

# COUNCIL COMMUNICATION UPDATES

**September 9, 2022 to September 27, 2022**


Council received the following Communication Updates during the time period listed above, the updates are also available to the public at the following link: <https://www.hamilton.ca/government-information/information-updates/information-updates-listing>, as per Section 5.18 of By-law 21-021 (A By-Law To Govern the Proceedings of Council and Committees of Council) a member of Council may refer any of the items listed below, to a Standing Committee by contacting the Clerk and it will be placed on the next available agenda of the respective Standing Committee.

Date	Department	Subject	Link
September 12, 2022	Healthy and Safe Communities	Encampment Coordination Team Update - August 2022 (City Wide)	<a href="https://www.hamilton.ca/sites/default/files/2022-09/comm-update-Encampment-Coordination-Team-September1-Report-v2.pdf">https://www.hamilton.ca/sites/default/files/2022-09/comm-update-Encampment-Coordination-Team-September1-Report-v2.pdf</a>
September 14, 2022	Planning and Economic Development	School Crossing Guard Program Review (City Wide)	<a href="https://www.hamilton.ca/sites/default/files/2022-09/comm-update-School-Crossing-Guard-Program-Review.pdf">https://www.hamilton.ca/sites/default/files/2022-09/comm-update-School-Crossing-Guard-Program-Review.pdf</a>
September 14, 2022	Planning and Economic Development	GRIDS 2 / MCR - Update on Provincial Review of Official Plan Amendment (OPA) 167 to the Urban Hamilton Official Plan and OPA 34 to the Rural Hamilton Official Plan (City Wide)	<a href="https://www.hamilton.ca/sites/default/files/2022-09/comm-update-GRIDS-2%20MCR-Update-Provincial-Review-Official-Plan-Amendment.pdf">https://www.hamilton.ca/sites/default/files/2022-09/comm-update-GRIDS-2%20MCR-Update-Provincial-Review-Official-Plan-Amendment.pdf</a>
September 15, 2022	Public Works	Update: Actions Taken by the City of Hamilton in Response to Accessible Transit Services: DARTS Fleet Management and Vehicle Safety Audit Report (TRN2201) (City Wide)	<a href="https://www.hamilton.ca/sites/default/files/2022-09/comm-update-hsr-ATS-DARTS-Fleet-Management-and-Vehicle-Safety-Audit-Report-TRN2201.pdf">https://www.hamilton.ca/sites/default/files/2022-09/comm-update-hsr-ATS-DARTS-Fleet-Management-and-Vehicle-Safety-Audit-Report-TRN2201.pdf</a>
September 20, 2022	Public Works	Chedoke Creek Remediation - HW.22.08 (City Wide)	<a href="https://www.hamilton.ca/sites/default/files/2022-09/comm-update-HW.22.08-Chedoke-Creek-Remediation.pdf">https://www.hamilton.ca/sites/default/files/2022-09/comm-update-HW.22.08-Chedoke-Creek-Remediation.pdf</a>
September 20, 2022	Public Works	Update: Safety Enhancements to Main Street and King Street (CRO22022b) (City Wide)	<a href="https://www.hamilton.ca/sites/default/files/2022-09/comm-update-CRO22022b-Safety-Enhancements-to-Main-and-King-Street.pdf">https://www.hamilton.ca/sites/default/files/2022-09/comm-update-CRO22022b-Safety-Enhancements-to-Main-and-King-Street.pdf</a>

September 23, 2022	Planning and Economic Development	Rental Housing Protection Policy Review (City Wide)	<a href="https://www.hamilton.ca/sites/default/files/2022-09/cuped-rental-housing-protection-policy-review-sep2022.pdf">https://www.hamilton.ca/sites/default/files/2022-09/cuped-rental-housing-protection-policy-review-sep2022.pdf</a>
September 27, 2022	Corporate Services	Hamilton Waterfront Trust 2021 Audited Financial Statements (Ward 2)	Attached



# COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	September 27, 2022
<b>SUBJECT:</b>	Hamilton Waterfront Trust 2021 Audited Financial Statements (Ward 2)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Mike Zegarac General Manager Finance and Corporate Services Department
<b>SIGNATURE:</b>	

The purpose of this Report is to answer and expand on a few questions raised at the September 22, 2022 Audit, Finance and Administration (AF&A) Committee Meeting. The AF&A agenda included the following Communication item, the Hamilton Waterfront Trust 2021 Audited Financial Statement.

## Project Management

The Hamilton Waterfront Trust's (HWT) 2021 Audited Financial Statement reflects approximately \$1.5MN in Waterfront development, City of Hamilton management contract revenue. The Waterfront development contract revenue is tied to planning, design and construction of the Piers 5-7 Public Realm Projects.

Effective January 7, 2015, the City and HWT entered into a Project Management Agreement (PMA) which outlined the terms and conditions under which the City would retain the HWT to manage select City projects along the Hamilton waterfront. The PMA states that all such projects "will be defined in detail and shall have specific terms and conditions set out in each Project's Terms of Reference and Project Charter". The PMA does not specifically identify the City's signing authority for these Terms of Reference.

Council subsequently approved, Piers 5-7 Public Realm Projects (PW16088(a)), providing the General Manager of Public Works authority to negotiate and execute, on behalf of the City, each with content acceptable to the General Manager of Finance and Corporate Services, and each in a form satisfactory to the City Solicitor:

- (a) The Terms of Reference (“TOR”) between the Hamilton Waterfront Trust (“HWT”) and the City of Hamilton (“City”) for the planning, design and construction of the Piers 5-7 Public Realm Projects (the “Project”) substantially on the terms and conditions outlined in the draft TOR attached as Appendix “A” to report PW16088(a)

### **Waterfront Outdoor Rink**

Council approved year-round operation, maintenance and management of the Waterfront Outdoor Rink through Report FCS17040. Council approved the Hamilton Waterfront Trust for the year-round operation, maintenance and management of the Waterfront Outdoor Rink for an initial five-year period from January 1, 2017 through December 31, 2021, plus two five-year extension options exercisable at the City’s discretion.

The City and Hamilton Waterfront Trust management agreement reflects HWT’s responsibility to operate and maintain the Waterfront Outdoor Rink for the City.

### **Annual Briefing**

Under the Revised Deed of Trust between the City of Hamilton and the HWT, the HWT is required to appear before the Council, or an appropriate Committee of the City, to present and report on the following:

- (a) its annual audited Financial Statements;
- (b) its Strategic and/or Business Plans and any changes thereto;
- (c) its ten (10) year Capital Plan; and
- (d) any changes to its organizational structure.

At the April 21, 2022 AF&A committee meeting, the Executive Director of HWT presented to Committee the following:

- HWT Mission Statement
- Summary of HWT historical project expenditures
- HWT operations and events
- HWT food service
- HWT attractions
- HWT events
- HWT community outreach efforts
- HWT 2020 Financial Results
- And Piers 5,6,7 project management highlights

At the April 21, 2022 AF&A committee meeting, the following was approved:

- That the Confidential Correspondence from David A. van der Woerd, Ross & McBride LLP, respecting the Hamilton Waterfront Trust be REFERRED to Council on April 27, 2022.
- Subsequent to the April 21, 2022 AF&A direction, on April 27, 2022 Council approved the following open session direction:
  - (a) That the directions to staff in Closed Session, be approved; and
  - (b) That the Confidential Correspondence from David A. van der Woerd, Ross & McBride LLP, respecting the Hamilton Waterfront Trust, be received and remain confidential.

In advance of the September 22, 2022 AF&A committee meeting, the Clerks Division communicated to HWT the receipt of the 2021 Audited Financial Statements, and advised that if unable to attend the September 22 meeting, the next available AF&A committee meeting will be held on December 1, 2022.