



CITY COUNCIL MINUTES 21-015

9:30 a.m.

August 26, 2021
Council Chamber
Hamilton City Hall
71 Main Street West

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

Absent: Councillor T. Whitehead – Leave of Absence
Councillor C. Collins – Deputy Mayor - Personal

Mayor Eisenberger called the meeting to order and 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.

APPROVAL OF THE AGENDA

The Clerk advised that there were no changes to the agenda.

(Partridge/Farr)

That the agenda for the August 26, 2021 meeting of Council be approved, as presented.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 – Acting Deputy Mayor - Councillor Sam Merulla
 NOT PRESENT - 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
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

DECLARATIONS OF INTEREST

There were no declarations of interest.

(Merulla/Farr)

That Council move into Committee of the Whole to consider the Committee Reports.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES – Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 – Acting Deputy Mayor - Councillor Sam Merulla
- NOT PRESENT - 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
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

STAFF REPORTS

4.1 Mandatory COVID-19 Vaccination Verification Policy (HUR21008) (City Wide)

(Wilson/Johnson)

- (a) That Council approve the recommendation that the City implement the Mandatory COVID-19 Vaccination Verification Policy attached as Appendix “A” requiring proof of vaccination in the workplace, including a comprehensive testing, education and communication plan for unvaccinated staff.
- (b) That the Mandatory COVID-19 Vaccination Verification Policy applies to all City employees, including permanent, temporary, full-time, part-time, casual, volunteers, students, members of Council; and members of Council appointed committees.
- (c) That Appendix “B” to Report HUR21008, remain confidential and not be released publicly.

(Partridge/Pearson)

That the consideration of Report HUR21008, be deferred until after Council rises from Closed Session.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 – Acting Deputy Mayor - Councillor Sam Merulla
 NOT PRESENT - Deputy Mayor - Ward 5 Councillor Chad Collins
 YES – Ward 6 Councillor Tom Jackson
 YES - 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
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

PRIVATE AND CONFIDENTIAL**(Ferguson/Clark)**

That Council move into Closed Session respecting Item 5.1, pursuant to Section 9.1, Sub-sections (d), (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and Section 239(2), Sub-Sections (d), (e), (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to 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.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 – Acting Deputy Mayor - Councillor Sam Merulla
 NOT PRESENT - Deputy Mayor - Ward 5 Councillor Chad Collins
 YES – Ward 6 Councillor Tom Jackson
 YES - 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
 YES - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

STAFF REPORTS (CONTINUED)

4.1 Mandatory COVID-19 Vaccination Verification Policy (HUR21008) (City Wide)

(Wilson/Johnson)

- (a) That Council approve the recommendation that the City implement the Mandatory COVID-19 Vaccination Verification Policy attached as Appendix "A" requiring proof of vaccination in the workplace, including a comprehensive testing, education and communication plan for unvaccinated staff.
- (b) That the Mandatory COVID-19 Vaccination Verification Policy applies to all City employees, including permanent, temporary, full-time, part-time, casual, volunteers, students, members of Council; and members of Council appointed committees.
- (c) That Appendix "B" to Report HUR21008, remain confidential and not be released publicly.

(Clark/Pearson)

That the Terms and Conditions, first bullet of Section 1. Mandatory COVID-19 Vaccinations (Page 3 of 10 of Appendix "A"), be **amended** to add **"/or"**, to read as follows:

1. Mandatory COVID-19 Vaccinations

- All City of Hamilton employees are required to receive both doses of the COVID-19 vaccine and any subsequent recommended boosters to access a City facility for the purpose of conducting work, unless it is medically contraindicated, and/or they have completed the vaccination education and declared in writing that they do not want to be vaccinated.

Result: Amendment CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson

YES – Ward 2 Councillor Jason Farr

YES - Ward 3 Councillor Nrinder Nann

YES - Ward 4 – Acting Deputy Mayor - Councillor Sam Merulla

NOT PRESENT - Deputy Mayor - Ward 5 Councillor Chad Collins

YES – Ward 6 Councillor Tom Jackson

YES - 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

YES - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

(Clark/Pearson)

That Report HUR21008 respecting the Mandatory COVID-19 Vaccination Verification Policy, be **amended** by adding a new sub-section (d) to read as follows:

- (d) That the City of Hamilton request the Province to provide legislation or regulatory guidance enabling municipalities to implement consistent Mandatory COVID-19 Vaccine Verification policies.**

Result: Amendment CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson

YES – Ward 2 Councillor Jason Farr

YES - Ward 3 Councillor Nrinder Nann

YES - Ward 4 – Acting Deputy Mayor - Councillor Sam Merulla

NOT PRESENT - Deputy Mayor - Ward 5 Councillor Chad Collins

YES – Ward 6 Councillor Tom Jackson

YES - 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

YES - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

Main Motion, as **Amended**, to read as follows:

4.1 Mandatory COVID-19 Vaccination Verification Policy (HUR21008) (City Wide)

- (a) That Council approve the recommendation that the City implement the Mandatory COVID-19 Vaccination Verification Policy attached as Appendix “A”, **as Amended**, requiring proof of vaccination in the workplace, including a comprehensive testing, education and communication plan for unvaccinated staff.
- (b) That the Mandatory COVID-19 Vaccination Verification Policy applies to all City employees, including permanent, temporary, full-time, part-time, casual, volunteers, students, members of Council; and members of Council appointed committees.
- (c) That Appendix “B” to Report HUR21008, remain confidential and not be released publicly; and
- (d) That the City of Hamilton request the Province to provide legislation or regulatory guidance enabling municipalities to implement consistent Mandatory COVID-19 Vaccine Verification policies.**

Result: Main Motion, as Amended CARRIED by a vote of 13 to 1, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES – Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 – Acting Deputy Mayor - Councillor Sam Merulla
- NOT PRESENT - Deputy Mayor - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- NO - 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
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

(Merulla/Jackson)

That the Committee of the Whole Rise and Report.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES – Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 – Acting Deputy Mayor - Councillor Sam Merulla
- NOT PRESENT - Deputy Mayor - Ward 5 Councillor Chad Collins
- YES – Ward 6 Councillor Tom Jackson
- YES - 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
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

BY-LAWS AND CONFIRMING BY-LAW

(Merulla/Farr)

That Bill No. 21-150 be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

150 To Confirm the Proceedings of City Council

Result: Motion CARRIED by a vote of 14 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson

YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 – Acting Deputy Mayor - Councillor Sam Merulla
NOT PRESENT - Deputy Mayor - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Pearson/Partridge)

That, there being no further business, City Council be adjourned at 12:08 p.m.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 – Acting Deputy Mayor - Councillor Sam Merulla
NOT PRESENT - Deputy Mayor - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
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NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - 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,

Mayor F. Eisenberger

Janet Pilon
Acting City Clerk