **Hate Prevention and Mitigation Initiative Update (CM19006(d)) (City Wide) (Item 9.2)**

That staff be directed to retain a telephone polling company, to partner with the Project Lead Consultant, to conduct city-wide telephone polling with a target of 600 respondents, respecting the Hate Prevention and Mitigation Initiative to be completed by April 2021, at an estimated cost of \$25,000 to be funded through the Tax Stabilization Reserve.

(i) **Advisory Committee for Persons with Disabilities Report 21-001, January 12, 2021 (Item 9.3)**

2. Update on COVID-19 and Persons with Disabilities

Item 2 of the Advisory Committee for Persons with Disabilities Report 21-001, respecting and Update on COVID-19 and Persons with Disabilities, was **amended** by deleting the words "Advisory Committee for Persons with Disabilities respectfully requests that consultation occur" and replacing them with the words "**General Manager of the Healthy and Safe Communities Department be directed to ensure the appropriate staff consult**"; and, by adding the words "**when possible and appropriate**", to read as follows:

~~That the Advisory Committee for Persons with Disabilities respectfully requests that consultation occur~~ **General Manager of the Healthy and Safe Communities Department be directed to ensure the appropriate staff consult** with the Advisory Committee for Persons with Disabilities when developing future pandemic plans, policies and procedures, **when possible and appropriate**, with the understanding that Public Health Services and the City's Emergency Operations Centre hold the safety and well-being of the public as paramount.

For further disposition of this matter, please refer to Item 4.

The General Issues Committee recessed for one half hour until 12:50 p.m.

(g) MOTIONS (Item 10)

(i) Establishing Fair Wages for Musicians: Guidelines and-or Policy for City Run or City-Funded Events Utilizing Musicians (Item 10.1)

WHEREAS, the Mayor's Task Force on Economic Recovery recommends the creation of a "minimum wage" pay scale for musicians hired by the City and at City related/sanctioned events, to ensure musicians are fairly compensated as COVID-19 related re-openings occur and to establish a best practice for the future;

WHEREAS, one of the City of Hamilton's Music Strategy key goals is to cultivate music creation and talent;

WHEREAS, the City's Creative Industries Sector Profile identifies music as one of the top industries for growth and development; identifies Hamilton as the number one/top destination for music related occupations in Canada; and identifies talent retention and attraction as essential in maintaining and developing the music industry in Hamilton;

WHEREAS, Hamilton is recognised as 7th in the world for the number of independent musicians per capita; and musicians and singers are the top core creative music sector occupations, representing 14% of all music sector occupations; and with 22% of all music industry workers identified as self employed;

WHEREAS, recognizing that the single most important source of income for a musician is generated through live performances in venues and spaces in cities across Canada, and that many musicians are unable to perform in venues and festivals due to COVID-19;

WHEREAS, the current Canadian Federation of Musicians and the Hamilton Musician Guild rates range from \$150 to \$590 for performances of approximately one hour in length (rates dependent on the number of musicians performing);

THEREFORE, BE IT RESOLVED:

That staff be directed to report back to the General Issues Committee on the establishment of City guidelines and/or a policy establishing a practice of payment for musicians, based on the most current fees recommended by the Canadian Federation for Musicians, represented locally by the Hamilton Musicians Guild, Local 293 for City-hosted and City-funded events.

(h) PRIVATE & CONFIDENTIAL (Item 13)

(i) Closed Session Minutes – February 3, 2021 (Item 13.1)

- (a) The Closed Session Minutes of the February 3, 2021 General Issues Committee meeting, were approved, as presented; and,
- (b) The Closed Session Minutes of the February 3, 2021 General Issues Committee meeting shall remain confidential.

Committee moved into Closed Session respecting Items 13.2 to 13.4, pursuant to Section 8.1, Sub-sections (b), (d), (e), (f) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (b), (d), (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to personal matters about an identifiable individual, including municipal or local board employees; labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

(i) ADJOURNMENT (Item 14)

There being no further business, the General Issues Committee adjourned at 3:56 p.m.

Respectfully submitted,

Deputy Mayor Maureen Wilson
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk

**Ministry of
Transportation**

Office of the Minister

777 Bay Street, 5th Floor
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transportation

**Ministère des
Transports**

Bureau de la ministre

777, rue Bay, 5^e étage
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transports



January 14, 2021

Mayor Fred Eisenberger
City of Hamilton
71 Main Street West
Hamilton ON L8P 4Y5

Dear Mayor Eisenberger:

RE: Dedicated Gas Tax Funds for Public Transportation Program

This Letter of Agreement between the **City of Hamilton** (the "Municipality") and Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario (the "Ministry"), sets out the terms and conditions for the provision and use of dedicated gas tax funds under the Dedicated Gas Tax Funds for Public Transportation Program (the "Program"). Under the Program, the Province of Ontario provides two cents out of the provincial gas tax to municipalities to improve Ontario's transportation network and support economic development in communities for public transportation expenditures.

The Ministry intends to provide dedicated gas tax funds to the Municipality in accordance with the terms and conditions set out in this Letter of Agreement and the enclosed Dedicated Gas Tax Funds for Public Transportation Program 2020-21 Guidelines and Requirements (the "guidelines and requirements").

In consideration of the mutual covenants and agreements contained in this Letter of Agreement and the guidelines and requirements, which the Municipality has reviewed and understands and are hereby incorporated by reference, and other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Ministry and the Municipality agree as follows:

1. To support local public transportation services in the Municipality, the Ministry agrees to provide funding to the Municipality under the Program to a maximum amount of up to **\$11,687,199** ("the "Maximum Funds") in accordance with, and subject to, the terms and conditions set out in this Letter of Agreement and, for greater clarity, the guidelines and requirements.
2. Subject to Section 1, the Ministry will, upon receipt of a fully signed copy of this Letter of Agreement and a copy of the authorizing municipal by-law(s) and, if applicable, resolution(s) for the Municipality to enter into this Letter of Agreement, provide the Municipality with **\$8,765,399**; and any remaining payment(s) will be provided thereafter.

-2-

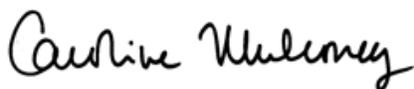
3. If another municipality authorizes the Municipality to provide local public transportation services on its behalf and authorizes the Municipality to request and receive dedicated gas tax funds for those services also on its behalf, the Municipality will in the by-law(s) and, if applicable, resolution(s) described in Section 2 confirm that the Municipality has the authority to provide those services and request and receive those funds.
4. The Municipality agrees that any amount payable under this Letter of Agreement may be subject, at the Ministry's sole discretion, to any other adjustments as set out in the guidelines and requirements.
5. The Municipality will deposit the funds received under this Letter of Agreement in a dedicated gas tax funds reserve account, and use such funds and any related interest only in accordance with the guidelines and requirements.
6. The Municipality will adhere to the reporting and accountability measures set out in the guidelines and requirements, and will provide all requested documents to the Ministry.
7. The Municipality agrees that the funding provided to the Municipality pursuant to this Letter of Agreement represents the full extent of the financial contribution from the Ministry and the Province of Ontario under the Program for the 2020-21 Program year.
8. The Ministry may terminate this Letter of Agreement at any time, without liability, penalty or costs upon giving at least thirty (30) days written notice to the Municipality. If the Ministry terminates this Letter of Agreement, the Ministry may take one or more of the following actions: (a) cancel all further payments of dedicated gas tax funds; (b) demand the payment of any dedicated gas tax funds remaining in the possession or under the control of the Municipality; and (c) determine the reasonable costs for the Municipality to terminate any binding agreement(s) for the acquisition of eligible public transportation services acquired, or to be acquired, with dedicated gas tax funds provided under this Letter of Agreement, and do either or both of the following: (i) permit the Municipality to offset such costs against the amount the Municipality owes pursuant to paragraph 8(b); and (ii) subject to Section 1, provide the Municipality with funding to cover, in whole or in part, such costs. The funding may be provided only if there is an appropriation for this purpose, and in no event will the funding result in the Maximum Funding exceeding the amount specified under Section 1.
9. Any provisions which by their nature are intended to survive the termination or expiration of this Letter of Agreement including, without limitation, those related to disposition, accountability, records, audit, inspection, reporting, communication, liability, indemnity, and rights and remedies will survive its termination or expiration.
10. This Letter of Agreement may only be amended by a written agreement duly executed by the Ministry and the Municipality.
11. The Municipality agrees that it will not assign any of its rights or obligations, or both, under this Letter of Agreement.

-3-

12. The invalidity or unenforceability of any provision of this Letter of Agreement will not affect the validity or enforceability of any other provision of this Letter of Agreement. Any invalid or unenforceable provision will be deemed to be severed.
13. The term of this Letter of Agreement will commence on the date of the last signature of this Letter of Agreement.
14. The Municipality hereby consents to the execution by the Ministry of this Letter of Agreement by means of an electronic signature.

If the Municipality is satisfied with and accepts the terms and conditions of this Letter of Agreement, please print and secure the required signatures, and then deliver a fully signed pdf copy to the Ministry at the email account below. Subject to the province's prior written consent, including any terms and conditions the Ministry may attach to the consent, the Municipality may execute and deliver the Letter of Agreement to the Ministry electronically. In addition, all program documents are also to be sent to the following email account:
MTO-PGT@ontario.ca

Sincerely,



Caroline Mulroney
Minister of Transportation

I have read and understand the terms and conditions of this Letter of Agreement, as set out above, and, by signing below, I am signifying the Municipality's consent to be bound by these terms and conditions.

Municipality

Date

Name (print):
Title (head of council or
authorized delegate):

I have authority to bind the Municipality.

Date:

Name (print):
Title (clerk or authorized delegate):

I have authority to bind the Municipality.