

CITY OF HAMILTON

MOTION

General Issues Committee (Budget): February 7, 2025

MOVED BY COUNCILLOR J.P. DANKO.....

SECONDED BY COUNCILLOR.....

Taxpayer Funding Exclusion for Organizations Involved in Litigation Against the City of Hamilton

WHEREAS Section 3 of the *Procurement Policy for the City of Hamilton* defines “Litigation” as “any dispute between the City and a vendor, where a legal proceeding...or other form of adjudication has been commenced..., against the City, its elected representatives, appointed officers, or employees...in relation to any...matter arising from the City’s exercise of its powers, duties, or functions.”

WHEREAS Section 4.1, Clause 2(a) of the *Procurement Policy for the City of Hamilton* states “the City may reject any Bid from a vendor where, in the opinion of the City, the commercial relationship between the City and the vendor has been impaired by the act(s) or omission(s) of such vendor including...any one or more of the following having occurred within the five year period immediately preceding either the date on which the RFP or RFT is awarded or the date on which the vendor has been shortlisted...

- (i) the vendor being involved in Litigation with the City;”

WHEREAS the City of Hamilton provides taxpayer funding for various third-party organizations, groups and individuals through grants, loans, donations, in-kind contributions, direct financing, Council directed financing and other City sources of public funds.

WHEREAS the *Procurement Policy for the City of Hamilton* explicitly bans vendors engaged in litigation against the City of Hamilton from participating in City contracts for a period of five years.

WHEREAS it is in the interest of all City of Hamilton taxpayers to uphold the integrity of City funding by extending the provisions of the *Procurement Policy for the City of Hamilton* to apply to all City funding for all third-party organizations, groups and individuals.

THEREFORE BE IT RESOLVED:

- (a) That all third-party organizations, groups and individuals engaged in litigation against the City of Hamilton within the last five years (2019 to 2024) are excluded

from all City funding in the 2025 budget, including grants, loans, donations, in kind contributions, direct funding or any other sources of funding from the City of Hamilton.

- (b) That Finance, Procurement and Legal Services staff report back to the Audit and Finance Committee no later than Q4 of 2025 with by-law and policy updates that will align the provisions of the Procurement Policy with City taxpayer funding agreements for third-party organizations, groups and individuals.