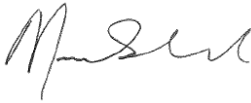




**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Economic Development Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	October 2, 2024
<b>SUBJECT/REPORT NO:</b>	Establishing a Process to Appoint a Municipal Representative to the Hamilton-Oshawa Port Authority Board of Directors (PED23021(a)) (City Wide) ( <b>Outstanding Business List Item</b> )
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Norm Schleeahn (905) 546-2424 Ext. 2669
<b>SUBMITTED BY:</b>	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the City of Hamilton endorse the following process to Appoint a Municipal Representative to the Hamilton-Oshawa Port Authority Board of Directors;

- (i) Coinciding with the municipal election cycle and council term, the Hamilton-Oshawa Port Authority releases, on behalf of the City of Hamilton and the City of Oshawa, an open call for interested individuals who wish to serve on the Hamilton-Oshawa Port Authority Board of Directors as the municipally appointed director;
- (ii) The Hamilton-Oshawa Port Authority evaluates all applications received for the municipally appointed director, and provides a recommended candidate based on qualifications and eligibility criteria, for the City of Hamilton and City of Oshawa's consideration and endorsement;
- (iii) That if either the City of Hamilton or the City of Oshawa does not endorse the Hamilton-Oshawa Port Authority's candidate, the Board shall put forth the next highest-ranking candidate for endorsement, until such time that both Councils endorse the same candidate;

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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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- (iv) The municipally appointed director shall serve a four-year term, coinciding with the municipal election cycle and council term., understanding that the first director so appointed will serve a truncated term so as to synchronize with the current council term;
- (v) That City of Hamilton staff and City of Oshawa staff be directed and authorized to work with Hamilton-Oshawa Port Authority staff to develop a recruitment package to ensure consistency and fairness in the recruitment process, with such recruitment package to include, but not necessarily be limited to, a role description, eligibility criteria and minimum qualifications.

**EXECUTIVE SUMMARY**

On February 9, 2023, Hamilton City Council approved and provided the following direction:

“That a City of Hamilton working group comprised of two Councillors, together with the Mayor, be established to determine a process for jointly appointing a new municipal representative to the Hamilton-Oshawa Port Authority Board of Directors in collaboration with a similar working group of City of Oshawa elected officials;”

“That the collective results of the working groups be reported back to the General Issues Committee with a recommended process for jointly appointing a single municipal representative to the Hamilton-Oshawa Port Authority Board of Directors”.

On February 2, 2024, the joint working groups for both the City of Hamilton and City of Oshawa conducted a virtual meeting which brought forward recommendations that were endorsed by both working groups, but ultimately not approved by Oshawa City Council. Oshawa City Council provided alternative recommendations for consideration for the Hamilton working group – Appendix “A” to Report PED23021(a). These alternative recommendations were unanimously approved by the Hamilton working group at meeting on May 30, 2024 along with an additional recommendation that if either the City of Hamilton or the City of Oshawa does not endorse the Hamilton-Oshawa Port Authority’s candidate, the Board shall put forth the next highest-ranking candidate for endorsement, until such time that both Councils endorse the same candidate

**Alternatives for Consideration – See Page 5**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: There are no known financial implications for the City of Hamilton.

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Staffing: There are no known staffing implications for the City of Hamilton.

Legal: There are no known legal implications for the City of Hamilton.

## **HISTORICAL BACKGROUND**

On February 9, 2019, based on a recommendation from the Minister of Transport, the Governor General in Council issued a notice of a Certificate of Intent to amalgamate the Oshawa and Hamilton Port Authorities and invited comments to be submitted within 30 days of the notice. The objective of the proposal was to strengthen the Canadian supply chain in Ontario by providing a coordinated approach to port development, land use and marketing.

During the 30-day post certificate consultation period, City staff presented a report to GIC on February 20, 2019 (PED19065) which was ratified by Hamilton City Council on February 27, 2019. The Report included several recommendations that were forwarded to the Minister of Transport regarding the proposed amalgamation including the City of Hamilton's preference that both the City of Hamilton and the City of Oshawa be given a seat on the Board of Directors of the Hamilton-Oshawa Port Authority. This recommendation was not accepted by the Department of Transport.

On June 8, 2019, the Department of Transport issued a Certificate of Amalgamation of Port Authorities to create the new Hamilton-Oshawa Port Authority. The Certificate of Amalgamation included the Letters Patent of the Hamilton-Oshawa Port Authority. See Appendix "B" to Report PED23021(a), attached to this Report. According to the Hamilton-Oshawa Port Authority Letters Patent, as issued by the Department of Transport on June 8, 2019. The Certificate states the following:

"The HOPA Board of Directors shall be composed of seven directors appointed to hold office as follows:

- (e) The Governor in Council appoints one individual nominated by the Minister;
- (f) The City of Hamilton and the City of Oshawa, in consultation with the City of Burlington, appoints one individual;
- (g) The Province of Ontario appoints one individual; and,
- (h) The Governor General in Council appoints four remaining individuals nominated by the Minister in consultation with the users selected by the Minister or with the classes of users."

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The Letters Patent state that there is to be one municipal representative on the Hamilton-Oshawa Port Authority Board of Directors, however, they did not provide direction on how this municipal appointment is to be determined.

After discussion with senior staff from both the City of Hamilton and the City of Oshawa, the recommended approach of two municipal working groups collaborating to determine an appointment process was put forward.

The City of Hamilton working group was initially comprised of Mayor Horwath and Councillors Francis, Hwang, and Nann. In May 2024, Councillor McMeekin took the place of Mayor Horwath on the working group.

City of Hamilton staff worked with City of Oshawa staff to develop an agenda and schedule a meeting for both working groups to jointly discuss a preferred process for appointing the new municipal representative to the Hamilton-Oshawa Port Authority Board of Directors in 2024, and for any future appointments.

On February 2, 2024, the joint working groups for both the City of Hamilton and City of Oshawa conducted a virtual meeting which brought forward recommendations that were endorsed by both working groups, but ultimately not approved by Oshawa City Council.

Oshawa City Council provided alternative recommendations for consideration for the Hamilton working group – Appendix “A” to Report PED23021(a). These alternative recommendations were unanimously approved by the Hamilton working group at its meeting on May 30, 2024 along with an additional recommendation that if either the City of Hamilton or the City of Oshawa does not endorse the Hamilton-Oshawa Port Authority’s candidate, the Board shall put forth the next highest-ranking candidate for endorsement, until such time that both Councils endorse the same candidate.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**RELEVANT CONSULTATION**

- Ian Hamilton, CEO, Hamilton Oshawa Port Authority; and,
- City of Oshawa.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The City of Hamilton working group and Oshawa City Council are both in agreement that an open call for the municipal representative for the Hamilton-Oshawa Port Authority board would be a fair and equitable way to resolve the issue of a single municipal representative. In addition, Hamilton-Oshawa Port Authority has indicated that

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they are willing to administer the recruitment and selection process and provide a candidate that would need to be approved by both the City of Hamilton and City of Oshawa councils.

**ALTERNATIVES FOR CONSIDERATION**

Council could choose not to approve the suggested recommendations and direct the working groups to reconvene to develop and propose alternative solutions. This approach is not recommended as the municipal appointee position for the Hamilton-Oshawa Port Authority board has been vacant since the passing of Mr. Jim Howlett in April of 2023 and reconvening the working groups would further delay having municipal representation on the board.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23021(a) – Process and Options for Appointment to the Hamilton-Oshawa Port Authority Board of Directors

Appendix "B" to Report PED23021(a) – Department of Transport Certificate of Amalgamation of Port Authorities