

CITY OF HAMILTON

NOTICE OF MOTION

Council: September 11, 2024

MOVED BY COUNCILLOR M. FRANCIS.....

Request for the Mayor to Reverse the Mayoral Decision Respecting Affordable Housing at 5 & 13 Lake Ave. South

WHEREAS, on March 27, 2024, City Council officially voted to deny the conversion of the 5 & 13 Lake Ave S. parking lots to affordable housing;

WHEREAS, the Integrity Commissioner report states that Mayor Horwath was lobbied by an unregistered lobbyist with financial interest to “find a workaround in relation to the defeat of the staff proposal to make available parking lots on Lake Ave South in Stoney Creek”;

WHEREAS, on April 24, 2024, Mayor Andrea Horwath overturned City Council's decision to deny the conversion of the parking lot using Strong Mayor Powers;

WHEREAS, the Integrity Commissioner has determined that the lobbying efforts related to the complaint, contravened the City of Hamilton’s Lobbyist Registry Bylaw;

WHEREAS, according to Strong Mayors, *Building Homes Act, 2022*, S.O. 2022, c. 18 – Bill 3 Section 284.14 maintains that a veto decision must be made in good faith;

WHEREAS, Hamilton City Council approved the 2023-2026 Office of the Auditor General Work Plan (Report AUD23012) which included a Housing Services Audit; and

WHEREAS, the Office of the Auditor General is the administrator of the City of Hamilton’s Fraud and Waste Hotline, the scope of which includes the investigation of conflicts of interest and procurement irregularities.

THEREFORE, BE IT RESOLVED:

- (a) That Council request to Mayor Horwath to reverse her decision to use Strong Mayor Powers for the overturning of Council's decision to deny affordable housing on 5 & 13 Lake Ave. South;
- (b) That the Office of the Auditor General review the Lobbyist Registrar Report respecting the Inquiry re: Graham Cubitt – DBG-LRI-2024-01 and include relevant risks in the upcoming Housing Services Audit, per the Council-Approved 2023-2026 Office of the Auditor General Work Plan (Report AUD23012); and
- (c) That the Office of the Auditor General investigate the issues and findings contained in Lobbyist Registrar Report re: Inquiry re: Graham Cubitt – DBG-LRI-2024-01, including subsequent events and related procurements.