



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	June 13, 2022
<b>SUBJECT/REPORT NO:</b>	Public Information Portal to Track Environmental Issues on City of Hamilton Projects (PW22049) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Cynthia Graham (905) 546-2424 Ext. 2337
<b>SUBMITTED BY:</b>	Cynthia Graham Acting Director, Environmental Services Public Works Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

On November 1, 2021 at Public Works Committee, staff were given the following direction:

### **Public Information Portal to Track Environmental Issues on City of Hamilton Projects (City Wide) (Item 11.1)**

WHEREAS, there is growing public interest to better track environmental issues which include public remediation projects conducted by the City of Hamilton,

WHEREAS, especially in older parts of the City and particularly north of Cannon Street, the historical industrial and light industrial uses, in many cases, have long since been built upon in eras where environmental standards were not as robust, and,

WHEREAS, of late, Council has made great strides in reporting regularly on environmental information on locally owned assets such as Chedoke Creek and Storm Water Overflow;

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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THEREFORE, BE IT RESOLVED:

That the appropriate staff from Public Works be requested to report back on the feasibility of a regularly updated one-stop easy access public information portal that would track environmental issues on City of Hamilton projects, including the need for remediation, clean-up, or ground-water diversion infrastructure (or whatever else staff feels can be reported).

**INFORMATION**

The purpose of Information Report PW22049 is to inform council on progress towards a recommendation related to the direction provided to investigate the feasibility of releasing environmental reports to the public related to City of Hamilton (City) projects.

As a result of the direction from the November 1, 2021 Public Works Committee, staff undertook the following:

Staff investigated the capabilities of the City's existing website and how it is used for project reporting. It has been determined that the City's website and project pages in particular are capable of hosting large report documents related to the projects that the City is undertaking. Many Public Works sections use these now for public release of documentation of public meetings, masterplans, and reports. It is anticipated that the updated website will significantly improve the search capabilities and therefore make it easier for the public to find any posted information.

Staff discussed the different types of reports that are generated, what kinds of projects staff work on, and considered what is required prior to making those reports available to the public. Staff from Public Works Department, Corporate Services Department, Legal and Risk Management Services and, Financial Services and Taxation Division, Procurement Section and Communications and Strategic Initiatives Division, Communications Section were involved in the discussions, that have taken place since December 2021. In addition, staff from Public Works spoke with staff from Planning and Economic Development Department about possible implementation or impacts, as well as preliminary discussions with the consulting community. Staff agree that it is possible, and a positive step for transparency, that environmental reports be made available to the public on the City's website. However, there are a number of steps to complete before staff can make a recommendation to Council on how to proceed. Through these discussions, an action plan has been identified that will be completed, and staff will report back with the results of this action plan, as laid out below.

Procurement Processes:

While there exists general language in City consulting contracts to permit the City to release reports when requested through the Municipal Freedom of Information and

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Protection of Privacy Act (MFIPPA), it is prudent for staff to determine if additional language is required to ensure that consultants understand that their report is likely to be posted online for public consumption. In general, the requirements for MFIPPA are for release of documents on a requested basis, as opposed to being published on a website for anyone to review, and this is what is covered by the current wording in the city's standard procurement documents. It may be that additional language in contractual documents is required for publication rights. A deeper consultation with the consulting industry considering liability and professional ethical duties will be conducted to determine the best recommendation on how to proceed considering these factors.

**Legal Implications:**

Some of the reports that are generated by City-led projects, including geotechnical studies and natural heritage studies will have little legal risk for the City and could be shared with little impact. Further review of all legal implications related to publishing of reports is required prior to making a recommendation to council on any proposed process.

**City-wide Impacts:**

The direction to staff was through Public Works Committee, and thus far the discussion has generally been around Public Works projects. However, with a contemplated change in procurement language, and general direction of more transparency for the City as a whole, further investigation on how other City departments may need to adjust processes in order to fulfill this requirement is needed. While preliminary discussions have occurred, this additional discussion will work to ensure that staff across the City are using consistent practices.

**Cost Increases:**

Additional discussion with the consulting industry is required to understand if the City can anticipate an increase in consulting fees to offset additional time required to prepare reports that are for public consumption. This additional work may be for their own legal teams to review, or for additional summary pages or recommendation pages, to ensure that the technical information contained in the report is accurately understood by the public who may not be experts in the field.

**Consistency with Other Municipalities:**

It is desired for staff to consult more deeply with comparator municipalities to see what has worked for their projects and learn from their successes. These consultations would require a detailed review of their procurement documents, legal conversations, and discussions with project managers.

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Review of Existing Resources:

Once all of this additional information is reviewed and understood, staff would then create a recommendation report back to Council, identifying recommended changes to procurement language, identify any legal or procedural implications of the recommended approach, and identify any required resources to implement the changes.

Additional Background on Current Practices:

Current practice was reviewed for opportunities to expand successes and identify where barriers could be removed to ensure information about City-led projects is readily available where possible.

As part of standard project practice, many work areas have project webpages set up on the City's website. Examples include park development and redevelopment projects, cemetery developments, waterfront development projects, corporate facility and water/wastewater facility projects. The webpages have a standard layout that allow for consistency of presentation of information. Typical webpages include an image of the project or design, a progress section that outlines key dates, a documents section that can be loaded with concept plans, results of consultation, and reports, as well as a contact information section.

Web Strategy and User Experience:

Staff that are responsible for managing the City's website were consulted, to understand the implications of an increase to the amount of large reports being uploaded to the project webpages.

In general, there is not a concern with an increased number of webpages for City projects, nor is there a concern with the storage requirements needed for large files to be available on those webpages.

A recommendation from the team was for staff to not duplicate any resources required for consultation through the Engage Hamilton webpages – instead, those documents should remain on the City's webpages, and Engage Hamilton consultation sites can link to the City's webpages to avoid duplication.

It should be noted that the City's project webpages are active for the entire life of the project, whereas the Engage Hamilton webpages are only active for the duration of the consultation phase. The results of the consultation can be summarized and posted on the City's project webpages to keep all of the project information in one location.

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Project webpages are generally archived after a period of time once the project is completed. It is not anticipated that this is in conflict with the direction given to staff, because the vast majority of inquiries happen when projects are in progress, particularly when construction is occurring.

**Next Steps**

Staff will proceed with the actions laid out in PW22049, namely, complete a municipal scan, a discussion with the consulting industry for possible concerns and impacts, review of legal and procurement implications, review of city department processes, identification of gaps in resources, and report back to committee with a proposed plan and timelines for the publishing of environmental consulting reports.

**APPENDICES AND SCHEDULES ATTACHED**

N/A