



GENERAL ISSUES COMMITTEE REPORT 22-005

9:30 a.m.

Wednesday, February 16, 2022

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

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

Absent: Councillors T. Whitehead, B. Clark – Personal

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 22-005, AND RESPECTFULLY RECOMMENDS:

1. Concession Street Business Improvement Area (BIA) Revised Board of Management (PED22034) (Ward 7) (Item 7.1)

That the following individual be appointed to the Concession Street Business Improvement Area (BIA) Board of Management:

- (a) Diane Hines;
- (b) Dave Andrews; and,
- (c) Sarah Maticic.

2. Life Sciences Sector Strategy: Findings and Recommendations (PED22033) (City Wide) (Item 8.2)

That Report PED22033, respecting the Life Sciences Sector Strategy: Findings and Recommendations, be received.

3. Our People Survey Update (CM22001) (City Wide) (Item 8.3)

That Report CM22001, respecting the Our People Survey, be received.

4. Airport Employment Growth District (AEGD) Wastewater System Allocation Policy (PED20040(a)) (Wards 8, 11, 12 and 14) (Item 8.4)

- (a) That Appendix “A” attached to Report 22-005, entitled City of Hamilton Airport Employment Growth District (AEDG) Wastewater System Capacity Allocation Policy, be approved as the City’s policy for allocation of wastewater capacity to lands within the area identified as the AEGD Wastewater Capacity Allocation Area, as shown on Appendix “B” attached to Report PED20040(a);
- (b) That staff be directed to prepare the appropriate by-law to amend the Prohibition of Use of Land Without Adequate Services By-law 06-038 to include wastewater allocation calculations as a requirement to demonstrate adequate services, for Council approval; and,
- (c) That a Wastewater System Capacity Allocation fee of \$500, be approved and incorporated into the Tariff of Fees and Charges By-law for Planning and Engineering Development Applications and apply to each wastewater allocation request submitted to the City, after approval of the Airport Employment Growth District (AEGD) Wastewater System Capacity Allocation Policy.

5. Municipal Accommodation Tax (PED20009(b)) (City Wide) (Item 10.2)

- (a) That the Business Case Study for the creation of the Tourism Municipal Services Corporation, attached as Appendix “B” to Report 22-005 be approved;
- (b) That staff be authorized and directed to incorporate the Tourism Municipal Services Corporation, substantially in accordance with the Business Case Study attached as Appendix “B” to Report 22-005, with the mandate to promote tourism and develop tourism products in alignment with the Hamilton Tourism Strategy;
- (c) That the appointment of the General Manager of the Planning and Economic Development Department; the Director of the Tourism and Culture Division; and, the Manager of Accounting Services, Financial Services and Taxation Division, Corporate Services Department, as Interim Directors of the Tourism Municipal Services Corporation, be approved;
- (d) That staff and the Interim Directors of the Tourism Municipal Services Corporation, be authorized and directed to develop recommendations relating to the following, and report back to the General Issues Committee for approval:

- (i) Operating Agreement and Asset Transfer Policy between the City of Hamilton and the new Tourism Municipal Services Corporation;
 - (ii) Governance structure for the new Tourism Municipal Services Corporation; specifically, the structure and process for the selection of the Board of Directors; and,
 - (iii) Establishing the Tourism Municipal Services Corporation Municipal Accommodation Tax Reserve Fund to receive the new Tourism Municipal Services Corporation's portion of the Municipal Accommodation Tax;
- (e) That staff be authorized and directed to negotiate any agreements required to fulfil the Business Case Study for the creation of the Tourism Municipal Services Corporation, attached as Appendix "B" to Report 22-005 and such other terms and conditions deemed appropriate by the General Manager, Planning and Economic Development Department, in consultation with the General Manager, Finance and Corporate Services Department, and in a form satisfactory to the City Solicitor;
- (f) That the City of Hamilton Municipal Accommodation Reserve Fund Policy for the City portion of the Municipal Accommodation Tax, attached as Appendix "C" to Report 22-005, be approved; and,
- (g) That staff be directed to report back to the General Issues Committee in 2022, with the proposed timing of the approval and implementation of the By-law, attached as Appendix "C" to Report PED20009(b), to establish a Municipal Accommodation Tax at a rate of 4%.

6. Delegation of Authority to Hold Education Development Charge Complaint Hearings (LS22012) (City Wide) (Item 10.3)

- (a) That Council delegates its authority to hold Education Development Charge complaint hearings made, pursuant to section 257.85 of the *Education Act*, R.S.O. 1990, c. E.2 to the Audit, Finance & Administration Committee; and,
- (b) That Council Procedure By-law 21-012, A By-law to Govern the Proceedings of Council and Committees of Council, be amended, as follows:
 - (i) deleting Appendix "J" and replacing it with Appendix "J" attached to Report 22-005 as Appendix "D"; and,

- (ii) such further grammatical and reference amendments determined as necessary by the City Clerk, as a result of deleting Appendix “J” and replacing it with the version of Appendix “J” attached to Report 22-005 as Appendix “D”.

7. City of Hamilton / Ministry of Transportation 2021-2022 Dedicated Gas Tax Funding Agreement (FCS22013) (City Wide) (item 10.4)

- (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 FCS22013;
- (c) That the By-law, attached as Appendix “C” to Report FCS22013, 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.

8. Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs (FCS22003 / LS22006 / PED22018) (City Wide) (Item 10.5)

- (a) That Report FCS22003/LS22006/PED22018, respecting the Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs, be received; and,
- (b) That the contents of Appendix “C” to Report FCS22003/LS22006/PED22018, respecting Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs, remain confidential.

9. Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs (FCS22003(a) / LS22006(a) / PED22018(a)) (City Wide) (Item 10.6)

- (a) That the draft By-Law “To Amend By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs”, attached as Appendix “A”, as further amended, to Report FCS22003(a)/LS22006(a)/PED22018(a), which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted by Council;
- (b) That, subject to the approval of Recommendation (a) of Report FCS22003(a)/LS22006(a)/PED22018(a), Council approve and enact the draft By-Law “To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties”, attached as Appendix “B” to Report FCS22003(a)/LS22006(a)/ PED22018(a), which has been prepared in a form satisfactory to the City Solicitor; and,
- (c) That the contents of Appendix “C” to Report FCS22003(a)/LS22006(a)/ PED22018(a), respecting Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs, remain confidential.

10. Capital Projects Work-in-Progress Sub-Committee Report 22-001, February 11, 2022 (Item 10.7)

(a) Capital Project Closing Report as of September 30, 2021 (FCS21080(a)) (City Wide) (Item 10.1)

- (i) That the General Manager, Finance and Corporate Services, be authorized to transfer a net amount of \$85,088 to the Unallocated Capital Levy Reserve (108020) and draw \$29,757 from other reserves, as outlined in Appendix “E” to Report 22-005;
- (ii) That the General Manager, Finance and Corporate Services, be directed to close the completed and / or cancelled capital projects, listed in Appendix “F” to Report 22-005, in accordance with the Capital Projects Closing and Monitoring Policy;
- (iii) That Appendix “C” to Capital Projects Work-in-Progress Report 22-001, Capital Projects Budget Appropriations for the period covering July 1, 2021 through September 30, 2021, be received as information;
- (iv) That Appendix “G” to Report 22-005, Capital Projects Budget Appropriations of \$250,000 or greater and Capital Project Reserve Funding requiring Council authorization, be approved; and,

- (v) That the amendments to capital financing for the projects outlined in Appendix “H” to Report 22-005, Capital Projects Requiring a Change in Funding Source, be approved.

**(b) Capital Projects Status Report as of September 30, 2021
(FCS21079(a)) (City Wide) (Item 10.2)**

- (i) That Appendix “A”, attached to Report FCS21079(a), respecting Capital Projects Status Report – Tax Supported, as of September 30, 2021, be received;
- (ii) That Appendix “B”, attached to Report FCS21079(a) respecting Capital Projects Status Report – Rate Supported, as of September 30, 2021, be received; and,
- (iii) That confidential Appendix “C”, attached to Report FCS21079(a), respecting Capital Projects Status Report as of September 30, 2021, be received and remain confidential.

**11. Provincial Streamline Development Approval Fund (PED22060 / FCS22018)
(City Wide) (Item 10.8)**

- (a) That the By-law to Authorize the Signing of a Municipal funding agreement for the transfer of the Streamline Development Approval Fund funds between the Minister of Municipal Affairs and Housing and the City of Hamilton, attached as Appendix “A” to Report PED22060 / FCS22018, be passed;
- (b) That certified copies of the approved by-laws authorizing the signing of the Municipal funding agreements for the Streamline Development Approval Fund be forwarded to the Minister of Municipal Affairs and Housing; and,
- (c) That Council authorize staff to single source third-party consultants, pursuant to Procurement Policy #11 – Non-competitive Procurements, where required to complete projects for the Streamline Development Approval Fund within the February 2023 deadline.

12. 2022 Property Insurance Renewals (LS22015) (City Wide) (Item 10.9)

- (a) That the Premium Summaries, attached as Appendix “I” to Report 22-005, for the term January 1, 2022 to January 1, 2023 or beyond, be renewed through Arthur J. Gallagher Canada Ltd. at a cost of \$6,560,575 (plus

applicable taxes), to be funded through the 2022 Risk Management Services Budget;

- (b) That the 2022 Risk Management Property and Liability Premiums budget shortfall of \$512,799 be funded through the 2022 year-end surplus of Tax Stabilization Reserve (110046);
- (c) That the General Manager, Finance and Corporate Services, be authorized and directed to execute all associated documents related to the renewals of the Property and Liability Insurance coverage on behalf of the City of Hamilton, as per the Premium Summaries attached as Appendix “A” to Report LS22015, for the term January 1, 2022 to January 1, 2023 or beyond through Arthur J. Gallagher Canada Ltd., in a form satisfactory to the City Solicitor;
- (d) That the direction provided to staff in Closed Session, respecting Report LS22015, respecting 2022 Property Insurance Renewals, be approved; and,
- (e) That the contents of Appendix “B” to Report LS22015, respecting 2022 Property Insurance Renewals, remain confidential.

13. Local Tree Planting Initiatives in the City of Hamilton (Item 11.1)

WHEREAS, the City of Hamilton has declared a Climate Emergency;

WHEREAS, the Federal Government has created a program to plant 2 billion trees over 10 years;

WHEREAS, \$3.2 Billion will be invested in tree planting efforts to support Provinces, Territories, Third Party Organizations (for and not-for-profit) and Indigenous organizations;

WHEREAS, the Federal Government has recently issued a Call for Proposals (December 16, 2021) to access federal tree planting resources;

WHEREAS, the program identifies cost-shared tree planting projects as one of two funding streams;

WHEREAS, trees can be planted on public lands;

WHEREAS, the City of Hamilton has funded its own tree planting program for nearly two decades;

WHEREAS, Indigenous people are the original Hamiltonians and the original

people of the Ancaster, Stoney Creek, Glanbrook, Flamborough, and Dundas areas;

WHEREAS, the City of Hamilton has approved the development of the Hamilton Urban Indigenous Strategy;

WHEREAS, Hamilton's Urban Indigenous Strategy's Indigenous Relations team will assist to engage, support, and collaborate;

WHEREAS, the City of Hamilton continues to work with the local urban Indigenous and treaty territories; and,

WHEREAS, Hamilton's Urban Indigenous Strategy, through its commitment of implementing the Strategy, focuses on strengthening the City's relationship with the local Indigenous community;

THEREFORE, BE IT RESOLVED:

That staff be directed to consult with representatives of Six Nations of the Grand River, the Mississaugas of the Credit First Nations, the Huron-Wendat Nation, and the Joint Stewardship Board representatives, as well as representatives of Hamilton's urban Indigenous community / organizations for the purpose of establishing partnerships to access federal funding to assist with local tree planting initiatives in the City of Hamilton, and report back to the General Issues Committee.

**14. Tiger-Cats Stadium Licence Agreements (LS22013) (City Wide)
(Item 14.4)**

- (a) That the direction provided to staff in Closed Session, respecting Report LS22013 - Tiger-Cats Stadium Licence Agreements, be approved;
- (b) That the City Manager be directed to organize and Chair the Contract Management Team, as agreed to by the Hamilton Sports Group Partnership;
- (c) That the City Manager be authorized and directed to execute any agreements or ancillary documents necessary to implement the resolution with the Hamilton Sports Group Partnership with respect to the Tiger-Cats Stadium Licence Agreements, in a form satisfactory to the City Solicitor; and,
- (d) That Report LS22013, respecting the Tiger-Cats Stadium Licence Agreements and its appendices, remain confidential;

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

8. ADDED STAFF PRESENTATIONS

- 8.4. Airport Employment Growth District (AEGD) Wastewater System Allocation Policy (PED20040(a)) (Wards 8, 11, 12 and 14)

This matter was previously listed as Item 10.1; however, a staff presentation was added to this report therefore it has been moved to Item 8.4.

10. ADDED DISCUSSION ITEMS

- 10.7. Capital Projects Work-in-Progress Sub-Committee Report 22-001, February 11, 2022
- 10.8. Provincial Streamline Development Approval Fund (PED22060 / FCS22018) (City Wide)
- 10.9. 2022 Property Insurance Renewals (LS22015) (City Wide)

Please refer to Item 14.5 for Private & Confidential Appendix "B" to this report.

14. ADDED PRIVATE AND CONFIDENTIAL ITEMS

- 14.4. Tiger-Cats Stadium Licence Agreements (LS22013) (City Wide)

Pursuant to Section 9.1, Sub-sections (a), (f), (i) and (k) of the City's Procedural Bylaw 21-021, as amended, and Section 239(2), Sub-sections (a), (f), (i) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to the security of the property of the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; 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.

14.5. Appendix "B" to Report LS22015 - 2022 Property Insurance Renewals

Pursuant to Section 9.1, Sub-section (a) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (a) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to the security of the property of the municipality or local board. Please refer to Item 10.9 for the public portion of this report.

The agenda for the February 16, 2022 General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) February 2, 2022 (Item 4.1)

The Minutes of the February 2, 2022 General Issues Committee meeting were approved, as presented.

(d) CONSENT ITEMS (Item 7)

(i) Arts Advisory Commission Minutes 21-005, November 23, 2021 (Item 7.2)

The Arts Advisory Commission Minutes 21-005, November 23, 2022 were received.

(e) STAFF PRESENTATIONS (Item 8)

(i) COVID-19 Verbal Update (Item 8.1)

Jason Thorne, General Manager, Planning and Economic Development and Director of the Emergency Operations Centre; and, Dr. Elizabeth Richardson, Medical Officer of Health, provided the verbal update respecting COVID-19.

The verbal update respecting the COVID-19 was received.

(ii) Life Sciences Sector Strategy: Findings and Recommendations (PED22033) (City Wide) (Item 8.2)

Norm Schleeahn, Director of Economic Development, introduced the presentation, respecting Report PED22033 - Life Sciences Sector Strategy: Findings and Recommendations, and staff.

Asmaa Al-Hashimi, Business Development Consultant, introduced the consultants; Omar Raza, Senior Manager, KPMG LLP; and, Clark Savolaine, Partner, Deal Advisory, Global Infrastructure Advisory, KPMG LLP, who provided the balance of the presentation.

The presentation, respecting Report PED22033 - Life Sciences Sector Strategy: Findings and Recommendations, was received.

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

(iii) Our People Survey Update (CM22001) (City Wide) (Item 8.3)

Janette Smith, City Manager, introduced the presentation respecting Report CM22001 – Our People Survey Update.

Zak Rochon, Partner, Director of Client Services, Metrics@work provided the technical portion of the presentation, followed by Lora Fontana, Executive Director, H.R., who presented the survey results.

The presentation, respecting Report CM22001 – Our People Survey Update, was received.

For disposition of this matter, please refer to Item 3.

The General Issues Committee recessed for one half hour until 12:35 p.m.

(iv) **Airport Employment Growth District (AEGD) Wastewater System Allocation Policy (PED20040(a)) (Wards 8, 11, 12 and 14) (Item 8.4)**

Mark Inrig, Senior Development Administrator, and Gavin Norman, Manager, Infrastructure Planning, provided the presentation for Report PED20040(a) - Airport Employment Growth District (AEGD) Wastewater System Allocation Policy.

The presentation, respecting Report PED20040(a) - Airport Employment Growth District (AEGD) Wastewater System Allocation Policy, was received.

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

(f) **DISCUSSION ITEMS (Item 10)**

(i) **Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs (FCS22003(a) / LS22006(a) / PED22018(a)) (City Wide) (Item 10.6)**

1. **Deferral of Consideration of Report**

Consideration of Report FCS22003(a) / LS22006(a) / PED22018(a), respecting the Amendments to By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs, was DEFERRED until Committee reconvened in Opens Session.

2. **Amendment to sub-section (c) to Section 25 of Appendix "A" to FCS22003(a)/LS22006(a)/PED22018(a)**

(a) Sub-section (c) to Section 25 of Appendix "A" to Report FCS22003(a)/LS22006(a)/PED22018(a), respecting Amendments to By-law No. 10-197, the Hamilton Sign By-law, respecting Election Signs, was deleted in its entirety:

~~(c) ***within 25 meters of any Voting Place on Voting Day or on and Advance Voting Day.***~~

(b) Sub-section (a) to Report FCS22003(a) / LS22006(a) / PED22018(a), respecting Amendments to By-law No. 10-197, the Hamilton Sign By-law, respecting Election Signs, was amended by adding the words "**as amended**" after the words Appendix "A", to read as follows:

- (a) That the draft By-Law “To Amend By-law No. 10-197, the Hamilton Sign By-Law, respecting Election Signs”, attached as Appendix “A” **as further amended**, to Report FCS22003(a)/LS22006(a)/PED22018(a), which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted by Council;

3. Amendment to Section 23 of Appendix “A” to Report FCS22003(a)/LS22006(a)/PED22018(a)

Section 23 of Appendix "A" to Report FCS22003(a) / LS22006(a) / PED22018(a), respecting Amendments to By-law No. 10-197, the Hamilton Sign By-law, respecting Election Signs, was amended, by adding the words “***excluding the portion of front or side yard between the sidewalk, ditch or established edge of roadway, and the property line***”, to read as follows:

- 23. No person shall display or permit the display of an Election Sign on any portion of the Road Allowance, including any portion of the Boulevard that abuts Private Property, ***excluding the portion of front or side yard between the sidewalk, ditch or established edge of roadway, and the property line.***

For further disposition of this matter, please refer to Item 9.

(g) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Amendments to the Outstanding Business List (Item 13.1)

The following amendments to the General Issues Committee’s Outstanding Business List were approved:

- (1) Proposed New Due Dates (Item 13.1.a.)
 - (aa) Parkland Acquisition Strategy
Current Due Date: June 15, 2022
Proposed New Due Date: September 7, 2022
- (2) Items to be Removed:
 - (aa) Hamilton Farmers’ Market Governance
(No longer required by the Ward Councillor)

(h) PRIVATE & CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – February 2, 2022 (Item 14.1)

- (a) The Closed Session Minutes of the February 2, 2022 General Issues Committee meeting were approved; and,
- (b) The Closed Session Minutes of the February 2, 2022 General Issues Committee meeting shall remain confidential.

Committee moved into Closed Session respecting Items 14.3 and 14.4, pursuant to Section 9.1, Sub-sections (a), (f), (i) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (a), (f), (i) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain to the security of the property of the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; 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 4:46 p.m.

Respectfully submitted,

Arlene VanderBeek, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk

WASTEWATER SYSTEM CAPACITY ALLOCATION POLICY - CITY OF HAMILTON AIRPORT EMPLOYMENT GROWTH DISTRICT (AEGD)

Purpose and Intent:

In order to maintain the provision of wastewater conveyance and treatment capacity in the AEGD drainage catchment, policies and guidelines are necessary to provide a consistent, fair, equitable and financially sustainable process in which wastewater system capacity can be managed and aligned with Hamilton’s growth strategy and priorities. The purpose of the AEGD Wastewater System Capacity Allocation Policy (“the Policy”) is to manage wastewater service delivery essential to protect public health, safety, the environment and quality of life.

The Policy applies to the AEGD Drainage Catchment Area (the “Catchment Area”) (see attached Appendix A).

Article 1 – The City’s Role in Determining Wastewater Capacity Allocation:

1. The City, as the provider and operator of the wastewater treatment and conveyance system is the owner of the system capacity. As such, the City approves wastewater system capacity (conveyance and treatment) based on the assigned population densities of the area and a per capita per day value of water consumption plus an infiltration index.
2. The City, as the approval authority, grants wastewater system capacity allocation to lands through approval of development applications regulated by the *Planning Act*, a change of use through a building permit application, or application for servicing permit.
3. In consultation with the development community, the City administers a Staging of Development Program in accordance with the Urban Hamilton Official Plan (Chapter F, Section 3.6) for development proposals including those within the Catchment Area (see attached Appendix A).
4. The City determines the available wastewater system capacity on an on-going basis and grants available capacity in consultation with applicants / developers based on a set of sustainability criteria and other considerations and requirements which guide decisions on allocation.

Article 2 – Infrastructure Sustainability Criteria:

1. Infrastructure Sustainability Criteria, as defined below, will be used as a guide in determining the merits of allocating wastewater capacity in the Catchment Area by establishing if the development proposal:
 - a) Maintains and optimizes the use of existing City infrastructure;

**WASTEWATER SYSTEM CAPACITY ALLOCATION POLICY - CITY OF HAMILTON
AIRPORT EMPLOYMENT GROWTH DISTRICT (AEGD)**

- b) Minimizes the cost for provision of new City infrastructure;
- c) Facilitates the development of complete communities;
- d) Supports other City policies such as the Corporate Strategic Plan to promote economic prosperity and growth; the Official Plan, the AEGD Secondary Plan, Zoning By-law, the Economic Development Strategy and all relevant Master Plans; and,
- e) Demonstrates an ability to readily develop/proceed.

Article 3 - Considerations and Requirements:

1. Where a conflict occurs between different forms of development, approval of Wastewater Capacity Allocation will be focused on employment-related projects, and prioritized generally as follows:

- a) Non-residential Development in the following order:
 - i. Industrial
 - ii. Commercial
 - iii. Mixed forms of development with predominantly employment uses
- b) Residential development

In each case above, consideration will be given to development projects which facilitate completion / enhancement of communities in a coordinated / orderly manner (e.g. missing road connections, watermain looping or reinforcement to support existing development).

2. The Policy will generally apply to any development application that results in approval to physically develop or service land and/or reduces available wastewater system capacity. Applications such as Formal Consultation, Re-zoning and Official Plan Amendments would not qualify on their own for wastewater allocation under the Policy because these applications do not result in approval to physically develop or service land.
3. Allocation of capacity is premised on the basis that adequate downstream conveyance capacity availability has been verified to the satisfaction of the City.
4. A wastewater generation report must be submitted to support allocation of wastewater capacity. The report, including sanitary sewer capacity assessment calculations, shall be prepared based on the engineering parameters and methodologies specified in the City’s Development Guidelines and Standards, Adequate Services By-law and provincial regulations.

**WASTEWATER SYSTEM CAPACITY ALLOCATION POLICY - CITY OF HAMILTON
AIRPORT EMPLOYMENT GROWTH DISTRICT (AEGD)**

5. Approval of a development application described under subsection 2, above, is not a promise, guarantee, or reservation of wastewater capacity allocation. Upon approval, capacity allocation must be granted by the City via a formal request by an applicant (see Article 4 subsection 1).
6. Additional wastewater capacity allocation (i.e. over and above the existing use) required for residential redevelopment / infill projects is generally limited to the as-of-right zoning designation of the property.
7. Wastewater capacity will only be allocated on a Phase or Site-Specific Plan basis, subject to wastewater capacity availability. Wastewater capacity may not be allocated “up front” for an entire development project, either non-residential or residential. In the context of this policy, ‘Phase’ refers to registration of a subdivision plan or final approval of a site plan application.

Exception:

- i) A block within a registered residential subdivision plan that is subject to site plan control is not eligible for allocation of wastewater capacity until a site plan application for that block has been approved by the City.
- ii) Employment subdivision plans will be eligible for capacity allocation based on the approved population densities at the time of draft plan approval for up to thirty percent (30%) of the total expected flows generated from the net developable portion of the approved plan or the expected flows generated from up to two (2) blocks, whichever allocation amount is larger.

Article 4: Wastewater Capacity Allocation Confirmation Letter from City

1. To acquire wastewater capacity allocation, the applicant / developer must submit a request in writing with supporting documentation to the City and receive a letter of ***Confirmation of Wastewater Allocation***.
2. Where a *Planning Act* application to develop or subdivide land has received approval and wastewater allocation has been granted by the City, allocation will be reserved for that application up to the expiration date of the City’s approval of the application as follows:
 - i) one (1) year for site plan and consent applications; and,
 - ii) three (3) years for subdivision applications; and
 - iii) expiration of a building or sewer servicing permit.
3. Where the City has granted an extension to approval of a development application,

WASTEWATER SYSTEM CAPACITY ALLOCATION POLICY - CITY OF HAMILTON AIRPORT EMPLOYMENT GROWTH DISTRICT (AEGD)

the City may consider extension of wastewater allocation for the length of the extension period, subject to Article 6 subsection 2.

Article 5 - Public Interest Projects:

1. The City reserves the right to allocate wastewater capacity for those projects deemed to be in the public’s interest including, but not limited to: facilities affecting public health and safety, educational facilities, and certain economic development initiatives. An allocation amount of wastewater capacity in the form of a per capita per day value of water consumption plus an infiltration index shall be reserved for such purpose.
2. As part of an annual review and in conjunction with the Staging of Development Program, City staff will recommend any changes regarding the retention of capacity allocation for public interest projects. Further, in circumstances where wastewater capacity allocation has been revoked (refer to Article 6), the City will review the need to transfer capacity allocation to Public Interest Projects.

Article 6 – Revocation of Wastewater Capacity Allocation:

The City reserves the right to revoke wastewater capacity allocation for projects as follows:

1. A project’s wastewater allocation will be revoked by the City where approval of an application lapses or permit expires before development or subdivision of the land occurs.
2. The City may revoke wastewater capacity allocation where active development of the land has not commenced within six (6) months of the date an extension to approval of an application has been granted by the City. Active development refers to execution of an agreement and submission of an engineering/servicing design for the lands.
3. The City may re-allocate any revoked wastewater capacity subject to any Public Interest Project requiring all or a portion of the allocation.

Article 7 – Municipal Control:

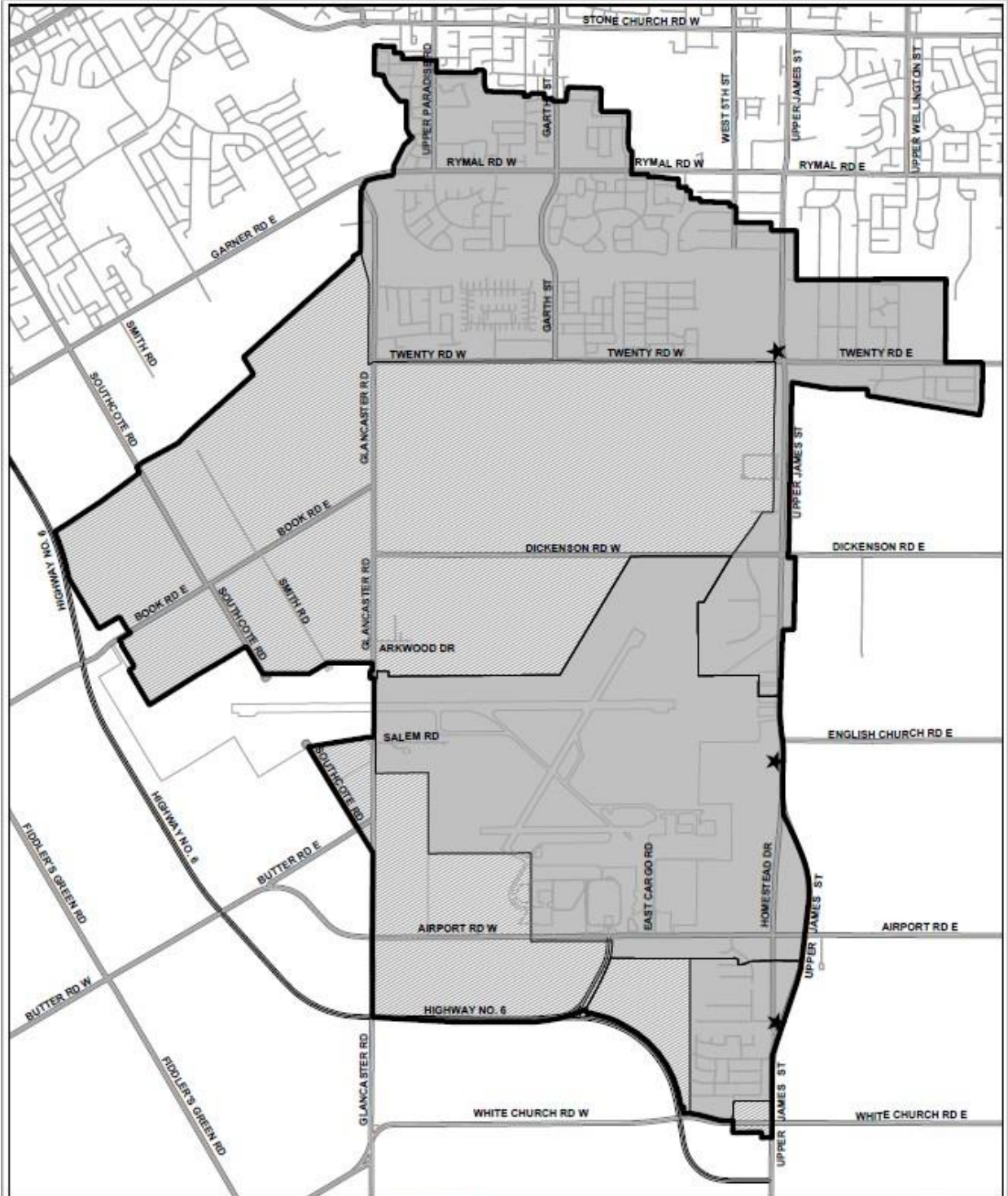
1. Wastewater capacity allocation granted to a project runs with the land and is non-transferable.
2. The City will actively track the status of wastewater capacity allocation and development projects/applications and provide updates to the development community.

**WASTEWATER SYSTEM CAPACITY ALLOCATION POLICY - CITY OF HAMILTON
AIRPORT EMPLOYMENT GROWTH DISTRICT (AEGD)**

3. As part of the Staging of Development Program, the City will report on the status of proposed development and Public Interest Projects having received wastewater capacity allocation and will advise on the amount of wastewater capacity allocation being reserved for such purposes.
4. This policy shall be reviewed from time to time and amended when deemed necessary by City staff.
5. In the event of a conflict between this policy and any Provincial or Federal policy or Regulation having a more restrictive standard or standards, the most restrictive Provincial or Federal policy or Regulation shall prevail.

Appendix A: AEGD Wastewater Capacity Allocation Area

**WASTEWATER SYSTEM CAPACITY ALLOCATION POLICY - CITY OF HAMILTON
 AIRPORT EMPLOYMENT GROWTH DISTRICT (AEGD)**



**Schedule 1
 AEGD Wastewater Capacity Allocation Area**

Legend

AEGD Wastewater Capacity Allocation Area	Existing Gravity Drainage Area	Potential / Future Gravity Drainage Area	Pump Station
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Schedule 1 AEGD Wastewater Capacity Allocation Area	
Revision Date	Jan 11, 2022
Author	N.T.S.
Scale	1:1000
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Tourism Municipal Services Corporation Business Case

Prepared according to Section 6 of Ontario Regulation 599/06 (Municipal Services Corporations) as per section 203(4) of the *Municipal Act*, 2001, S.O. 2001, c.25 as amended.

Section 1: Background

The Province of Ontario developed the Municipal Accommodation Tax (the "MAT") as a funding source to support tourism in communities and allow growth in the sector so tourism continues to contribute to economic growth and development across Ontario.

Under Ontario Regulation 435/17 Transient Accommodation Tax, the City of Hamilton (the "City") must share a minimum of 50% of MAT revenues with a designated Eligible Tourism Entity. Eligible Tourism Entity is defined as a non-profit entity whose mandate includes the promotion of tourism in Ontario or in a municipality. For greater certainty:

- The expression "promotion of tourism" provides for the development of tourism products;
- "Transient Accommodation" means accommodation for a continuous period stay of 29 nights or less; this continuous period is not disrupted by the purchase of different rooms, suites, beds or lodging in the same licensed establishment such as a hotel, motel or bed and breakfast.

As of 2021, Hamilton does not have the required Eligible Tourism Entity mandated by Ontario Regulation 435/17. Therefore, the City proposes establishing a tourism Municipal Service Corporation to serve as the Eligible Tourism Entity in Hamilton.

Ontario Regulation 599/06 Municipal Services Corporations requires the City to prepare a Business Case Study for the proposed tourism Municipal Service Corporation and obtain approval of the Business Case by Council Resolution. The Business Case Study presented herein fulfills the requirements of Regulation 599/06.

Section 2: Purpose

The City proposes the incorporation of a non-profit, non-share capital Corporation under the *Corporations Act* (Ontario) to be named "Hamilton Tourism Development Corporation" (the "Corporation"), if such name is available at the time of incorporation, with the City as sole voting member.

This document provides information on the benefits of establishing the Corporation and a governance framework for the proposed Corporation. Specifically, this document:

- a. Sets out the objectives of the Corporation, its mandate, guiding principles, governance structure, funding sources, accountability and reporting; and
- b. Constitutes the statutorily required Business Case for the proposed Corporation, prepared according to Section 6 of Ontario Regulation 599/06 (Municipal Services Corporations) as per section 203(4) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended.

Section 3: Mandate

In 2015, City Council endorsed the Tourism Action Plan which outlines the role of the City's Tourism and Culture Division in facilitating the growth of tourism and enhancing quality of life through tourism, operating under the brand "Tourism Hamilton."

The City's Hamilton Tourism Strategy, on the other hand, sets out the strategic direction for the tourism industry, supports the City's Strategic Plan 2016 - 2025, and is in alignment with key municipal policies relating to land-use planning, economic development and culture. Throughout 2021, a new five-year Hamilton Tourism Strategy was developed with priorities, implementation and action plans. Staff will present this strategy for Council's consideration in 2022.

The mandate of the Corporation (serving as the Eligible Tourism Entity in Hamilton) will be the promotion of tourism in alignment with the Hamilton Tourism Strategy (the "Strategy"). With the proposed implementation of the MAT, funding will be accessible to support the Strategy and related tourism initiatives moving forward.

Section 4: Benefits of a Hamilton Tourism Development Corporation

The advantages of the City of establishing the Corporation include:

- a. Satisfying the Province's requirement for a non-profit tourism organization to serve as a destination marketing organization that makes use of a minimum of 50% of the MAT revenues;
- b. Adopting a Municipal Services Corporation model which provides accountability, Corporate responsibility, and reasonable controls through the role of the sole voting member (City); and
- c. Ensuring City Council, as sole voting member, will be responsible for selecting and electing the Board of Directors (which will include Council representatives) that establish the governance framework for business plans, expenditures, and Corporate policies.

In the absence of an Eligible Tourism Entity, the City would have to remit 50% of the annual MAT revenues and responsibility for marketing Hamilton as a tourism destination to an external organization or agency over which the City would have no direct control. As no Eligible Tourism Entity currently exists in the local market, the City is best positioned to advance the work through the Municipal Services Corporation model.

Section 5: Guiding Principles

The following principles shall guide the Corporation. They function as guideposts in decision-making throughout the Corporation's lifecycle irrespective of changes in leadership, goals, strategies and activities.

- a. The Corporation will engage in tourism promotion and tourism product development in Hamilton; and
- b. The Corporation will undertake its work based on objective decision-making processes that are accountable and transparent, resulting in City-wide benefits.

Section 6: Governance Structure and Incorporation

To proceed with the establishment of the Corporation, the City must make an application to the Province to incorporate a non-share capital Corporation as per the Ontario Corporations Act. Accordingly, the Corporation will be created by applying for incorporation by way of letters patent to be drafted by the City's Legal Services. The application will include the following information:

- a. Name of the Corporation: Hamilton Tourism Development Corporation (if such name is available on the date of incorporation)
- b. Address of the Head Office: Tourism and Culture Division, City of Hamilton, 71 Main Street West, Hamilton, Ontario, L8P 4Y5
- c. Interim Directors of the Board of Directors

The Board of Directors will have oversight and critical decision-making roles concerning the operation of the Corporation. Staff will bring a report back to Council in 2022 with Recommendations relating to the Board of Directors composition, Corporate By-laws, operating and asset transfer agreements, budget and other details to bring the organization to a complete stage of operation. In the interim, staff are proposing to appoint as the Interim Directors, to incorporate and develop the legally required agreements and policies:

- General Manager, Planning and Economic Development Department
 - Director, Tourism and Culture Division; and
 - Manager of Accounting Services, Financial Services and Taxation Division, Corporate Services Department
- d. Objects of the Corporation include the delivery of, and support for, tourism promotion in Hamilton
 - e. Special Provisions:
 - The Corporation is limited to providing services to members of the Corporation on behalf of The Corporation of the City of Hamilton in place of the municipality providing those services.
 - Directors shall serve without remuneration, and no Director shall directly or indirectly receive any profit from their position as such, provided that a Director may be reimbursed for reasonable expenses incurred in performing their duties. A Director shall not be prohibited from receiving compensation for services provided to the Corporation in another capacity.
 - Upon the dissolution of the Corporation and after payment of all debts and liabilities, the Corporation's remaining property shall be distributed, or disposed of, to The Corporation of the City of Hamilton.

The letters, patent and the By-laws of the Corporation will set out the powers of the Corporation, its membership structure, and the process for making changes to the Corporation's By-laws.

Section 7: Funding, Budget and Collection of MAT Funds

- a. Financial Impact of MAT: It is anticipated the MAT, levied at 4%, would generate approximately \$2 M in annual new revenue to the City (\$1 M per year) and the Corporation (\$1 M per year) based on licensed accommodation stock and performance before the COVID-19 pandemic in 2020 and 2021. This revenue could grow to \$3 M in the long-term if projected new hotels become operational and short-term rentals are licenced and taxed by the City.
- b. City of Hamilton Municipal Accommodation Tax Reserve Fund: With the implementation of the MAT, staff will ask Council to approve the establishment of a Reserve Fund to receive the City's portion of the MAT revenue (Appendix "B" to Report PED20009(b) - City of Hamilton Municipal Accommodation Tax Reserve Fund Policy).
- c. Corporation Annual and Multi-Year Operating Budget: The Corporation will be funded from a minimum of 50% of the proceeds of the MAT revenues. As is the case with the City, the Corporation will develop a Municipal Accommodation Tax Reserve Fund. The creation and management of an annual Operating Budget and multi-year Operating Budget will be the responsibility of the Corporation's Board of Directors. The budget for operating costs may include general administration and office costs of accounting services, audit services, phone, computer software, internet and other contractual and professional services (City tourism services, etc.). The Corporation will report audited financials at its Annual General Meeting.
- d. Loan from the City for Startup Costs: The nominal cost to establish the proposed Corporation such as business registration fee, purchase of accounting software, staff costs to perform financial and/or administrative duties of the Corporation will be funded by the City through a loan to be repaid by the Corporation or once the Corporation generates MAT revenues. Staff will bring back a recommended loan amount in 2022 for Council's consideration.
- e. Agreement: The Corporation will enter into an agreement with the City respecting reasonable financial accountability matters to ensure that amounts paid to the Corporation are used for the sole purposes of promoting tourism and developing tourism products. In addition, the agreement may provide for other matters.
- f. Collection of Funds: Licensed accommodation providers will be responsible for the collection of the MAT tax revenue. They will then remit these collections to The Ontario Restaurant Hotel and Motel Association (ORHMA). The reasonable costs of collecting and administering the MAT would be deducted from the total MAT tax revenue collected by ORHMA (1%) before remittance of MAT revenue to the City. Following receipt of the MAT revenue from ORHMA, the City would remit a minimum of 50% of the remaining MAT revenue to the Tourism MSC pursuant to the requirements of O.Reg 435/17.


Section 8: Accountability and Reporting

Typically, an independent Corporation would be required to present the City with a multi-year business plan to support its funding and activities. In this case, the City's Hamilton Tourism Strategy will serve as the guiding document for the Corporation.

It is anticipated that reporting to Council by the Corporation would take place at least once a year or as otherwise stipulated in the Corporation's By-laws.

Section 9: Summary

The Business Case for a new Corporation mandated to promote tourism, in alignment with the Hamilton Tourism Strategy, is established based on Ontario Regulation 599/06 and Ontario Regulation 435/17. The Corporation will allow the City to continue to play a leadership role in establishing Hamilton as a tourism destination.

Reserve Policies Municipal Accommodation Tax Reserve Policy No: FPAP-RE-004 Page 1 of 2		Corporate Services Department Approval:
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POLICY STATEMENT	<p>This Policy sets out the guidelines for the sources, uses and appropriate target level for the balances in the Municipal Accommodation Tax (MAT) Reserve Funds.</p>
PURPOSE	<p>The objective of the MAT Reserve Funds is to provide for the financing of promotion and development of tourism and tourism related products and activities in the City of Hamilton, such as, but not limited to, hosting fees for tourism events.</p> <p>Also, to provide a source of funds to offset extraordinary and unforeseen expenditures for the Tourism and Culture Division of the Planning and Economic Development Department.</p>
SCOPE	<p>This policy applies to MAT Reserve Funds received by the City of Hamilton from providers of transient accommodation.</p> <p>This policy applies to all City employees that are responsible for the management of financial resources.</p>
PRINCIPLES	<p>The following principles apply to this policy:</p> <p>Source of Funding: Revenue Sharing - Municipal portion of the Municipal Accommodation Tax in respect of the fiscal year. Interest Income - Interest earned on the unused actual cash balance held in the MAT Reserves, according to the City's Reserve interest allocation policies.</p> <p>Funding Targets: A minimum of the equivalent to one full year of the revenue collected through the MAT based on an average of the prior three years funding must be in the Reserve before funds can be directed to tourism promotion and development activities.</p> <p>Minimum Balance: A minimum of \$2 M must be available in the Reserve at all times.</p> <p>Use of Funds: The MAT Reserves shall be used for the promotion and execution of tourism activities including but not limited to bidding fees; tourism sales; marketing initiatives and the development of tourism products.</p> <p>In the case of extraordinary and unforeseen operating expenditures</p>

Reserve Policies Municipal Accommodation Tax Reserve	 Hamilton	Corporate Services Department
Policy No: FPAP-RE-004		
Page 2 of 2		Approval:

	<p>in the Tourism and Culture Division, the General Manager of the Planning and Economic Development Department shall consult with the General Manager of Finance and Corporate Services to determine if funds from the MAT Reserve can be used to offset the Operating Budget.</p> <p>Transfers from Reserves: All transfers from the MAT Reserve are to be approved by City Council by a budget submission, a separate Council report or a Council motion. All relevant information is to be included with the request.</p>
BORROWING FROM MAT RESERVE	<p>The City may borrow from the MAT Reserve, for non-tourism related activities, as long as the MAT Reserve maintains the minimum balance required by this Policy, at the time the funds are borrowed.</p> <p>The City shall repay the amount borrowed, plus interest according to the City's internal loan policies.</p>
GOVERNING LEGISLATION	<p>Municipal Act 2001, Section 224 Municipal Act 2001, Section 400.1 and O.Reg. 435/17</p>
RESPONSIBILITY FOR THE POLICY	<p>Corporate Services Department Director of Financial Planning, Administration and Policy</p>
POLICY HISTORY	<p>To be added based on Council approval date of policy.</p>

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**HEARING PROCEDURES FOR
SECTION 20 DEVELOPMENT CHARGES ACT, 1997 COMPLAINTS
AND
SECTION 257.85 EDUCATION ACT COMPLAINTS**

COMMITTEE COMPOSITION

The Audit, Finance & Administration Committee ("Committee") has delegated authority to hold hearings for Section 20 Development Charge Act complaints and Section 257.85 Education Act complaints. The Committee shall be comprised of a minimum of 7 members of Council, plus the Mayor as ex-officio.

**DEVELOPMENT CHARGES ACT, 1997 SECTION 20 COMPLAINT AND
EDUCATION ACT SECTION 257.85 COMPLAINT**

Pursuant to the *Development Charges Act, 1997*, a person is required to pay a development charge, or the person's agent may submit a formal complaint to Council respecting one of three issues:

- (a) the amount of the development charge was incorrectly determined;
- (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
- (c) there was an error in the application of the development charge by-law.

Pursuant to the *Education Act*, an owner, the owner's agent or a school board may submit a formal complaint to Council respecting one of three issues:

- (a) the amount of the education development charge was incorrectly determined;
- (b) a credit is or is not available to be used against the education development charge, or that the amount of a credit was incorrectly determined; or
- (c) there was an error in the application of the education development charge by-law.

Pursuant to the *Development Charges Act, 1997* and the *Education Act*, the respective complaints must be submitted within 90 days of the charge being payable and must be in accordance with the grounds permitted under the applicable Act.

The formal complaint must be in writing, stating the complainant's name, address where notice can be given, and the reason for the complaint.

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DEVELOPMENT CHARGE OR EDUCATION DEVELOPMENT CHARGE COMPLAINT HEARING

Both the *Development Charges Act, 1997* and the *Education Act* require that a hearing of the complaint must be held within 60 days of receiving the complaint. A Hearing Notice will be mailed to the complainant at least 14 days before the hearing.

The Complaint Hearing is governed by the procedures set out in the Council Procedure By-law and the *Statutory Powers Procedure Act* (“SPPA”).

The Committee, in conducting the hearing of a Development Charge Complaint or Education Development Charge Complaint, is required to only consider the grounds permitted under subsection 20(1) of the *Development Charges Act* and subsection 257.85(1) of the *Education Act*.

The grounds set out in the *Development Charges Act, 1997 and Education Act* are very specific and quite focused. They do not include a request to be exempt from a Development Charge or Education Development Charge respectively, otherwise applicable pursuant to a Development Charge By-law or Education Development Charge By-law, nor do they include a request to create a new category of development not found in a Development Charge By-law or Education Development Charge By-law. Neither a Development Charge Complaint or Education Development Charge Complaint can be used to: amend the Development Charge By-law or Education Development Charge By-law respectively, to alter the Development Charge rate or Education Development Charge rate otherwise validly applicable or to add a credit or exemption not already within the Development Charge By-law or Education Development Charge By-law.

1. Party Representatives

There are two parties to the hearing of a Development Charge Complaint, the City and the Complainant. The City’s Finance Division is responsible for administering the Development Charge By-law and a solicitor from the Legal Division will represent the City at the hearing. The Complainant may represent themselves or have legal representation as well. There are two parties to the hearing of an Education Development Charge Complaint; the Owner and the applicable school board. The City is not a party to the hearing and will not be represented at the hearing as a party.

In addition, the Committee will have an external solicitor to provide legal advice to the Committee during either a Development Charge Complaint Hearing or Education Development Charge Complaint Hearing and deliberations. This practice is permissible provided that the solicitor does not take part in making findings of fact or in making the ultimate decision on the matter.

2. Live Stream & Electronic Voting

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Neither Development Charge Complaint Hearings or Education Development Charge Complaint Hearing are live-streamed when meeting IN-PERSON, unless specifically requested by someone in attendance and then agreed upon by both parties.

Electronic votes are not taken during a Development Charge Complaint Hearing or Education Development Charge Complaint Hearing.

Subject to Section 4 of this Appendix J, the Development Charge Complaint Hearing or Education Development Charge Complaint Hearing is live-streamed when meeting VIRTUALLY, in order to have all proceedings open to the public and the parties.

3. Conflict of Interest

If any Committee member feels that they should not be hearing a particular matter, the member may inform the Committee that they will not participate, giving a general or specific reason why not, e.g. one of the witnesses is a relation.

4. Open and Closed Proceedings / Deliberations

All proceedings are to be open to the public and the parties unless one of the exceptions under the SPPA or the *Municipal Act, 2001* applies. Section 9(1) of the SPPA provides that a hearing may be closed to the public if:

- (a) a matter involving public security may be disclosed; or
- (b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public.

If the Committee believes that such matters could be disclosed, it should ask each of the parties if this is the case. If the Committee is convinced that the harm outweighs the desirability of the hearing being open to the public, the hearing may be closed to the public.

When a hearing is closed to the public under the SPPA, only the parties and their representatives remain in attendance.

The Committee may also rely on the authority under section 239 of the *Municipal Act, 2001* in closing proceedings to the public or the public and the parties - for example, if it wishes to receive advice subject to solicitor client privilege.

The Committee may, but is not required to, retire to deliberate in the absence of the public and the parties. Deliberations occur when the Committee considers the evidence

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and submissions in arriving at a decision. The decision itself is announced in the presence of the public and the parties. The authority for retiring to deliberate is found at common law and is referred to as the “confidentiality principle” or the “rule on deliberative secrecy”.

5. Adjournments

Adjournments may be requested by either party at the start of or during a hearing. The Committee may grant or refuse an adjournment request in light of a number of considerations including: the legitimate inability of the complainant or a witness to attend or, within reason, the counsel of their choice; or, the necessity for time to prepare before a hearing or to respond to new and unexpected issues or allegations arising in the course of a hearing.

6. Agreed Upon Statements of Fact and Joint Submissions

The parties may submit an agreed upon statement of facts which means that they will inform the Committee that some or all of the facts relevant to the hearing are not in dispute. Agreed upon facts need not be proven and should be accepted by the Committee.

The parties may go beyond an agreed upon statement of facts to make a joint submission, asking for a final decision that is acceptable to both. The Committee must give serious consideration to a joint submission and must not reject it without good cause. While the Committee may reject all or part of a joint submission, if this is being considered, both parties must be given the opportunity to make representations before the final decision is made.

7. Witnesses

The parties may call witnesses during the Hearing. (Section 10.1, SPPA)

At the request of a party or on its own initiative, the Committee may require the attendance of a witness to give evidence by issuing a summons.

A witness who is summoned to testify before the Committee cannot refuse to answer a proper and relevant question and Section 13 of the *Canadian Charter of Rights and Freedoms* and Section 14 of the SPPA protect witnesses when providing answers.

The Committee should be hearing only the relevant evidence of the parties' witnesses.

Witnesses should be sworn or affirmed by the Chair of the Committee prior to commencing their testimony.

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Lawyers or representatives acting as an advocate for a complainant cannot be a witness.

8. Evidence

Administrative tribunals are given much more latitude than courts with respect to the evidence which they may receive and consider in arriving at a decision. Accordingly, the Committee may receive hearsay evidence and unsworn evidence. (Section 15, SPPA)

The fundamental test with respect to the admissibility of evidence is that it must be relevant to the issues which are involved in the hearing. Relevance for a Development Charge Complaint Hearing is determined by reference to the permitted grounds set out in subsection 20(1) of the *Development Charges Act, 1997* and by the grounds set out in the complaint, but only if those grounds are permitted grounds. Relevance for an Education Development Charge Complaint Hearing is determined by reference to the permitted grounds set out in subsection 257.85(1) of the *Education Act* and by the grounds set out in the complaint, but only if those grounds are permitted grounds.

When the Committee is confronted with an objection to the admissibility of a relevant piece of evidence, the evidence should generally be admitted unless it is clearly irrelevant. The Committee should consider the objection with respect to the weight it gives to that particular evidence when arriving at its decision. The general principle is that indirect evidence (hearsay) should be given less weight than direct evidence such as a witness' own observations, unless there is a valid reason to conclude that the direct evidence is not credible.

The Committee may make a finding of credibility in considering the testimony of a witness – giving little or no weight to testimony it does not find credible. An administrative tribunal may find it very difficult to indicate in a decision that a witness was not credible. It is advisable for the administrative tribunal to fully and clearly explain itself, for example, by stating X's testimony was not relied upon because they admitted to a direct financial interest in the outcome of the hearing and because their answers were influenced by this.

Although unaffirmed or unsworn evidence is admissible, testimony to the Committee should be given under affirmation or oath. Each witness should be affirmed or sworn immediately before giving their testimony. A witness should be asked whether they prefer to be sworn or affirmed.

An unrepresented complainant is acting in two capacities, both as their own representative and as a witness. When they are acting as a witness – for example, telling the Committee what did or did not happen – they should be under affirmation.

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The parties may examine their own witnesses and cross-examine other witnesses. (Section 10.1, SPPA) The Committee may also question witnesses. Generally, this should be done after the parties have finished questioning the witness.

The Chair or Vice Chair presiding should allow each party to ask any further questions of the witness they may have arising from questions posed by a member of the Committee.

The onus is on the complainant to satisfy the Committee that the Development Charge amount or Education Development Charge amount was incorrectly determined, that a credit should have been issued against the Development Charge, that a credit was incorrectly applied, or there was an error in the application of the Development Charge by-law or Education Development Charge by-law .

9. Note-taking

Notes taken by Committee members during the Hearing should be kept for a reasonable period of time, enough time for whatever appeal right there may be to be exercised. A problem arises when protection of privacy and freedom of information legislation applies. In the case of the *Municipal Freedom of Information and Protection of Privacy Act*, there is no exception made for the notes of members sitting on a municipal tribunal such as a Development Charge Complaint Hearing or Education Development Charge Complaint Hearing. As a consequence, if the City, in this case Clerks, has custody or control of the notes, these notes may be subject to disclosure under MFIPPA. In addition, the notes arguably would be subject to the Records Retention By-law and could only be destroyed in accordance with that By-law.

Consequently, to ensure that adjudicative independence can be maintained, it is recommended that if a Committee member chooses to take notes, they:

- (1) Do so for the purposes of helping:
 - (a) to remember and understand what occurred during a hearing; and
 - (b) to make a decision in respect of a hearing;
- (2) Keep their notes confidential, not allowing any other person to see, read or use the notes for any purpose;
- (3) maintain responsibility for the care and safe-keeping of their notes;
- (4) store their notes at their office or home; and
- (5) destroy their notes after some reasonable period of time such as one year.

10. Decisions

In the context of a Development Charge Complaint Hearing or Education Development Charge Complaint Hearing, the Committee makes two types of decisions:

- (1) procedural decisions such as adjourning the hearing to another date; and,
- (2) final decisions concerning whether:

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- (a) the amount of the development charge was incorrectly determined;
- (b) whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
- (c) there was an error in the application of the development charge by-law.

The procedural decision or final decision of the majority of the members of the Committee is the procedural decision or final decision of the Hearing, allowing for a vote with dissent. However, it is recommended that the Committee operate on a consensual basis in respect of Development Charge Complaint or Education Development Charge Complaint decisions.

The Committee may retire to deliberate in the absence of the public and the parties. At the conclusion of its deliberations, the Committee gives its procedural decision or final decision on the matter in the presence of the parties and the public.

The Committee is not required to give reasons for a procedural decision that is made with the consent of the parties. The Committee must give oral and/or written reasons for a procedural decision that does not have the consent of both parties.

For a final decision, the Committee must announce it orally in the presence of the parties and the public. Additionally, it must make its decision in writing to the complainant and/or their legal counsel or agent within a reasonable time subsequent to the completion of the hearing.

Subsection 17(1) of the SPPA requires a written decision to include reasons for the decision only if a party to the complaint requests reasons. If reasons are requested the decision should summarize the facts and arguments presented by the parties, the findings of fact made by the Committee. The decision must explain the relationship between the evidence and its conclusions, including why evidence was rejected or given little credibility.

Committee members should refrain from expressing opinions on the merits or strength of a case until after all of the evidence and submissions have been heard and they are giving their decision.

It is important that the Committee provides clear instructions to the Legislative Coordinator about the decisions it makes, however, it is acceptable for the Legislative Coordinator to prepare a draft decision for approval by the Committee.

11. Appeal

Both the *Development Charges Act, 1997* and the *Education Act* require notice of the decision of the Hearing to be mailed within 20 days after the day the decision is made.

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The decision of the Hearing is subject to appeal by the complainant to the OLT. An appeal must be made no later than 40 days after the day the decision is made. The appeal is an appeal *de novo* which means OLT is not required to consider the Committee's reasons in its decision regarding an appeal.

CITY OF HAMILTON CAPITAL PROJECT CLOSINGS AS OF SEPTEMBER 30, 2021 Projects impacting the Unallocated Capital Levy Reserve and Other Sources						
Year Approved	ProjectID	Description	Surplus/ (Deficit) (\$)	Reserve	Description	
<u>Projects requiring funds</u>						
2015	7101554508	Public Use Feasibility Needs & Study	(143.28)	108020	Unalloc Capital Levy	
2017	7101754702	Mountain Arena Elevators	(20,358.49)	108020	Unalloc Capital Levy	
2018	3541855100	Corporate Facilities Audit Program	(9,717.12)	108020	Unalloc Capital Levy	
2020	7102054216	Program - Roof Management	(8,046.05)	108020	Unalloc Capital Levy	
2021	4242109306	Lifesavers Park lighting	(616.00)	108020	Unalloc Capital Levy	
			(38,880.94)			
<u>Projects returning funds</u>						
2014	7101454202	Waterdown Memorial Park Ice Loop	6,432.47	108020	Unalloc Capital Levy	
2016	7101654700	Pinky Lewis Recreation Centre Expansion Project	2,605.64	108020	Unalloc Capital Levy	
2018	5121855137	Waste Management R & D Program	78,195.98	108020	Unalloc Capital Levy	
2019	7101954536	Program - Arena Retrofits	33,612.24	108020	Unalloc Capital Levy	
2020	4402056004	Morton Park Redevelopment	797.06	108020	Unalloc Capital Levy	
2020	5122095525	SWMMP Approvals	2,325.69	108020	Unalloc Capital Levy	
			123,969.08			
Net impact to the Unallocated Capital Levy Reserve			85,088.14			
<u>Projects requiring funds</u>						
2013	5141380377	Arvin Avenue - McNeilly Road to 350m westerly	(7,522.55)	108015	Waterworks Capital Reserve	
2015	5161580377	Arvin - McNeilly to 350m Westerly	(10,608.24)	110340 & 110341	Linear Wastewater Development Charge Reserves	
2017	4241709102	Westdale Theatre 1014 King St	(11,626.10)	3302009100	Ward 1 Special Capital Re-Investment Discretionary Fund	
Net impact to Other Reserves			(29,756.89)			
Total Net impact to the Unallocated Capital Levy Reserve & Other Reserves			55,331.25			

CITY OF HAMILTON
CAPITAL PROJECTS' CLOSING SCHEDULE
AS OF SEPTEMBER 30, 2021

YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$) a	REVENUES (\$) b	EXPENDITURES (\$) c	PROJECT SURPLUS/ (DEFICIT) (\$) d = b - c	% SPENT e=c/a
UNALLOCATED CAPITAL LEVY RESERVE							
2014	7101454202	Waterdown Memorial Park Ice Loop	3,340,000.00	3,340,000.00	3,333,567.53	6,432.47	99.8%
2015	7101554508	Public Use Feasibility Needs & Study	150,000.00	150,000.00	150,143.28	-143.28	100.1%
2016	7101654700	Pinky Lewis Recreation Centre Expansion Project	2,169,000.00	2,169,000.00	2,166,394.36	2,605.64	99.9%
2017	7101754702	Mountain Arena Elevators	288,826.64	254,981.64	275,340.13	-20,358.49	95.3%
2018	3541855100	Corporate Facilities Audit Program	100,000.00	100,000.00	109,717.12	-9,717.12	109.7%
2018	5121855137	Waste Management R & D Program	230,000.00	230,000.00	151,804.02	78,195.98	66.0%
2019	7101954536	Program - Arena Retrofits	297,211.41	332,200.41	298,588.17	33,612.24	100.5%
2020	4402056004	Morton Park Redevelopment	100,000.00	100,000.00	99,202.94	797.06	99.2%
2020	5122095525	SWMMP Approvals	138,337.00	138,337.00	136,011.31	2,325.69	98.3%
2020	7102054216	Program - Roof Management	0.00	0.00	8,046.05	-8,046.05	0.0%
2021	4242109306	Lifesavers Park lighting	35,000.00	35,000.00	35,616.00	-616.00	101.8%
TOTAL FUNDS TO UNALLOCATED CAPITAL LEVY (11)			6,848,375.05	6,849,519.05	6,764,430.91	85,088.14	98.8%
OTHER PROGRAM SPECIFIC RESERVES							
2013	5141380377	Arvin Avenue - McNeilly Road to 350m westerly	100,000.00	100,000.00	107,522.55	-7,522.55	107.5%
2015	5161580377	Arvin - McNeilly to 350m Westerly	80,000.00	80,000.00	90,608.24	-10,608.24	113.3%
2017	4241709102	Westdale Theatre 1014 King St	220,000.00	220,000.00	231,626.10	-11,626.10	105.3%
TOTAL FUNDS FROM PROGRAM SPECIFIC RESERVES (3)			400,000.00	400,000.00	429,756.89	-29,756.89	107.4%
DELAYED/CANCELLED PROJECTS							
2012	4031280292	Fifty Road at SSR Intersection Upgrade	1,090,000.00	0.00	0.00	0.00	0.0%
2016	4241609208	181 Jackson Retrofit	50,000.00	0.00	0.00	0.00	0.0%
2020	4142046100	City Share of Servicing Costs under Subdivision Agreements	0.00	0.00	0.00	0.00	0.0%
2020	5142055556	Mapping Update Program	0.00	0.00	0.00	0.00	0.0%
2020	5142096250	Airport Lands External Water Servicing (Feedermain) (W-27)	8,250,000.00	0.00	0.00	0.00	0.0%
2020	5162055556	Mapping Update Program	0.00	0.00	0.00	0.00	0.0%
2020	5162066311	Woodward WWTP Digester 3	250,000.00	0.00	0.00	0.00	0.0%
2020	5162067275	FC001 Elgin SPS	2,095,000.00	0.00	0.00	0.00	0.0%
2020	5182055556	Mapping Update Program	0.00	0.00	0.00	0.00	0.0%
2020	6732041200	National Housing Strategy, CHH	34,000,000.00	0.00	0.00	0.00	0.0%
2020	7202041215	ICIP CCR - Griffin House Stabilization	0.00	0.00	0.00	0.00	0.0%
2020	7202041216	ICIP CCR - Children's Museum Expansion	0.00	0.00	0.00	0.00	0.0%
2021	4032180180	Smith Rd Class EA - (Garner to Dickenson Extension)	690,000.00	0.00	0.00	0.00	0.0%
2021	4032180185	Southcote Class EA - Book to Garner	690,000.00	0.00	0.00	0.00	0.0%
2021	5142161301	Edwina - Lawson - Berko	330,000.00	0.00	0.00	0.00	0.0%
2021	5142595552	New PD7 Elfrida PS - Land	280,000.00	0.00	0.00	0.00	0.0%
2021	5142695552	HD07A New District 7 PS W-21	170,000.00	0.00	0.00	0.00	0.0%
TOTAL DELAYED/CANCELLED PROJECTS (17)			47,895,000.00	0.00	0.00	0.00	0.0%
COMPLETED PROJECTS							
CORPORATE PROJECTS DEPARTMENT (Tax Budget)							
Councillor Infrastructure Program							
2018	4241809210	Ward 2 Public Bench	10,000.00	5,892.92	5,892.92	0.00	58.9%
2019	4241909145	Mntvw Scenic Wds ATC Feas Stdy	50,000.00	10,934.59	10,934.59	0.00	21.9%
2019	4241909205	Public Bench Seating	39,000.00	22,361.81	22,361.81	0.00	57.3%
2019	4241909217	Central Planters	12,600.00	9,347.46	9,347.46	0.00	74.2%
2019	4241909303	Zero Plastic Waste Fountains	100,000.00	72,234.39	72,234.39	0.00	72.2%
2019	4241909604	Traffic Island Beautification	126,317.00	106,203.88	106,203.88	0.00	84.1%
2019	4241909802	Cpt Cornelius Play Structure	61,056.12	61,056.12	61,056.12	0.00	100.0%
2019	4241909903	Valley Park Sign & Lights	4,535.63	4,535.63	4,535.63	0.00	100.0%

CITY OF HAMILTON CAPITAL PROJECTS' CLOSING SCHEDULE AS OF SEPTEMBER 30, 2021								
YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$) a	REVENUES (\$) b	EXPENDITURES (\$) c	PROJECT SURPLUS/ (DEFICIT) (\$) d = b - c	% SPENT e=c/a	
2020	4242009802	Play structure at Ridgemount	152,640.30	152,640.30	152,640.30	0.00	100.0%	
2021	4242109804	Cornelius Park - Railing	45,000.00	38,058.31	38,058.31	0.00	84.6%	
Healthy & Safe Communities (Tax Budget)								
Housing Services Division								
2019	6731941012	COCHI - Rent Supplement Yr 2	290,022.00	290,022.00	290,022.00	0.00	100.0%	
2019	6731941013	COCHI - Transitional Ops	20,000.00	20,000.00	20,000.00	0.00	100.0%	
Hamilton Paramedic Services Division								
2020	7642051100	Annual Vehicle Replacement	1,176,000.00	1,161,170.79	1,161,170.79	0.00	98.7%	
Economic Development Division								
1999	4149946999	DevSecurities Reissued	61,056.12	61,056.12	61,056.12	0.00	100.0%	
Licensing & By-Law Services Division								
2019	4501957900	Handheld Ticketing Device-System Integration	425,014.17	375,561.88	375,561.88	0.00	88.4%	
Transportation, Planning & Parking Division								
2016	4901641600	Review of Elevator - York Boulevard Parkade	50,000.00	34,436.28	34,436.28	0.00	68.9%	
2018	4901841801	Elevator Replacement-York Parkade	400,000.00	339,348.55	339,348.55	0.00	84.8%	
2020	4662017124	On Street Bike Facilities	6,638.83	6,638.83	6,638.83	0.00	100.0%	
Tourism & Culture Division								
2012	7101258706	Dundurn National Historic Site - Exteriors	242,878.99	242,896.38	242,896.38	0.00	100.0%	
2020	7202041209	Dundurn Kitchen Renovation	48,141.80	48,141.80	48,141.80	0.00	100.0%	
Public Works (Tax Budget)								
Roads Division								
2014	4031419101	Road Reconstruction 2014	17,833,000.00	17,354,190.77	17,354,190.77	0.00	97.3%	
2015	4041510017	Street Lighting Enhancement & Maintenance Program	415,000.00	835,000.00	835,000.00	0.00	201.2%	
2018	4031860999	Closed Projects - Roads	68,661.29	68,661.29	68,661.29	0.00	100.0%	
2019	4031911024	Britannia & Cannon - Kenilworth to Strathearne / Garside / Cameron	870,000.00	796,009.63	796,009.63	0.00	91.5%	
2020	4032017677	Pavement Preventative Maintenance Program	2,000,000.00	2,000,000.00	2,000,000.00	0.00	100.0%	
2020	4032018219	Structural Investigations and Reports	10,000.00	10,000.00	10,000.00	0.00	100.0%	
2020	4042017384	Guide Rail Replacement Program	400,000.00	400,000.00	400,000.00	0.00	100.0%	
Transit Division								
2019	5301983002	Fund Transit Reserve Shortfall- Re Cancellation of Ontario Bus Replaceme	3,700,000.00	700,000.00	700,000.00	0.00	18.9%	
Recreation Division								
Waste Management Division								
2009	5120991101	Glanbrook Landfill-Stage 3 Development	6,800,000.00	6,348,180.45	6,348,180.45	0.00	93.4%	
2019	5121990700	Public Space & Special Event Containers	932.38	932.38	932.38	0.00	100.0%	
2019	5121993000	Maintenance & Capital Improvements to the Resource Recovery Centre (RRC) Program	207,771.61	207,771.61	207,771.61	0.00	100.0%	
2020	5122051501	Waste Collection Fleet Replacement	1,736,633.66	1,736,633.66	1,736,633.66	0.00	100.0%	
Energy, Fleet & Facilities Division								
2011	7101154710	Senior Centre - Waterdown	1,349,066.86	1,349,066.86	1,349,066.86	0.00	100.0%	
2013	4401356800	West Harbour Development	436,000.00	431,110.27	431,110.27	0.00	98.9%	
2015	7101551501	Facility Vehicles	160,000.00	156,625.15	156,625.15	0.00	97.9%	
2016	3541641910	Stoney Creek City Hall -RCMP Lease Capital Replacement	97,627.59	97,627.59	97,627.59	0.00	100.0%	
2016	7101649602	Scott Park Precinct Ice Pad & Spray Pad Installation	2,400,000.00	2,383,134.06	2,383,134.06	0.00	99.3%	

CITY OF HAMILTON CAPITAL PROJECTS' CLOSING SCHEDULE AS OF SEPTEMBER 30, 2021								
YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$) a	REVENUES (\$) b	EXPENDITURES (\$) c	PROJECT SURPLUS/ (DEFICIT) (\$) d = b - c	% SPENT e=c/a	
2017	3541755700	Downtown Office Accommodation	172,949.01	172,949.01	172,949.01	0.00	100.0%	
2017	3721751701	Hamilton Place Audio Equipment Repair and Replacement	104,269.99	44,269.99	44,269.99	0.00	42.5%	
2018	3721841801	Program FirstOntario Concert Hall Replacements and Renovations	413,200.00	227,928.49	227,928.49	0.00	55.2%	
2020	3542055101	Recreation Facilities Audit Program	93,831.54	195,595.68	195,595.68	0.00	208.5%	
2020	7102041706	Program - Recreation Centre Retrofits	39,638.28	39,638.28	39,638.28	0.00	100.0%	
Environmental Services Division								
2021	4452141101	Tropical Green House Capital Maintenance	70,000.00	95,451.07	95,451.07	0.00	136.4%	
Planning & Economic Development (Rate Budget)								
Growth Management Division								
2008	5180880863	SWMP Waterdown Bay W2	2,241,194.36	2,241,194.36	2,241,194.36	0.00	100.0%	
2010	5181080091	Rymal - SWMP H8 to Trinity Church & Trinity Church - Rymal to 500m Sou	1,919,523.59	1,919,523.59	1,919,523.59	0.00	100.0%	
2012	5181280293	SWMP - A16 - D'Amico Cimino Lands	2,345,523.25	2,345,523.25	2,345,523.25	0.00	100.0%	
Public Works (Rate Budget)								
Waterworks Regular Program								
2003	5140364336	PS H6B Upper Gage Trunk-Hold	2,700,000.00	2,124,411.60	2,124,411.60	0.00	78.7%	
2016	5141666110	WTP - Corrosion Control	7,660,000.00	7,498,972.15	7,498,972.15	0.00	97.9%	
2016	5141667424	Freelton Tower HDT03 Upgrades	3,600,000.00	2,164,122.81	2,164,122.81	0.00	60.1%	
2016	5141680653	Rymal - Upper Paradise to Garth	1,800,000.00	1,131,123.39	1,131,123.39	0.00	62.8%	
Wastewater Regular Program								
2015	5161595858	Binbrook PS Upgrade (WW-20)	6,280,000.00	4,229,501.52	4,229,501.52	0.00	67.3%	
2017	5161766421	WWTP Methane Sphere Upgrades	4,400,000.00	3,222,244.47	3,222,244.47	0.00	73.2%	
2018	5161866350	Woodward WWTP Lighting Upgrade	690,000.00	631,547.48	631,547.48	0.00	91.5%	
2019	5161971074	Contingency for Unscheduled Works Program	73,000.00	73,000.00	73,000.00	0.00	100.0%	
2020	5162049555	QA-QC Service Contract 2020	80,000.00	80,000.00	80,000.00	0.00	100.0%	
2020	5162062073	Field Data Systems Program	50,000.00	50,000.00	50,000.00	0.00	100.0%	
2020	5162069075	City Environmental Lab Improvements Program	150,000.00	150,000.00	150,000.00	0.00	100.0%	
Storm Sewers Regular Program								
2012	5181272290	Storm Replacement Coordinated with Roads - 2012	7,335,000.00	7,332,529.28	7,332,529.28	0.00	100.0%	
2013	5181380385	Watercourse 7 Improvements - Phase 2	300,000.00	106,359.74	106,359.74	0.00	35.5%	
2016	4241609803	Sewer and Water- Gourley Prk	65,000.00	46,484.27	46,484.27	0.00	71.5%	
2020	5182062073	Field Data Systems Program	56,000.00	56,000.00	56,000.00	0.00	100.0%	
TOTAL COMPLETED PROJECTS (61)			84,444,724.37	74,115,852.19	74,115,852.19	0.00	87.8%	
GRAND TOTAL COMPLETED/CANCELLED PROJECTS (92)			139,588,099.42	81,365,371.24	81,310,039.99	55,331.25	58.2%	

CITY OF HAMILTON
CAPITAL PROJECTS BUDGET APPROPRIATIONS OF \$250,000 OR GREATER AND CAPITAL PROJECT RESERVE FUNDING
FOR THE PERIOD COVERING JULY 1, 2021 TO SEPTEMBER 30, 2021

Appropriated/ Transferred From	Description	Appropriated/ Transferred To	Description	Amount (\$)	Council Approval / Comments	Comments
Planning & Economic Development (Tax Budget)						
<i>Tourism & Culture</i>						
7201658602	Dundurn Stoplight Installation	7201841803	St Mark's Restoration	295,656.11		St.Mark's Restoration project requires additional funds to complete the required work.
7201841804	Children's Museum Expansion	7201841803	St Mark's Restoration	300,000.00		St.Mark's Restoration project requires additional funds to complete the required work.
Planning & Economic Development Department (Tax Budget) Total				\$ 595,656.11		
Planning & Economic Development (Rate Budget)						
<i>Growth Management</i>						
5181180090	2011 Annual Storm Water Mngmnt	5181080091	Rymal - SWMP H8 to Trinity Church & Trinity Church - Rymal to 500m Southerly	419,523.59		Project has been completed and requires additional funds to eliminate the project deficit.
Planning & Economic Development Department (Rate Budget) Total				\$ 419,523.59		
Public Works (Rate)						
<i>Waterworks Regular Program</i>						
108015	Waterworks Capital Reserve	5142166110	Water Treatment Plant - Process Upgrades Phase 2	249,000.00		Project requires additional reserve funding to ensure the DC/Non-DC funding proportion is maintained as approved in the DC Background Study.
Public Works (Rate) Total				\$ 249,000.00		
Project Totals				\$ 1,264,179.70		

CITY OF HAMILTON CAPITAL PROJECTS REQUIRING A CHANGE IN FUNDING SOURCE AS OF SEPTEMBER 30, 2021					
Recommendations					
Project	Description	Original Funding Source	Revised Funding Source	Amount (\$)	Comment
Corporate Services					
<u>Corporate Services Administration</u>					
3382055001	Community Benefits Strategy & By-law	Admin Studies Community Based Development Charges (110354 & 110355)	Unallocated Capital Levy Reserve (108020)	\$ 225,000.00	Project is ineligible to be funded from development charges.
Corporate Projects					
<u>Councillor Infrastructure Program</u>					
4242109604	Traffic Calming Ward 6 - Various	Ward 6 Area Rating Special Capital Re-Investment Discretionary Fund (3302109600)	Ward 6 Area Rating Special Capital Re-Investment Reserve (108056)	\$ 100,000.00	Councillor requested a funding source revision as the project was eligible to be funded through the Ward 6 Area Rating Special Capital Re-Investment Reserve (108056).
Public Works (Tax)					
<u>Environmental Services</u>					
4402256105	Eastwood Park Redevelopment	Federal Gas Tax (42020)	Provincial Contribution (43526)	\$ 500,000.00	Project was awarded funding from the Ontario Trillium Fund, Community Building Fund. As a condition of this grant, no other funding agreements or grants can be utilized to fund this project.
4402256105	Eastwood Park Redevelopment	Federal Gas Tax (42020)	Unallocated Capital Levy Reserve (108020)	\$ 202,400.00	
Public Works (Rate)					
<u>Waterworks Regular Program</u>					
5141380377	Arvin Avenue - McNeilly Road to 350m Westerly	Other Revenues (49222)	Waterworks Capital Reserve (108015)	\$ 100,000.00	Budgeted third party revenues will not be realized and a contribution from the Waterworks Capital Reserve is required.
Total Revised Funding Sources				\$ 1,127,400.00	

City of Hamilton
2022 Property and Liability Insurance Renewal
Coverages and Limits

City Of Hamilton Premium Summary

Effective January 1, 2022 - January 1, 2023*

TYPE OF COVERAGE	INSURER	POLICY #	DEDUCTIBLE	2022-2023
				PREMIUM

ENVIRONMENTAL IMPAIRMENT LIABILITY	MARKEL INSURANCE CO.	EILT1969	\$ 100,000	
ANNUAL ENVL PREMIUM: Jan 31, 2022 - Jan 31, 2024				\$ 169,455.00

TERRORISM	AJG (LLOYDS OF LONDON)	BO621MLINE6317	\$ 100,000	\$ 120,000.00
CBNR (CHEMICAL, BIOLOGICAL, NUCLEAR, RADIATION)	AJG (LLOYDS OF LONDON)	BO621MCITY002218	\$ 1,000,000	\$ 80,000.00

PARAMEDICS LIABILITY	BERKELY	BC05400-2001	\$ 250,000	
ANNUAL PARAMEDIC PREMIUM: January 30, 2022 - January 30, 2023				\$ 36,750.00

FLEET	AVIVA	JLTPS-356	\$ 500,000	\$ 1,555,236.88
TRANSIT	AVIVA	JLTPS-356A	\$ 500,000	\$ 2,328,384.24
GARAGE	AVIVA	JLTPS-356G		\$ 6,610.00
PROPERTY	AVIVA	JLTPS-356		\$ 2,194,526.00
CRIME	AVIVA	JLTPS-356	\$ 25,000	\$ 20,000.00

EXCESS CRIME	TRISURA	TFD1006089	Sits excess over Primary Limits	\$ 49,613.00
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Total Premiums (before 8% tax)				\$ 6,560,575.12
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* Environmental Impairment Liability policy runs from January 31, 2022 to January 31, 2024
* Paramedic Liability Policy runs from January 30, 2022 to Jan. 30, 2023