



## EMERGENCY CITY COUNCIL MINUTES 21-013

7:30 p.m.  
August 9, 2021  
Council Chamber  
Hamilton City Hall  
71 Main Street West

**Present:** Mayor F. Eisenberger; Deputy Mayor C. Collins (presiding)  
Councillors M. Wilson, A. VanderBeek, J. Farr, J.P. Danko, M. Pearson, B. Clark, B. Johnson, S. Merulla, T. Jackson and J. Partridge.

**Absent:** Councillors T. Whitehead – Leave of Absence; E. Pauls – Personal; N. Nann – Personal and L. Ferguson – Personal.

Deputy Mayor Collins called the Emergency meeting of City Council to order, noting that the Emergency meeting has been called as it is in relation to a situation or impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or not.

Deputy Mayor Collins recognized that Council is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

<b>APPROVAL OF THE AGENDA</b>
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The Clerk advised that there were no changes to the agenda.

**(Clark/Pearson)**

That the agenda for the August 9, 2021 Emergency meeting of Council be approved, as presented.

**Result: Motion CARRIED by a vote of 10 to 1, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
YES – Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES – Deputy Mayor - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>DECLARATIONS OF INTEREST</b>
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There were no declarations of interest.

<b>PRIVATE AND CONFIDENTIAL</b>
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**(Clark/Eisenberger)**

That Council move into Closed Session respecting Item 3.1 pursuant to Section 9.1, Sub-sections (e) and (f) of the City's Procedural By-law 21-021; and Section 239(2), Sub-Sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES – Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES – Deputy Mayor - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

### 3.1 Encampment Litigation Update

**(Farr/Merulla)**

- (a) That Appendix "B" to Report LS20023(c), respecting the Encampment Litigation Update, being the Enforcement Protocol (attached hereto), be repealed, with a three-week grace period after Council ratification;
- (b) That the direction provided to staff in Closed Session respecting the Options regarding the Encampment Litigation Update, be approved; and,
- (c) That the Options regarding the Encampment Litigation Update, remain confidential.

At Council's request, sub-section (a) of Item 3.1 was voted on separately, as follows:

- (a) That Appendix "B" to Report LS20023(c), respecting the Encampment Litigation Update, being the Enforcement Protocol (attached hereto), be repealed, with a three-week grace period after Council ratification;

**Result: Motion on sub-section (a) of Item 3.1 CARRIED by a vote of 10 to 2, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
YES – Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES – Deputy Mayor - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
NO - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

Sub-sections (b) and (c) of Item 3.1 were voted on separately, as follows:

- (b) That the direction provided to staff in Closed Session respecting the Options regarding the Encampment Litigation Update, be approved; and,
- (c) That the Options regarding the Encampment Litigation Update, remain confidential.

**Result: Motion on sub-sections (b) and (c) of Item 3.1 CARRIED by a vote of 11 to 1, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
YES – Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES – Deputy Mayor - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>BY-LAWS</b>
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**(Partridge/Johnson)**

That Bill No. 21-124, be passed and that the Corporate Seal be affixed thereto, and that the By-law, be numbered, be signed by the Deputy Mayor and the City Clerk to read as follows:

21-124        To Confirm the Proceedings of City Council

**Result: Motion CARRIED by a vote of 11 to 1, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
YES – Ward 2 Councillor Jason Farr  
NOT PRESENT - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES – Deputy Mayor - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Partridge/Eisenberger)**

That, there being no further business, Emergency City Council be adjourned at 8:35 p.m.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES – Ward 2 Councillor Jason Farr

NOT PRESENT - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES – Deputy Mayor - Ward 5 Councillor Chad Collins  
YES – Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

Respectfully submitted,

Deputy Mayor C. Collins

Andrea Holland  
City Clerk