



**PUBLIC WORKS COMMITTEE
MINUTES 22-010**

1:30 p.m.

Monday, June 13, 2022

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors N. Nann (Chair), R. Powers (Vice-Chair), J.P. Danko, J. Farr, L. Ferguson, T. Jackson, E. Pauls, M. Pearson and A. VanderBeek

**Absent with
Regrets:** Councillor S. Merulla – Personal
Councillor T. Whitehead – Personal

Also Present: Councillors B. Clark and M. Wilson

**THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 22-010 AND
RESPECTFULLY RECOMMENDS::**

1. Sustainable Mobility Programs Annual Report 2021 (PED19124(c)) (City Wide) (Item 7.1)

That Report PED19124(c), respecting the Sustainable Mobility Programs Annual Report 2021, be received.

2. Ward 1 Multi-Modal Connections Review (PED22132) (Ward 1) (Outstanding Business List Item) (Item 7.2)

That Report PED22132, respecting the Ward 1 Multi-Modal Connections Review, be received.

3. Public Information Portal to Track Environmental Issues on City of Hamilton Projects (PW22049) (City Wide) (Outstanding Business List Item) (Item 7.3)

That Report PW22049, respecting the Public Information Portal to Track Environmental Issues on City of Hamilton Projects, be received.

4. Roxborough Park Redevelopment (Item 9.1)

That staff be directed to continue to work with the Developers, Nick Carnicelli, Sergio Manchia and David Horwood, Roxborough Park Inc., in attempt to resolve their concerns respecting the Roxborough Park Redevelopment and to work with their staff and the Ministry of Environment, Conservation and Parks and report back the appropriate Committee.

5. Stormwater Funding Review (FCS22043) (City Wide) (Outstanding Business List Item) (Item 10.1)

- (a) That staff be authorized and directed to issue a Request for Proposals (“RFP”) for Consulting Services to conduct a Stormwater Funding Review;
- (b) That the Phase One cost of the Stormwater Funding Review, with an upset limit of \$200,000, be funded from the Stormwater reserve (108010); and
- (c) That staff report back to the General Issues Committee to provide Guiding Principles for consideration that will direct the evaluation of alternative stormwater rate funding structures as part of the Stormwater Funding Review.

6. PRESTO Operating Agreement Amendment (PW17033(g)) (City Wide) (Item 10.2)

- (a) That the General Manager of Public Works, or their designate, be authorized and directed to execute, on behalf of the City, an amendment to the PRESTO Operating Agreement attached to Public Works Report 22-010 as Appendix “A” and in a form acceptable to the City Solicitor; and
- (b) That the General Manager of Public Works, or their designate, be authorized and directed to execute, on behalf of the City, any additional documents required over the term of the PRESTO Operating Agreement, with content acceptable to the General Manager Public Works and in a form acceptable to the City Solicitor.

7. Waste Management Advisory Committee Terms of Reference (Waste Management Advisory Committee - Citizen Committee Report) (Item 10.4)

That the revised Waste Management Advisory Committee (“WMAC”) Terms of Reference, attached as Appendix “B” to Public Works Report 22-010, be approved.

8. Hamilton Cycling Committee Terms of Reference and Roles, Responsibilities and Expectations of New Members (Hamilton Cycling Committee - Citizen Committee Report) (Item 10.5)

- (a) That the Hamilton Cycling Committee Terms of Reference be approved, as amended; and
- (b) That the Hamilton Cycling Committee Roles, Responsibilities and Expectations be approved.

9. Installation of Additional Transit Shelters (Ward 6) (Item 11.1) (REVISED)

WHEREAS, there is interest from Ward 6 Residents in continuing to have additional transit shelters installed at bus stops within the ward that currently do not have transit shelters;

WHEREAS, the Transit Division maintains a shelter request inventory and evaluates requested locations against a warrant scoring system;

WHEREAS, the Transit Division has determined that there are four outstanding locations within Ward 6 that have been deemed as feasible shelter locations based on scoring criteria; and

WHEREAS, the Transit Division will be prioritizing the use of Capital funding within the annual transit shelter and bus stop expansion programs from 2022 to 2024 to fund the upgrade and installation of bus stop pads to comply with the *Accessibility for Ontarians with Disabilities Act's* standards, with minimal investment going towards increasing the city-wide shelter inventory.

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to install transit shelters, with construction to begin in 2022 and installation to be completed no later than 2023, at a cost of no more than \$60,000, to be funded from the Ward 6 Area Rating Reserve (108056), at the following intersections:
 - (i) Stonechurch Road and Pritchard Road on the Northwest and Southwest corners;
 - (ii) Stonechurch Road and Nebo Road on the Northeast corner; and
 - (iii) Rymal Road and Pritchard Road on the Southwest corner.
- (b) That \$5,500 for the annual asset maintenance and repair of the four additional shelters be included in the Public Works Department, Transit Division's 2023 annual base Operating Budget; and

- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

10. Improvements to the Outdoor Fitness Area at Carpenter Park, 145 Eagleglen Way, Hamilton (Ward 14) (Item 11.2)

WHEREAS, Carpenter Park, 145 Eagleglen Way, Hamilton, has outdoor fitness assets to serve the community's recreation needs; and

WHEREAS, improving the existing safety surfacing of the fitness area from wood fibre to rubber surfacing would improve accessibility for residents.

THEREFORE, BE IT RESOLVED:

- (a) That safety surfacing improvements be made to the existing outdoor fitness area at Carpenter Park, 145 Eagleglen Way, Hamilton, and be funded from the Ward 14 Special Capital Re-Investment Reserve Fund (#108064) at an upset limit, including contingency, not to exceed \$75,000; and
- (b) That the Mayor and City Clerk be authorized and directed and execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

11. Installation of Speed Cushions as a Traffic Calming Measure Eaglewood Drive (Ward 6) (Item 11.3)

WHEREAS, residents on Eaglewood Drive in Ward 6 have advocated for the installation of speed cushions to address roadway safety concerns as a result of speeding; and

WHEREAS, signatures were collected from residents resulting in support by 44 of 48 homes on Eaglewood Drive for the installation of speed cushions as a traffic calming measure.

THEREFORE, BE IT RESOLVED:

- (a) That Transportation and Operations Maintenance staff be authorized and directed to install two speed cushions as a traffic calming measure on Eaglewood Drive between Royal Vista Drive and Sinena Avenue as part of the 2022 Traffic Calming Program's fall application;
- (b) That all costs associated with the installation of two speed cushions as a traffic calming measure on Eaglewood Drive be funded the Ward 6 Capital

Re-Investment Reserve Fund (#108056) at an upset limit, including contingency, not to exceed \$14,000; and

- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

12. Installation of Two Dynamic Speed Signs on Dundurn Street North (Ward 1) (Item 11.4)

WHEREAS, the City of Hamilton is committed to creating safe neighborhoods and vibrant communities through the Vision Zero Action Plan; and

WHEREAS, ensuring the safety of both pedestrians and motorists is a priority.

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to purchase two Dynamic Speed Signs to be permanently installed on Dundurn Street North;
- (b) That all costs associated with the purchase and installation two Dynamic Speed Signs on Dundurn Street North be funded from the Ward 1 Capital Re-Investment Reserve (#108051) at an upset limit, including contingency, not to exceed \$20,000; and
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

13. Expansion of the Legal Street Art Wall at Woodlands Park for the Concrete Canvas Street Art Festival (Ward 3) (Item 11.5)

WHEREAS, Woodlands Park is located at 501 Barton Street East, Hamilton, Ward 3;

WHEREAS, the Woodlands Park Legal Street Art Wall was piloted in September 2019 with the support of the Concrete Canvas Festival as part of the City's Graffiti Strategy;

WHEREAS, the Woodlands Park Legal Street Art Wall has been successful in deterring 'tagging' in the area and providing an opportunity for aspiring muralists to practice their art in a safe, creative, and educational space;

WHEREAS, the Concrete Canvas Street Art Festival, a multi-day street art festival at which local and internationally acclaimed artists alike create murals across

Hamilton, will take place July 18-24, 2022, in collaboration with the City of Hamilton; and

WHEREAS, the Concrete Canvas Street Art Festival has requested an expansion of the Legal Street Art Wall in the east end of Woodlands Park near Myler Street and Sanford Avenue to be launched as part of their 2022 Festival event in Woodlands Park to provide opportunities for young local artists who can be mentored and inspired by local and internally acclaimed artists as part of the Concrete Canvas Street Art Festival.

THEREFORE, BE IT RESOLVED:

- (a) That a contribution of \$25,000 be made for the purpose of expanding the Legal Street Art Wall in the east end of Woodlands Park near Myler Street and Sanford Avenue in Ward 3, for the Concrete Canvas Street Art Festival, as follows:
 - (i) \$20,000 from the 2022 Ward 3 Area Rating Discretionary Fund (3301909300); and
 - (ii) \$5,000 from the Ward 3 Cellular Tower & Ward-Specific Non-Property Tax Revenues Account (3301609603).
- (b) That the Mayor and City Clerk be authorized and directed to approve and execute any and all required agreements and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

14. Installation of a Speed Cushion as a Traffic Calming Measure on East 26th Street (Ward 7) (Item 11.6)

WHEREAS, residents on East 26th Street in Ward 7 have advocated for the installation of a speed cushion to address roadway safety concerns as a result of speeding; and

WHEREAS, signatures were collected from residents resulting in support by 11 of 23 homes on East 26th Street for the installation of a speed cushion as a traffic calming measure.

THEREFORE, BE IT RESOLVED:

- (a) That Transportation and Operations Maintenance staff be authorized and directed to install one speed cushion as a traffic calming measure on East 26th Street between Queensdale Avenue East and Crockett Street as part of the 2022 Traffic Calming Program's fall application;

- (b) That all costs associated with the installation of one speed cushion on East 26th Street between Queensdale Avenue East and Crockett Street be funded from the Ward 7 Capital Re-Investment Reserve (#108057), to be completed under contract # C15-12-22 at an upset limit, including contingency, not to exceed \$7,000; and
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

15. Installation of Salt Tolerant Perennials on the Medians on Paramount Drive, Hamilton (Ward 9) (Added Item 11.7)

WHEREAS, Paramount Drive is currently under construction which includes the installation of 28 medians planted with trees and sod;

WHEREAS, the design of the medians makes the mowing of sod challenging with current equipment; and

WHEREAS, the planting of perennials contributes to biodiversity and habitat across the City.

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to change the design of the medians on Paramount Drive from sod to salt tolerant perennials to facilitate maintenance and contribute to biodiversity;
- (b) That the supply and installation of salt tolerant perennials on the medians on Paramount Drive at a cost of \$180,000 to be funded from the Ward 9 Minor Maintenance fund (#4031911609), be approved;
- (c) That \$15,050 and 0.16 FTE for annual maintenance of perennials on Paramount Drive medians, be added to the Environmental Services Division's 2023 Operating budget; and
- (d) That the Mayor and City Clerk be authorized and directed to approve and execute all required agreements and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

16. Replacement of Tennis Courts at Bullock's Corners Park, 40 Park Avenue, Hamilton (Ward 13) (Added Item 11.8)

WHEREAS, Bullock's Corners Park, 40 Park Avenue, Hamilton, has three tennis court assets to serve the community's recreation needs;

WHEREAS, the existing three tennis courts at Bullock's Corners Park have surpassed useful life cycle and require replacement; and

WHEREAS, the estimate for the replacement is \$300,000.

THEREFORE, BE IT RESOLVED:

- (a) That the three existing tennis courts at Bullock's Corners Park, 40 Park Avenue, Hamilton, be replaced, including demolition and reconstruction, to be funded from the Flamborough Capital Projects Account (#108032) at an upset limit, including contingency, not to exceed \$150,000, and from the Ward 13 Non-Property Tax Revenue Account (#3301609613) at an upset limit, including contingency, not to exceed \$150,000; and
- (b) That the Mayor and City Clerk be authorized and directed to approve and execute all required agreements and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

17. Installation of Pedestrian Crosswalk Improvements and Traffic Calming Measures (Ward 1) (Added Item 11.9)

WHEREAS, Vision Zero and Complete Streets principles are used in the City of Hamilton to provide a safer environment for all road users; and

WHEREAS, Ward 1 has seen an increase in roadway safety related incidents and consequently roadway safety related requests to take measures to increase roadway safety for all road users and particularly vulnerable road users including cyclists and pedestrians.

THEREFORE, BE IT RESOLVED:

- (a) That Transportation Operations & Maintenance staff be directed to install a raised crosswalk and intersection geometric improvements to improve pedestrian crosswalk safety at the intersection of Charlton Avenue West and Kent Street at a cost, including contingency, not to exceed \$45,000;
- (b) That Transportation Operations & Maintenance staff be directed to install intersection geometric improvements to improve pedestrian crosswalk safety at the intersection of Glen Road and Bond Street North at the southerly, east leg intersection, at a cost, including contingency, not to exceed \$22,000;
- (c) That Transportation Operations & Maintenance staff be directed to install raised crosswalks and associated intersection geometric improvements, as

required, to improve pedestrian crosswalk safety at various entrances to Victoria Park, 500 King Street West, at a cost, including contingency not to exceed \$150,000, at the following intersections:

- (i) Strathcona Avenue North and Head Street;
 - (ii) Strathcona Avenue North and Lamoreaux Street;
 - (iii) Strathcona Avenue North and Florence Street; and
 - (iv) Florence Street and Inchbury Street.
- (d) That Transportation Operations & Maintenance staff be directed to install traffic calming measures on an on-going and as requested basis working in alignment with Vision Zero and Complete Street principles and working on priorities in collaboration with the Ward 1 Office at an upset limit, including contingency, not to exceed \$125,000;
- (e) That all costs associated with the installation of Ward 1 raised crosswalks, associated intersection geometric improvements and traffic calming measures be funded from the Ward 1 Capital Re-Investment Reserve #108051; and
- (f) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

18. Installation of Parkettes on Sanders Boulevard (Ward 1) (Added Item 11.10)

WHEREAS, Vision Zero and Complete Streets principles are used in the City of Hamilton to provide a safer environment for all road users;

WHEREAS, Sanders Boulevard residents have engaged the Ward 1 Office requesting parkette/rest stop facilities to encourage walking;

WHEREAS, Sanders Boulevard has a wide corridor proposing the unique ability to repurpose existing street space to encourage modes of transportation in alignment with Complete Street principles;

THEREFORE, BE IT RESOLVED:

- (a) That Transportation Operations & Maintenance staff be authorized and directed to install two bumpout parkettes on Sanders Boulevard, working with the Ward 1 Councillor's Office to determine the appropriate locations, at a cost, including contingency, not to exceed \$100,000, to be funded from the Ward 1 Capital Re-Investment Reserve #108051; and
- (c) That the Mayor and City Clerk be authorized and directed to execute any

required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

FOR INFORMATION:

(a) CEREMONIAL ACTIVITIES (Item 1)

(i) Waste and Recycling Workers Week (Item 1.1)

Councillor Nann recognized Waste and Recycling Workers Week.

(ii) Municipal Waste Association's Promotion and Education Awards - Award of one Gold and two Silver Awards to Hamilton's Waste Management Division (Item 1.2)

Councillor Nann announced the award of one Gold and two Silver Awards to Hamilton's Waste Management Division by the Municipal Waste Association's Promotion and Education Awards.

(b) APPROVAL OF AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.1 Nick Carnicelli, Sergio Manchia and David Horwood, Roxborough Park Inc., respecting the Roxborough Park Redevelopment (for today's meeting)

12. NOTICES OF MOTION

- 12.1 Installation of Salt Tolerant Perennials on the Medians on Paramount Drive, Hamilton (Ward 9)
- 12.2 Replacement of Tennis Courts at Bullock's Corners Park, 40 Park Avenue, Hamilton (Ward 13)

The agenda for the June 13, 2022 Public Works Committee meeting was approved, as amended.

(c) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) May 30, 2022 (Item 4.1)

The Minutes of the May 30, 2022 meeting of the Public Works Committee were approved, as presented.

(e) DELEGATION REQUESTS (Item 6)

The following Delegation Request was approved for today's meeting:

- (i) Nick Carnicelli, Sergio Manchia and David Horwood, Roxborough Park Inc., respecting the Roxborough Park Redevelopment (for today's meeting) (Item 6.1).

(f) CONSENT ITEMS (Item 7)

(i) Hamilton Cycling Committee Minutes – May 4, 2022 (Item 7.4)

The Hamilton Cycling Committee Minutes of May 4, 2022, were received.

(g) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Nick Carnicelli, Sergio Manchia and David Horwood, Roxborough Park Inc., respecting the Roxborough Park Redevelopment (for today's meeting) (Item 9.1)

Nick Carnicelli, Sergio Manchia and David Horwood, Roxborough Park Inc., addressed Committee respecting the Roxborough Park Redevelopment.

Nick Carnicelli, Sergio Manchia and David Horwood, Roxborough Park Inc., were granted an additional 5 minutes, beyond the 5-minute time limit, to complete their delegation respecting the Roxborough Park Redevelopment.

The delegation from Nick Carnicelli, Sergio Manchia and David Horwood, Roxborough Park Inc., respecting the Roxborough Park Redevelopment, was received.

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

(h) DISCUSSION ITEMS (Item 10)

(i) White Brick Church Cemetery (PW22050) (Ward 12) (Item 10.3)

Report PW22050 respecting White Brick Church Cemetery was deferred to a future meeting of the Public Works Committee, until Councillor Ferguson has the opportunity to discuss staff's recommendations respecting the Cemetery with the Cemetery owners/operators and the Bereavement Authority of Ontario.

(ii) Hamilton Cycling Committee Terms of Reference and Roles, Responsibilities and Expectations of New Members (Hamilton Cycling Committee - Citizen Committee Report) (Item 10.5)

The Hamilton Cycling Committee Terms of Reference were *amended* by deleting wording from item (e) of the Meetings Section, as follows:

- (e) Quorum must be achieved for a formal meeting to occur and be recorded; ~~quorum is 50% of the current membership plus one (ex. 15 members – 8 quorum)~~

For disposition of this matter, refer to Item 4.

(i) MOTIONS

(i) Expansion of the Legal Street Art Wall at Woodlands Park for the Concrete Canvas Street Art Festival (Ward 3) (Item 11.5)

Councillor Nann relinquished the Chair to Councillor VanderBeek in order to introduce the Motion respecting Expansion of the Legal Street Art Wall at Woodlands Park for the Concrete Canvas Street Art Festival (Ward 3).

For disposition of this matter, refer to Item 13.

Councillor Nann assumed the Chair for the remainder of the meeting.

(j) NOTICES OF MOTION (Item 12)

(i) Installation of Salt Tolerant Perennials on the Medians on Paramount Drive, Hamilton (Ward 9) (Item 12.1)

The Rules of Order were waived to allow for the introduction of a Motion respecting Installation of Salt Tolerant Perennials on the Medians on Paramount Drive, Hamilton (Ward 9).

For disposition of this matter, refer to Item 15.

(ii) Replacement of Tennis Courts at Bullock's Corners Park, 40 Park Avenue, Hamilton (Ward 13) (Item 12.2)

The Rules of Order were waived to allow for the introduction of a Motion respecting Replacement of Tennis Courts at Bullock's Corners Park, 40 Park Avenue, Hamilton (Ward 13).

For disposition of this matter, refer to Item 16.

(iii) Installation of Pedestrian Crosswalk Improvements and Traffic Calming Measures (Ward 1) (Added Item 12.3)

The Rules of Order were waived to allow for the introduction of a Motion respecting Installation of Pedestrian Crosswalk Improvements and Traffic Calming Measures (Ward 1).

For disposition of this matter, refer to Item 17.

(iv) Installation of Parkettes on Sanders Boulevard (Ward 1) (Added Item 12.4)

The Rules of Order were waived to allow for the introduction of a Motion respecting Installation of Parkettes on Sanders Boulevard (Ward 1).

For disposition of this matter, refer to Item 18.

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

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

The following amendments to the Public Works Committee's Outstanding Business List, were approved.

**(a) Items Considered Complete and Needing to be Removed:
(Item 13.1(a)):**

13.1(a)(a) Ward 1 Multi-Modal Connections Review
Addressed as Item 7.2 on today's agenda - Report
PED22132 (Ward 1)
Item on OBL: ABD

13.1(a)(b) Stormwater Gap Evaluation

Addressed as Item 10.1 on today's agenda - Report
FCS22043 (City Wide)
Item on OBL: ABM

- 13.1(a)(c) Public Information Portal to Track Environmental
Issues on City of Hamilton Projects
Addressed as Item 7.3 on today's agenda – Report
PW22049 (City Wide)
Item on OBL: ACD

(b) Items Requiring a New Due Date: (Item 13.1(b)):

- 13.1(b)(a) Redevelopment / Reuse of the former King George
School Site, at 77 Gage Avenue North
Item on OBL: V
Current Due Date: July 9, 2022
Proposed New Due Date: March 1, 2023

- 13.1(b)(b) Free-Floating Carshare Pilot Program
Item on OBL: ABW
Current Due Date: Late Q2 2023
Proposed New Due Date: June 12, 2023

- 13.1(b)(c) Evaluation Criteria for Changes to the Approved Truck
Route Network
Item on OBL: ACP
Current Due Date: Q3 2022
Proposed New Due Date: September 19, 2022

(I) ADJOURNMENT (Item 15)

There being no further business, the meeting adjourned at 4:05 p.m.

Respectfully submitted,

Councillor N. Nann, Chair,
Public Works Committee

Carrie McIntosh
Legislative Coordinator
Office of the City Clerk

MX Draft: April 14, 2022

FIRST AMENDING AGREEMENT

METROLINX

- and -

THE CITY OF HAMILTON

- and -

THE REGIONAL MUNICIPALITY OF YORK

- and -

THE CORPORATION OF THE CITY OF MISSISSAUGA

- and -

THE CORPORATION OF THE CITY OF BURLINGTON

- and -

THE CORPORATION OF THE CITY OF BRAMPTON

- and -

THE CORPORATION OF THE TOWN OF OAKVILLE

- and -

THE REGIONAL MUNICIPALITY OF DURHAM

WHEREAS, Metrolinx ("**Metrolinx**"), on the one hand, and the Corporation of the City of Brampton, the Corporation of the City of Burlington, The Regional Municipality of Durham, the City of Hamilton, the Corporation of the City of Mississauga, the Corporation of the Town of Oakville, and The Regional Municipality of York, on the other hand (each a "**Transit Agency**", and collectively, the "**Transit Agencies**") entered into the Operating Agreement for PRESTO on the 10th day of January, 2018 (the "**Operating Agreement**");

AND WHEREAS the parties are desirous of amending the Operating Agreement to reflect a revised risk-sharing model and amend other terms of the Operating Agreement that require amendment since the entering into the Operating Agreement;

NOW THEREFORE, in consideration of the mutual covenants herein and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged by both Parties, the Parties hereby covenant and agree with each as follows

All references below that require amendment refers to the Operating Agreement sections and schedules attached thereto.

The following sections and schedules of the Operating Agreement are hereby amended and revised, and shall be effective upon the date of execution of this First Amending Agreement.

:

1 SPECIFIC AGREEMENTS

1.1 Limitation of Liability

- (1) Section 12.2(h) "*Affect of Breach on Minimum Payment*" is amended and restated to read:

Metrolinx agrees that the aggregate Metrolinx Revenue Based Fee for purposes of Section 7.3(b) [*Minimum Payment Protection*] shall include the aggregate of the Fee Based on Lost Revenues for the Transit Agencies for that calendar year. Metrolinx further agrees that, with respect to Section 12.3(b), if the Actual Availability Percentage is greater than:

- (i) 98.00% for E-Purse Fare Payment (transaction type 14 and any future transaction code(s) used for the same purpose) OR
- (ii) 99.50% for Open Payment (transaction type 26 and any future transaction code(s) used for the same purpose),

But, in each case, less than 100.00%, the aggregate Metrolinx Revenue Based Fee for purposes of Section 7.3(b) [*Minimum Payment Protection*] shall also include the following amount on an aggregate basis, over that calendar year. The amount being equal to TLR X Metrolinx Revenue Based Fee. Each Transit Agency shall calculate all of the amounts it believes should be added to the Metrolinx Revenue Based Fee pursuant to this Section 12.2(h) and will provide such calculations to Metrolinx by February 1st of the succeeding year.

1.2 Payment Device Service Availability CSL

- (1) Section 12.3(b)(ii) is amended and restated to read:

calculate all of the missed E-Purse Fare Payment transactions identified in step (i) above (the "**Total Missed E-Purse Taps**") for that calendar quarter, and all of the missed Open Payment transactions identified in step (i) above for that calendar quarter (the "**Total Missed Open Payment Taps**").

- (2) Section 12.3(b)(iii) is amended and restated to read:

calculate and determine the total number of E-Purse Fare Payment transactions ("**Total Expected E-Purse Taps**") and the total number of Open Payment transactions ("**Total Expected Open Payment Taps**"), in each case, that would have occurred during that calendar quarter if the Payment Device Service Availability CSL was met at all times throughout the calendar quarter.

- (3) Section 12.3(b)(iv) is amended and restated to read:

Calculate the "Actual Availability Percentage", for:

- (i) **E-Purse Fare Payment transactions**, which is equal to: $[(\text{Total Expected E-Purse Taps} - \text{Total Missed E-Purse Taps}) / \text{Total Expected E-Purse Taps}] \times 100$.
- (ii) **Open Payments transactions**, which is equal to: $[(\text{Total Expected Open Payments Taps} - \text{Total Missed Open Payments Taps}) / \text{Total Expected Open Payments Taps}] \times 100$.

If the Actual Availability Percentage is:

- A. greater than 98.00% for E-Purse Fare Payment transaction or greater than 99.50% for Open Payments transaction, that Transit Agency shall not be entitled to recover any lost revenues arising from, related to, or in connection with the failure of the Payment Device Service Availability CSL to be met.
- B. less than 98.00% for E-Purse or less than 99.50% for Open Payments, that Transit Agency shall be entitled to recover lost revenues arising from, related to, or in connection with, the failure of the Payment Device Service Availability CSL to be met.

- (4) Section 12.3(c) is amended and restated to read:

If, pursuant to Section 12.3(b)(iv)(B), a Transit Agency is entitled to recover lost revenues arising from, related to, or in connection with, the failure of the Payment Device Service Availability CSL to be met, and it chooses to seek compensation, it shall provide a Non-Performance Notice to Metrolinx detailing its claim, which notice shall include all of the information, data, calculations, and assumptions used by that Transit Agency in calculating and determining the Total Missed E-Purse Taps, the Total Missed Open Payment Taps, and the Total Expected E-Purse Taps, the Total Expected Open Payments Taps figures. If Metrolinx rejects the Non-Performance Notice, or any aspect of it, the matter shall be referred to dispute resolution in accordance with Article 15 [Dispute Resolution].

- (5) Section 12.3 (d) is amended and restated to read:

The Non-Performance Notice shall also contain the dollar value of the lost revenues that a Transit Agency seeks to recover from Metrolinx (the "**Compensable Revenue Loss**"). The Parties agree that the Compensable Revenue Loss shall be calculated in the following manner for:

1. **E-Purse Fare Payment Transactions:**

- (i) the Transit Agency shall calculate the "**Total Lost Revenue**" or "**TLR**", which is equal to: $(\text{Total Missed E-Purse Taps} \times \text{Average E-Purse Fare})$;
- (ii) the Transit Agency shall calculate the "**Total Expected Revenue**" or "**TER**", which is equal to: $(\text{Total Expected E-Purse Taps} \times \text{Average E-Purse Fare})$

- (iii) Compensable Revenue Loss = $[\text{TLR} - (\text{TER} \times 2\%)] \times (100\% - \text{Metrolinx Revenue Based Fee})$, where:
 - A. Two percent (2%) is the amount of the expected revenue that the Transit Agency must lose before Metrolinx is liable (i.e., 100% – 98%)
 - B. The deduction relating to the Metrolinx Revenue Based Fee is based on Section 12.2(g) [Deduction of Metrolinx Revenue Based Fee]

2. Open Payments Transactions:

- (i) the Transit Agency shall calculate the “**Total Lost Revenue**” or “**TLR**”, which is equal to: (Total Missed Open Payments Taps X Average Open Payments Fare);
- (ii) the Transit Agency shall calculate the “**Total Expected Revenue**” or “**TER**”, which is equal to: (Total Expected Open Payments Taps X Average Open Payments Fare)
- (iii) Compensable Revenue Loss = $[\text{TLR} - (\text{TER} \times 0.50\%)] \times (100\% - \text{Metrolinx Revenue Based Fee})$, where:
 - A. One-half percent (0.50%) is the amount of the expected revenue that the Transit Agency must lose before Metrolinx is liable (i.e., 100% – 99.50%)
 - B. The deduction relating to the Metrolinx Revenue Based Fee is based on Section 12.2(g) [Deduction of Metrolinx Revenue Based Fee]

2 GENERAL

- 2.1 Time shall be deemed to be of the essence in this First Amending Agreement.
- 2.2 Each Party agrees that it shall at any time and from time to time, at its own expense, execute and deliver such further documents and do such further acts and things as the other Party may reasonably request for the purpose of giving effect to this First Amending Agreement or carrying out the intention or facilitating the performance of the terms of this First Amending Agreement.
- 2.3 All other provisions in the Operating Agreement shall remain unamended.
- 2.4 All capitalized terms used but not defined herein shall have the meaning ascribed thereto in the Operating Agreement.
- 2.5 This First Amending Agreement is to be construed in accordance with and governed by the laws of the Province of Ontario. Any controversy or claim arising out of or relating to this Agreement or any breach thereof shall be settled in accordance with Dispute Resolution provisions as set out in Section 15 of the Operating Agreement.
- 2.6 If any provision of this First Amending Agreement as applied to either party in any circumstance is adjudged by a court to be invalid or unenforceable, this shall not affect any other provision of this Second Amending Agreement, the application of such provision in any other circumstance, or the validity or enforceability of this First Amending Agreement.

- 2.7 This First Amending Agreement may be signed in counterparts, in which case each counterpart shall constitute an original document and such counterparts, taken together, shall constitute one and the same instrument. The parties adopt any signatures received via fax or "pdf" format as original signatures.

IN WITNESS WHEREOF the parties have executed this First Amending Agreement
as of _____, 2022.

METROLINX

Per: _____
Name: _____
Title: _____

Per: _____
Name: _____
Title: _____

THE CITY OF HAMILTON

Per: _____
Name: _____
Title: _____

Per: _____
Name: _____
Title: _____

THE REGIONAL MUNICIPALITY OF YORK

Per: _____
Name: _____
Title: _____

Per: _____
Name: _____
Title: _____

**THE CORPORATION OF THE CITY OF
MISSISSAUGA**

Per: _____
Name: _____
Title: _____

Per: _____
Name: _____
Title: _____

**THE CORPORATION OF THE CITY OF
BURLINGTON**

Per: _____
Name:
Title:

Per: _____
Name:
Title:

**THE CORPORATION OF THE CITY OF
BRAMPTON**

Per: _____
Name:
Title:

Per: _____
Name:
Title:

**THE CORPORATION OF THE TOWN OF
OAKVILLE**

Per: _____
Name:
Title:

Per: _____
Name:
Title:

THE REGIONAL MUNICIPALITY OF DURHAM

Per: _____
Name:
Title:

Per: _____
Name:
Title:



Hamilton

TERMS OF REFERENCE

Waste Management Advisory Committee

1. INTRODUCTION

1.1 Committee Name

Waste Management Advisory Committee (WMAC)

1.2 Statement of Purpose

To assist the City of Hamilton with the implementation of the 2012 Solid Waste Management Master Plan (SWMMP), 2020 SWMMP Action Items, and to discuss / make recommendations on other solid waste management initiatives.

1.3 Committee Mandate

The mandate of the Waste Management Advisory Committee shall be to:

- a) Give overall guidance and direction during the implementation and maintenance of the City's long-term Solid Waste Management Master Plan,
- b) Give overall guidance and direction during the preparation and implementation of other solid waste management initiatives; and
- c) Advise Council through the Public Works Committee of the progress and to receive feedback, advice and direction, as appropriate.

1.4 Accountability

- a) WMAC is a Volunteer Committee that advises Council through the Public Works Committee.
- b) Members of the WMAC are responsible for complying with the Procedural By-law and the Advisory Committee Handbook.

2. COMMITTEE STRUCTURE

2.1 Membership

The Waste Management Advisory Committee shall be comprised of up to five (5) members, as follows:

- a) Up to three members of City Council; and
- b) Two citizen members.

2.2 Attendance and Vacancies

If a member is absent for three (3) meetings in a calendar year without approval from the WMAC, the member may be subject to replacement.

2.3 Term of Office

The membership term will coincide with the term of Council or until such time as successors are appointed by Council.

2.4 Representation

Quorum shall be 50% plus one, of the appointed Committee membership.

3. SUPPORT SERVICES

3.1 The City's Waste Management Division shall provide for the administrative costs of operating the Waste Management Advisory Committee, including the cost of meeting places and clerical support services.

3.2 The City's Waste Management Division shall provide the Waste Management Advisory Committee with reasonable access to the City's consultants and facility operators.

4. MEETINGS

4.1 The Waste Management Advisory Committee shall meet bi-monthly or at the call of the chair.