Mayor R. Bratina called the meeting to order and called upon Matt Jelly to address Council.

The Mayor expressed Council’s condolences to the family of Mike Passarelli who had worked in the Public Health Services since 1985. The Mayor acknowledged Mr. Passarelli’s work and mentorship in the City and his brief yet courageous fight against cancer.

Mayor Bratina recognized the passing of Nelson Mandela.

### APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. **ADDED CORRESPONDENCE**

   5.7 Correspondence from Gabriela Sadowska, Application Assessment Officer, Ministry of the Environment, respecting the application of 958160 Ontario Limited operating as Da-Lee Waste Oil Services for increased of waste disposal site service area.

   Recommendation: Be received and referred to the Acting General Manager of Planning & Economic Development for a report to the Planning Committee.
2. ADDED MOTIONS

7.4 Amendment to Information Item (h)(i) of General Issues Committee Report 13-024 respecting the 2014 Tax Supported User Fees

3. ADDED NOTICE OF MOTIONS

8.1 Request for Amendment to the Police Services Act

8.2 18-22 King Street East and 24-28 King Street East, Hamilton

8.3 Reimbursement of costs associated with an Appraisal Report on 1777 Garner Road East

(Farr/Whitehead)
That the agenda for the December 11, 2013 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

There were no declarations of interest.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Winona Peach Festival - Cheque Presentation

Mayor Bratina called upon invite Linda Shuker, President of the Winona to come forward. Ms. Shuker presented the Mayor with a cheque for $13,000 from the proceeds of the Festival.

3.2 Recognition of awards to the Hamilton Police Service from the “International Association of Chiefs of Police” conference in Philadelphia

Mayor Bratina called upon Chief of Police Glenn De Caire to introduce the awards won by the Hamilton Police Service.

Chief De Caire spoke to the accomplishments of the Hamilton Police Service in winning the International Association of Chiefs of Police awards for Police Community Policing Award for population of 250,000 plus residents, 2013 Excellence in Victim Services Award, and finishing as a semi-finalist in the Motorola Webber Seavey Award for Quality in Law Enforcement.
APPROVAL OF MINUTES

4.1 November 27, 2013

(Johnson/Pearson)
That the Minutes of the November 27, 2013, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Johnson/Ferguson)
That Council Communications 5.1 through 5.7 be approved, as amended, as follows:

5.1 E-mail correspondence from Mathieu Langelier, Executive Officer, Hamilton-Halton Home Builders’ Association, with attachments, respecting word change request regarding the Community Mail Boxes (CMBs) in New Developments.

(Ferguson/Pearson)
Recommendation: Be received and referred to the Acting General Manager of Planning and Economic Development for report back to the Planning Committee.

5.2 E-mail correspondence from Rodney & Anita Vermeulen and children respecting “Application for an Amendment to Glanbrook Zoning By-law No. 464 to Permit a Place of Worship for Lands Located at 3075 Tisdale Road, Glanbrook (PED13210) (Ward 11).”

(Johnson/Pearson)
Recommendation: Be received and referred to the Acting General Manager of Planning & Economic Development for appropriate action.

5.3 E-mail correspondence from Georgina Beattie, respecting “Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road, and 395 Fifty Road, in the Former City of Stoney Creek(PED13205) (Ward 11).”

(Johnson/Pearson)
Recommendation: Be received and referred to the Acting General Manager of Planning & Economic Development for appropriate action.

5.4 E-mail correspondence from Justin & Mary-Lynn Schutten and children respecting “Application for an Amendment to Glanbrook Zoning By-law No. 464 to Permit a Place of Worship for Lands Located at 3075 Tisdale Road, Glanbrook (PED13210) (Ward 11).”
Recommendation: Be received and referred to the Acting General Manager of Planning & Economic Development for appropriate action.

5.5 E-mail correspondence from Wayne & Liz Vanderwoude and family respecting “Application for an Amendment to Glanbrook Zoning By-law No. 464 to Permit a Place of Worship for Lands Located at 3075 Tisdale Road, Glanbrook (PED13210) (Ward 11).”

Recommendation: Be received and referred to the Acting General Manager of Planning & Economic Development for appropriate action.

5.6 Status Update Report by Integrity Commissioner Earl Basse.

Recommendation: Be received.

5.7 Correspondence from Gabriela Sadowska, Application Assessment Officer, Ministry of the Environment, respecting the application of 958160 Ontario Limited operating as Da-Lee Waste Oil Services for increased of waste disposal site service area.

Recommendation: Be received and referred to the Acting General Manager of Planning & Economic Development for a report to the Planning Committee.

CARRIED

That Council move into Committee of the Whole for consideration of the Committee Reports.

CARRIED

That Section 5.6(2) of the City’s Procedural By-law, which provides that a minimum of 48 hours shall pass before a Standing Committee Report is presented to Council, be waived in order to consider the General Issues Committee Report 13-027, dated Wednesday, December 11, 2013.

CARRIED

That Item 6.10 respecting General Issues Committee Report 13-027 be moved up in the agenda to be heard at this time.

CARRIED

As Councillor Morelli was not in attendance Council delayed discussion of General Issues Committee Report 13-027 pending his arrival.
GENERAL ISSUES COMMITTEE REPORT 13-025

(Jackson/Duvall)
That the TWENTY-FIFTH Report of the GENERAL ISSUES COMMITTEE be adopted, and the information section received. (attached hereto)

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-018(c)

(Jackson/Duvall)
That the EIGHTEENTH (C) Report of the GENERAL ISSUES COMMITTEE be adopted, and the information section received. (attached hereto)

CARRIED

PUBLIC WORKS COMMITTEE REPORT 13-015

Item 11  City of Hamilton/Metrolinx Multi-Year Governance Agreement (PW13092)

(Ferguson/Powers)
That Item 11 of Public Works Committee Report 13-015 respecting City of Hamilton/Metrolinx Multi-Year Governance Agreement be deleted in its entirety and replaced with the following in lieu thereof:

(a) That the Mayor and City Clerk be authorized and directed to execute on behalf of the City of Hamilton, a Multi-Year Governance Agreement for Joint Transit Procurements Facilitated by Metrolinx for a five year term beginning in 2013 and ending in 2018, with content acceptable to the General Manager of Public Works, and in a form satisfactory to the City Solicitor;

(b) That staff report back to the Public Works Committee for authority to enter into any formal Purchasing Agreements;

(c) That the by-law substantially in the form of the by-law attached as Appendix “B” to Report PW13092, and satisfactory to the City Solicitor, being a by-law to authorize the signing of a multi-year governance agreement for fiscal year 2013 – fiscal year 2018 with Metrolinx, be approved;

(d) That a certified copy of the Governance Agreement and accompanying By-Law attached as Appendix “B” to Report PW13092, in a form satisfactory to the City Solicitor, and with content satisfactory to the General Manager of Public Works, be forwarded to Metrolinx upon Council approval.

Amendment CARRIED
(Ferguson/Powers)
That Item 11 of Public Works Committee Report as amended be referred back to the Public Works Committee for further discussions on sections 2.1(i) and 4.9 of the Governance Agreement.

CARRIED

(Ferguson/Powers)
That the FIFTHTEENTH Report of the Public Works Committee be adopted as amended, and the information section received. (attached hereto)

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-027

(Bratina/Partridge)
That the General Issues Committee Report 13-027 be heard at this time.

CARRIED

(Morelli/Merulla)
That the TWENTY-SEVENTH Report of the General Issues Committee be adopted, and the information section received. (attached hereto)

CARRIED

BOARD OF HEALTH REPORT 13-011

Item 4  Air Quality Task Force Action Plan (BOH13029) (City Wide) (Item 8.1)

(Clark/Powers)
That sub-section 4(c) of Board of Health Report 13-011 be amended through the deletion of the word ‘work and replacement therein of the word ‘consult’ to read as follows:

(c) That Public Health Services staff be directed to consult with Planning and Economic Development staff to develop air quality-related guidelines for new and redeveloping neighbourhood land use planning, as described in “Recommendation 3” of the Air Quality Task Force Action Plan (Attached as Appendix “A” to Report 13-011)

Amendment CARRIED
Main Motion as Amended CARRIED

(Bratina/Partridge)
That the ELEVENTH Report of the Board of Health be adopted as amended, and the information section received. (attached hereto)
CARRIED

PLANNING COMMITTEE REPORT 13-019

(Farr/McHattie)
That the NINETEENTH Report of the Planning Committee be adopted and the information section received. (attached hereto)

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-026

Item 1 Hamilton Tax Increment Grant Program – 193-197 James Street North – HTIGP 09/02 (PED13190) (Ward 2)

The Motion CARRIED on the Following Recorded Vote:

Total: 11
Nays: B. Clark, B. Johnson, M. Pearson
Total: 3
Absent: B. Bratina, B. Morelli
Total: 2

Item 22 Acquisition of Part of 1400 Upper James Street, Hamilton, from LPF Realty Retail Inc. (PED13207) (Ward 8)

(Whitehead/Duvall)
That sub-section (a) of Item 22 of General Issues Committee Report 13-026 respecting “Acquisition of Part of 1400 Upper James Street, Hamilton, from LPF Realty Retail Inc.” be amended be deleting the date of February 14 and replacing it with the date of April 30 in lieu thereof.

CARRIED

Item 24 Report 13-001 of the Steel Committee – November 7, 2013 (Item 8.7)

(Merulla/Duvall)
That item 24(c) of General Issues Report 13-026 be amended by deleting the recommendation in its entirety and replacing it with the following:

(c) That the City of Hamilton request the Provincial Government of Ontario the Federal Government of Canada and U.S. Steel to attend
a meeting of the Steel Committee and discuss the future of U.S. Steel and their pensioners.

Amendment CARRIED

(Duvall/Merulla)
That Item 24 (c) of General Issues Committee Report be further amended to include “The Presidents of Local 1005 and Local 8782 of the United Steel Workers of America.” Following U.S. Steel to read as follows:

(c) That the City of Hamilton request the Provincial Government of Ontario the Federal Government of Canada, U.S. Steel and The Presidents of Local 1005 and Local 8782 of the United Steel Workers of America to attend a meeting of the Steel Committee and discuss the future of U.S. Steel and their pensioners.

Amendment CARRIED
MAIN MOTION as Amended CARRIED

(Bratina/Ferguson)
That the TWENTY-SIXTH Report of the General Issues Committee be adopted as amended and the information section received. (attached hereto)

GENERAL ISSUES COMMITTEE REPORT 13-022(a)

(Bratina/Ferguson)
That the TWENTY-SECOND Report of the General Issues Committee be adopted and the information section received. (attached hereto)

CARRIED

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 13-011

(Pearson/Clark)
That the ELEVENTH Report of the Audit, Finance and Administration Committee be adopted and the information section received. (attached hereto)

CARRIED

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 13-010

Item 13 Extension of Service Contract for Management of the Hamilton Farmers’ Market (CS12045(b)) (Ward 2)

(Farr/Clark)
That Item 13 (a) of Emergency & Community Services Report be amended by adding the words “up to” after the words “Market for” to read as follows:
(a) That staff be directed to renew the current employment contract for management of the Hamilton Farmers' Market for up to an additional six-month period to June 30, 2014;

The Amendment CARRIED on the Following Recorded Vote:

Total: 13
Nays: T. Jackson, T. Whitehead
Total: 2
Absent: B. Morelli
Total: 1

The Main Motion as Amended CARRIED on the Following Recorded Vote:

Total: 13
Nays: T. Jackson, T. Whitehead
Total: 2
Absent: B. Morelli
Total: 1

Item 14  Restructuring within the Community and Emergency Services Department (CS13053) (City Wide)

(Whitehead/Duvall)
That Item 14 of Emergency and Community Services Committee Report 13-010 respecting Restructuring within the Community and Emergency Services Department (CS13053) (City Wide) be deleted in its entirety and replaced with the following in lieu thereof:

(a) That the resources of the Strategic Services Division be re-aligned within other Divisions of Community and Emergency Services to support Departmental and Corporate priorities;

(b) That oversight of the Hamilton Farmers Market be transferred to the Corporate Services Department;

(c) That the new organizational structure for the Neighbourhood and Community Initiatives Division (Appendix A to Report CS13053) be approved;
(d) That the contents of Report CS13053 respecting Restructuring within the Community and Emergency Services Department remain confidential and not be released as a public document as the information relates to identifiable individuals.

Amendment CARRIED
Main Motion As Amended CARRIED

(Whitehead/Duvall)
That the TENTH Report of the Emergency and Community Services Committee be adopted as amended and the information section received. (attached hereto)

CARRIED

(Jackson/Duvall)
That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Facilitating Public Demonstrations at City Hall

(Merulla/Collins)
Whereas the City of Hamilton wishes to protect the democratic right of citizens to express their disapproval or objection to the policies and actions of government through group protests.

Therefore be it Resolved:

(a) That the City Hall Forecourt continue to be made available as a space for protests to take place with no rental fee.

(b) That protest organizers be encouraged to provide notification of a planned protest to the Facility Help Desk of City Hall.

(c) That protest organizers who provide at least 48 hours’ notice of a planned protest after regular business hours (8:30 AM – 4:30 PM) be provided with access to indoor City Hall facilities at no cost provided the space is available and/or does not conflict with other City of Hamilton business.

(d) That protests that include additional event elements, such as food preparation and service or amplified music, be required to comply with the guidelines for the Special Events Advisory Team (SEAT) to ensure public health and safety at the event.

(e) That the Special Events Advisory Team (SEAT) will attempt to expedite all protest-related applications, in recognition of the spontaneous nature of many protests.

CARRIED
7.2 Objection to Liquor License Application – August 8 Restaurant, 835 Paramount Drive, Hamilton, Ontario, L8T 2R5

The Motion was withdrawn by Councillor Clark.

7.3 Pre-Christmas Free Parking Strategy

(Farr/McHattie)
(a) That the Pre-Christmas Free Parking Strategy, approved by City Council on June 25, 2003, be amended as follows:

(b) That on-street parking be free at all times from December 12, 2013 to December 24, 2013 and limited to two (2) hours in duration for the King Street West Business Improvement Area.

CARRIED

7.4 Amendment to Information Item (h)(i) of General Issues Committee Report 13-024 respecting the 2014 Tax Supported User Fees

(Jackson/Whitehead)
That Information Item (h)(i) of General Issues Committee Report 13-024 respecting the 2014 Tax Supported User Fees, received for information by Council on November 27, 2013, be amended by adding the following as sub-section (bb):

(bb) The 100% cost recovery in the 2014 Proposed Fee for All Responses – Community and Emergency Services, Fire Department (Page 33 of Appendix “A” to Report FCS13079) was tabled to allow the Fire Chief to work with the Insurance Bureau of Canada to find ways to reduce costs to the community and the City, and that the costs be monitored over the next year.

CARRIED

7.5 Request for Amendment to the Police Services Act

(Ferguson/Whitehead)
Whereas the Police Services Act imposes on municipal council the responsibility of establishing the overall budget for the police services board; and

Whereas the Police Services Act requires the Chief of Police to maintain discipline within their respective organizations; and

Whereas public confidence in our police services is dependent upon maintaining the trust of the public; and
Whereas maintaining that trust is dependent upon all police officers adhering to the highest standards of conduct; and

Whereas we recognize and support that the law must protect police officers in the good faith performance of their duties; and

Whereas it was never intended that such protection would shield police officers from the consequences of serious misconduct not related to the performance of said duties; and

Whereas the City of Hamilton citizens have paid, through their taxes, the ongoing salaries of suspended officers while they face serious criminal and Police Services Act Charges.

Therefore Be it Resolved:

That the City of Hamilton call upon the Government of Ontario to amend the Police Services Act to allow for the suspension of pay of police officers charged with serious Criminal Code of Canada, Controlled Drug and Substances Act, and other federal offences or serious misconduct under the Police Services Act, not related to the performance of duty or in compliance with the Oath of Office.  

CARRIED

7.6 18-22 King Street East and 24-28 King Street East, Hamilton

(Farr/McHattie)
Whereas City Council agreed “not to designate 18-22, 24 and 28 King Street East, at this time” on January 23, 2013, with the understanding that the permit holder would request in writing that the demolition permit for 18-22 King Street East, Hamilton, be revoked;

And Whereas Building Permits for the demolition of the existing buildings at 18-22 King Street East, Hamilton and 24-28 King Street East, Hamilton, have been issued and remain in effect;

And Whereas the buildings located at 18-22 King Street East and 24-28 King Street East, Hamilton, meet the criteria specified in Ontario Regulation 9/06 including, but not limited to:

- Historical associations with the growth and commercial prosperity of the City of Hamilton in the nineteenth century. 18-22 King Street East was constructed circa 1840 and occupied by Archibald and Thomas C. Kerr (dry goods wholesalers), 24 King Street East was constructed in 1875-6 for James A. Skinner (crockery merchant), later occupied by Minden’s Ladies Wear, and 28 King Street East was constructed in 1874 for William H. Glassco & Sons (furriers).

- Physical and architectural design associations. 18-22 King Street East was designed by architect William Thomas in the Renaissance Revival
style. The building’s composition, design and materials provide a representative example of Renaissance Revival architecture dating to the pre-Confederation period and display a high-degree of craftsmanship. The buildings are among very few pre-Confederation stone commercial buildings remaining in Hamilton; and,

- Contextual associations with Gore Park and the King Street East streetscape.

And Whereas the Hamilton Municipal Heritage Committee advised Planning Council and Council in January 2013 that the properties are of cultural heritage value or interest sufficient to be designated;

And Whereas Subsection 29 (1) of the Ontario Heritage Act enables the Council of a municipality to designate by by-law property that is of cultural heritage value or interest if such property satisfies the prescribed criteria in Ontario Regulation 9/06.

And Whereas Subsection 33 (1) and Subsection 34 (1) of the Ontario Heritage Act provide for a process to manage alterations to property and demolition or removal of buildings or structures designated the Ontario Heritage Act;

Therefore be it resolved:

(a) That the Notice of Intention to Designate 18-22 King Street East, Hamilton attached as Appendix “A”, be approved;

(b) That the Notice of Intention to Designate 24 and 28 King Street East, Hamilton attached as Appendix “B”, be approved;

(c) That the City Solicitor be directed to take appropriate action to designate 18-22 King Street East and 24-28 King Street East, Hamilton, under Part IV of the Ontario Heritage Act.

CARRIED

NOTICES OF MOTION

Councillor Ferguson introduced the following Notice of Motion:

8.1 Request for Amendment to the Police Services Act

Whereas the Police Services Act imposes on municipal council the responsibility of establishing the overall budget for the police services board; and

Whereas the Police Services Act requires the Chief of Police to maintain discipline within their respective organizations; and

Whereas public confidence in our police services is dependent upon maintaining the trust of the public; and
Whereas maintaining that trust is dependent upon all police officers adhering to the highest standards of conduct; and

Whereas we recognize and support that the law must protect police officers in the good faith performance of their duties; and

Whereas it was never intended that such protection would shield police officers from the consequences of serious misconduct not related to the performance of said duties; and

Whereas the City of Hamilton citizens have paid, through their taxes, the ongoing salaries of suspended officers while they face serious criminal and Police Services Act Charges.

Therefore Be it Resolved:

That the City of Hamilton call upon the Government of Ontario to amend the Police Services Act to allow for the suspension of pay of police officers charged with serious Criminal Code of Canada, Controlled Drug and Substances Act, and other federal offences or serious misconduct under the Police Services Act, not related to the performance of duty or in compliance with the Oath of Office.

(Whitehead/Jackson)
That the Rules of Order be waived to allow for the introduction of a motion respecting a Request for Amendment to the Police Services Act.

CARRIED

For disposition on this matter refer to Item 7.5

Councillor Farr introduced the following Notice of Motion

8.2 18-22 King Street East and 24-28 King Street East, Hamilton

Whereas City Council agreed “not to designate 18-22, 24 and 28 King Street East, at this time” on January 23, 2013, with the understanding that the permit holder would request in writing that the demolition permit for 18-22 King Street East, Hamilton, be revoked;

And Whereas Building Permits for the demolition of the existing buildings at 18-22 King Street East, Hamilton and 24-28 King Street East, Hamilton, have been issued and remain in effect;

And Whereas the buildings located at 18-22 King Street East and 24-28 King Street East, Hamilton, meet the criteria specified in Ontario Regulation 9/06 including, but not limited to:

- Historical associations with the growth and commercial prosperity of the City of Hamilton in the nineteenth century. 18-22 King Street East was
constructed circa 1840 and occupied by Archibald and Thomas C. Kerr (dry goods wholesalers), 24 King Street East was constructed in 1875-6 for James A. Skinner (crockery merchant), later occupied by Minden's Ladies Wear, and 28 King Street East was constructed in 1874 for William H. Glassco & Sons (furriers).

- Physical and architectural design associations. 18-22 King Street East was designed by architect William Thomas in the Renaissance Revival style. The building’s composition, design and materials provide a representative example of Renaissance Revival architecture dating to the pre-Confederation period and display a high-degree of craftsmanship. The buildings are among very few pre-Confederation stone commercial buildings remaining in Hamilton; and,

- Contextual associations with Gore Park and the King Street East streetscape.

And Whereas the Hamilton Municipal Heritage Committee advised Planning Council and Council in January 2013 that the properties are of cultural heritage value or interest sufficient to be designated;

And Whereas Subsection 29 (1) of the Ontario Heritage Act enables the Council of a municipality to designate by by-law property that is of cultural heritage value or interest if such property satisfies the prescribed criteria in Ontario Regulation 9/06.

And Whereas Subsection 33 (1) and Subsection 34 (1) of the Ontario Heritage Act provide for a process to manage alterations to property and demolition or removal of buildings or structures designated the Ontario Heritage Act;

Therefore be it resolved:

(a) That the Notice of Intention to Designate 18-22 King Street East, Hamilton attached as Appendix “A”, be approved;

(b) That the Notice of Intention to Designate 24 and 28 King Street East, Hamilton attached as Appendix “B”, be approved;

(c) That the City Solicitor be directed to take appropriate action to designate 18-22 King Street East and 24-28 King Street East, Hamilton, under Part IV of the Ontario Heritage Act.

(Jackson/Collins)
That the Rules of Order be waived to allow for the introduction of a Motion respecting 18-22 King Street East and 24–28 King Street East, Hamilton.

The Motion CARRIED on the Following Recorded Vote:

Councillor Whitehead introduced the following Notice of Motion:

8.3 Reimbursement of costs associated with an Appraisal Report on 1777 Garner Road East

Whereas, Sonoma Homes Inc. had made application to the City of Hamilton’s Planning Department for approval of an Amendment to the Town of Ancaster Official Plan and Zoning By-law for lands municipally known as 1117 Garner Road East; and

Whereas, Public Works Infrastructure and Source Water Planning identified the subject parcel for the possible replacement of the neighbourhood Garner Road pumping station and for the long term maintenance and operation of the neighbourhood Garner Road water reservoir; and

Whereas, the Real Estate Section of the Economic Development and Real Estate Division have been in negotiations with Sonoma Homes Inc. for the past two (2) plus years, exploring land acquisition, and/or potential land exchange options; and

Whereas, during the course of these negotiations, the main issue centered on valuation of the subject lands; and

Whereas, the City of Hamilton and Sonoma Homes Inc. each proceeded to obtain their own independent appraisal reports to come to a resolution on the fair market value of the subject lands; and

Whereas, the City is no longer interested in pursuing the acquisition of the subject lands; and

Whereas, the City is no longer interested in pursuing the acquisition of the subject lands; and

Whereas, the Sonoma Homes Inc. has incurred costs in the amount of $15,989.50 for the preparation of the appraisal report which had been completed prior to the September 12, 2013 notification, and the City wishes to obtain a copy of said appraisal.

Now Therefore Be it Resolved:
(a) That the Infrastructure and Source Water Planning Section of the Public Works Department be authorized and directed to reimburse Sonoma Homes Inc. for the appraisal costs in the amount of $15,989.50;

(b) That the funding for the payment described in (a) above come from account #55778-5141055101 (Real Estate Fees);

(c) That the amount of $15,989.50 is a full and final payment of all compensation, interest and costs whatsoever which Sonoma Homes Inc may be entitled to as a result of the City not pursuing the acquisition of the subject property;

(d) That Sonoma Homes Inc. provide a copy of the Appraisal Report to the City of Hamilton as a condition of payment

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**STATEMENT BY MEMBERS**

Members of Council used this opportunity to discuss matters of general interest.

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**PRIVATE AND CONFIDENTIAL**

10.1 Closed Session Minutes - November 27, 2013

As Council determined that no discussion, respecting the Closed Session Minutes of November 27, 2013 meeting of Council was required, the Minutes were approved in Open Session, as shown below:

(Whitehead/Partridge)

(a) That the Closed Session Minutes of the November 27, 2013 meeting of Council be approved, as presented.

(b) That the Closed Session Minutes of the November 27, 2013 meeting of Council remain confidential and restricted from public disclosure. **CARRIED**

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**BY-LAWS**

(Johnson/Powers)

That the Bill List for the December 11, 2013 meeting of Council be amended as follows:

(a) That the following be added as Bills 315 to 326 (attached hereto) and the balance be renumbered:

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Bill No.
315  To Authorize the Temporary Borrowing of Monies to Meet Current
     Expenditures Pending Receipt of Current Revenues for 2014
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To Amend By-Law No. 11-040
To Establish Retention Periods for the City of Hamilton

A By-law to Adopt and Maintain a Procurement Policy for the City of Hamilton

To Authorize an Interim Tax Levy for 2014

Being a By-Law To Amend Procedural By-Law No. 10-053, Governing The Proceedings of Council and Committees of Council

To Amend the Waterworks By-law No. R84-026 and Implement the 2014 Fees and Charges

To Amend the Sewer and Drain By-law No. 06-026 and Implement the 2014 Fees and Charges

To Amend the Sewer Use By-law No. 04-150 and Implement the 2014 Fees and Charges

To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and Implement the 2014 User Fees and Charges

To Amend the Backflow Prevention By-law No. 10-103 and Implement the 2013 Fees and Charges

To Establish the 2014 Water and Wastewater/Storm Fees and Charges for Services, Activities and Use of Property Provided by the City of Hamilton

To Confirm the Proceedings of Council

(Johnson/Powers)
That Bills No. 13-302 to 13-326 be passed, and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

Bill No.
302 To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses Schedule 25

303 To Incorporate City land
Designated as Part 1 on Plan 62R-4975
Into Arvin Avenue

304 To Amend By-law No. 01-215
Being a By-law To Regulate Traffic

Schedule 2 – Speed limits
Schedule 13 – Designated Traffic Lanes
Schedule 18 – Bicycle Lanes
Schedule 29 – Weight Restrictions on Bridges
305  To Amend Locke Street Business Improvement Area 
   By-law No. 06-309
306  To Amend By-Law No. 06-147
   Being a By-law to Authorize the City to Enter into Extension Agreements
307  Removal of Part Lot Control
   Lots 139, 152 and 155, Registered Plan No. 62M-1166, “Eden Park – Phase 1” 
   (8, 10, 26, 28, 104 and 106 Summerberry Way, Hamilton)
308  To Amend By-law No. 01-215
   Being a By-law To Regulate Traffic
   Schedule 2 – Speed Limits
309  To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 83 
   - 89 Stone Church Road West (Hamilton)
310  To Amend Zoning By-law No. 6593
   Respecting Lands Located at 1500-1502 Main Street East (Hamilton)
311  To Amend By-law No. 01-218, as amended,
   Being a By-law To Regulate On-Street Parking
   Schedule 6 – Time Limit Parking
   Schedule 8 – No Parking Zones
   Schedule 10 – Alternate Side Parking
   Schedule 12 – Permit Parking Zones
312  To Amend Zoning By-law No. 3692-92 (Stoney Creek)
   Respecting Lands located at 1310 South Service Road, 400 Winona Road, and 
   395 Fifty Road
313  To Amend By-law No. 08-161
   A By-law respecting Building Permits and Related Matters
314  To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, respecting 
   lands located at Part Lot of 3, Concession 3, Parts 1, 4, 5 and 7 of Reference 
   Plan 62R-19558 in the former Town of Flamborough, now in the City of Hamilton
315  To Authorize the Temporary Borrowing of Monies to Meet Current 
   Expenditures Pending Receipt of Current Revenues for 2014
316  To Amend By-Law No. 11-040
   To Establish Retention Periods for the City of Hamilton
317  A By-law to Adopt and Maintain a Procurement Policy for the City of Hamilton
318  To Authorize an Interim Tax Levy for 2014
319  Being a By-Law To Amend Procedural By-Law No. 10-053,
   Governing The Proceedings of Council and Committees of Council
320  To Amend the Waterworks By-law No. R84-026 and Implement the 2014 Fees 
   and Charges
321  To Amend the Sewer and Drain By-law No. 06-026 and Implement the 2014 
   Fees and Charges
322  To Amend the Sewer Use By-law No. 04-150 and Implement the 2014 Fees and Charges
323  To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-
272 and Implement the 2014 User Fees and Charges

324 To Amend the Backflow Prevention By-law No. 10-103 and Implement the 2013 Fees and Charges

325 To Establish the 2014 Water and Wastewater/Storm Fees and Charges for Services, Activities and Use of Property Provided by the City of Hamilton

326 To Confirm the Proceedings of Council

CARRIED
(Johnson/Pearson)
That, there being no further business, the City Council meeting be adjourned at 9:35 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini, B. Comm., AMCT
City Clerk
November 26, 2013

Present:  Deputy Mayor T. Jackson (Chair)
          Mayor R. Bratina
          Councillors B. Clark, M. Pearson, B. Johnson, R. Pasuta,

Absent with Regrets:  Councillors R. Powers, S. Duvall – City Business
                      Councillor B. Morelli – Illness
                      Councillors L. Ferguson, B. McHattie – Vacation

November 28, 2013

Present:  Deputy Mayor T. Jackson (Chair)
          Mayor R. Bratina
          Councillors M. Pearson, R. Pasuta, J. Partridge,
          T. Whitehead, C. Collins, S. Merulla, J. Farr, B. McHattie

Absent with Regrets:  Councillors R. Powers, S. Duvall – City Business
                      Councillor B. Morelli – Illness
                      Councillor L. Ferguson – Vacation
                      Councillors B. Clark, B. Johnson – Personal

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 13-025 AND RESPECTFULLY RECOMMENDS:

1. Assessment Appeals Restricting Assessment Growth (FCS13080) (City Wide) (Item 5.1)
   (a) That Finance staff, through the General Manager’s office, continue to work with the Regional Treasurers group and the Ministry of Finance in their Special Purpose Business Property Assessment Review;

Council – December 11, 2013
(b) That recommended changes to legislation and processes outlined in Appendix “A” to FCS13080 be considered by the Ministry of Finance and the Minister of the Attorney General as a way of strengthening property valuations and processes for appeals on commercial, industrial and multi-residential properties;

(c) That Finance staff continue to monitor major building permit activity and subdivision approvals to ensure that the Municipal Property Assessment Corporation (MPAC) is picking up the new values and placing them on the assessment rolls as quickly as possible;

(d) That Finance staff continue to monitor the returned assessment roll and look at challenging assessment values as previously authorized under By-Law 13-064;

(e) That Finance staff continue to monitor all outstanding assessment appeals filed for commercial and industrial properties and participate in such appeals so that all parties are aware of the municipalities' concerns in getting appeals settled quickly and fairly for all parties;

(f) That Report FCS13080 be forwarded to the Association of Municipalities of Ontario (AMO) and the Regional Treasurers group for their support and endorsement and to the Ministry of Finance and the Ministry of the Attorney General.

2. Petitioning the Province of Ontario (New Business) (No Copy)

(a) That the Province of Ontario be petitioned to change the legislation related to shifting successful industrial/commercial tax appeals to the residential sector;

(b) That the Province of Ontario be petitioned to make changes to the tax capping system that artificially limits increases to the commercial/industrial sectors;

(c) That staff prepare a comprehensive information package detailing these matters, and that the information be forwarded to the appropriate Provincial Ministries, Ontario's Ombudsman, all Leaders of Ontario's Provincial Parties, the Association of Municipalities of Ontario and all local M.P.P.s.

3. Hamilton Downtown Urban Growth Centre: Municipal Taxes for the Years 2008 to 2012 (FCS13091) (Wards 1, 2 and 3) (Item 5.2)

That Report FCS13091 respecting “Hamilton Downtown Urban Growth Centre: Municipal Taxes for the Years 2008 to 2012” be received.

Council – December 11, 2013
FOR THE INFORMATION OF COUNCIL:

(a) **CHANGES TO THE AGENDA (Item 1)**

None

The agenda was approved as presented.

(b) **DECLARATIONS OF INTEREST (Item 2)**

None

(c) **APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)**

None

(d) **STAFF PRESENTATIONS**

(i) **2014 Tax-Supported Operating Draft Budget – Corporate Overview (Item 4.1)**

Chris Murray, City Manager, provided introductory remarks and historical context with respect to the 2014 Tax-Supported Operating Budget. With the assistance of a PowerPoint presentation, Mr. Murray spoke to the following:

- Municipal Comparison – 2013 Average Total Tax Impacts
- 3-year average tax impacts
- Average residential tax increases since amalgamation
- Average residential tax impacts 2011 to 2013
- Additional Capital investments
- Communicating the Budget

Mike Zegarac, Acting General Manager of Finance and Corporate Services, acknowledged and thanked his staff for all of their efforts in working with all of the Departments to gather the information that is being presented at today’s meeting.

With the assistance of a PowerPoint presentation, Mr. Zegarac spoke to the following areas with respect to the 2014 draft tax operating budget:

- 2014 draft tax impact (per $100,000 assessment)
- Residential property tax impact
- City Departments: Compensation pressures
- City Departments: Corporate pressures
- 2014 base budget savings (efficiencies, revenues and avoided costs)
- Boards and Agencies – draft
- Capital

Council – December 11, 2013
- Council-referred items
- 2014 Budget schedule
- Additional information list.

The presentation from the City Manager and Acting General Manager of Finance and Corporate Services respecting the “2014 Draft Tax-Supported Operating Budget” was received.

(ii) Planning (Item 4.2)

Joe-Anne Priel, Acting General Manager of Planning and Economic Development, provided a PowerPoint presentation and spoke to the following:

- 2014 Budgeted Complement
- 2014 Net Operating Budget by Division
- Major Budget Drivers
- 2014 Operating Budget by Cost Category (expenditures/revenues)
- 2013 Budget Projected Variance.

The presentation from the Acting General Manager of Planning and Economic Development respecting the “2014 Draft Budget – Planning and Economic Development” was received.

(iii) Public Health (Item 4.3)

Dr. Elizabeth Richardson, Medical Officer of Health, provided a PowerPoint presentation and spoke to the following:

- 2014 Budgeted Complement
- 2014 Operating Budget by Cost Category (expenditures/revenues)
- Major Budget Drivers
- Risks/Challenges
- Opportunities
- 2014 Net Operating Budget by Division
- 2013 Budgeted Projected Variance

The presentation from the Medical Officer of Health respecting the “2014 Draft Budget – Public Health Services” was received.

(iv) Community Services (Item 4.4)

Gillian Hendry, Director of Social Housing, provided a PowerPoint presentation and spoke to the following:

- 2014 Budgeted Complement
- 2014 net Operating Budget by Division
Major Budget Drivers
Risks/Challenges
Opportunities
2014 Operating Budget by Cost Category (expenditures/revenues)
2013 Budgeted Projected Variance

The presentation from the Director of Social Housing respecting the “2014 Draft Budget – Community and Emergency Services” was received.

(v) Public Works (Item 4.5)

Gerry Davis, General Manager of Public Works, provided a PowerPoint presentation and spoke to the following:

- 2013 Accomplishments
- 2014 Budgeted complement
- 2014 Operating Budget by Cost Category (Expenditures)
- 2014 Major Expenditure Drivers
- 2014 Operating Budget by Cost Category (Revenues)
- 2014 Major Revenue Drivers
- 2014 Net Operating Budget
- 2014 Risks and Opportunities

The presentation from the General Manager of Public Works respecting the “2014 Draft Budget – Public Works” was received.

(vi) Corporate Services (Item 4.6)

Mike Zegarac, Acting General Manager of Finance and Corporate Services, provided a PowerPoint presentation and spoke to the following:

- 2014 Budgeted complement
- 2014 Net Operating Budget by Division
- Major Budget Drivers
- Risks/Challenges
- 2014 Gross Operating Expenditures by Division
- 2014 Gross Operating Revenues by Division
- 2014 Operating Budget by Cost Category (Expenditures/Revenues)
- 2013 Budget Projected Variance

The presentation from the Acting General Manager of Finance and Corporate Services respecting the “2014 Draft Budget – Corporate Services” was received.
(vii) City Manager’s Office (Item 4.7)

Chris Murray, City Manager, provided a PowerPoint presentation and spoke to the following:

- 2014 Budgeted complement
- 2014 Net Operating Budget by Division
- Major Budget Drivers
- 2014 Operating Budget by Cost Category (Expenditures/Revenues)
- 2013 Budget Projected Variance

The presentation from the City Manager respecting the “2014 Draft Budget – City Manager” was received.

Copies of the PowerPoint presentations for each of the above are available for viewing on the City of Hamilton website.

(e) ADJOURNMENT (Item 6)

The meeting recessed at 2:11 p.m., to be reconvened on Thursday, November 28, 2013 following the conclusion of the General Issues Committee meeting with respect to the 2014 Capital Budget.

The following items were deferred to the November 28 continuation of this meeting:

(i) Presentation – Tax Assessment Appeals (Item 4.8)

(ii) Assessment Appeals Restricting Assessment Growth (FCS13080) (City Wide) (Item 5.2)

(iii) Hamilton Downtown Urban Growth Centre: Municipal Taxes for the Years 2008 to 2012 (FCS13091) (Wards 1, 2 and 3)

November 28, 2013

Deputy Mayor T. Jackson reconvened the November 26, 2013 meeting of the General Issues Committee meeting at 12:40 p.m.

(c) STAFF PRESENTATIONS

(i) Tax Assessment and Appeals (Item 4.8)

Mike Zegarac, Acting General Manager of Finance and Corporate Services, provided a PowerPoint presentation respecting “Assessment Growth and Assessment Appeals” and spoke to the following:
Assessment Growth
  ✓ 2012 Assessment Growth by Property Class
  ✓ Increases/Decreases
  ✓ Assessment Growth vs Building Permits
Assessment Appeals
  ✓ What the City is doing
  ✓ What can be done by the Province

A copy of the PowerPoint presentation was distributed and is available for viewing on the City of Hamilton website.

The presentation respecting “Tax Assessment and Appeals” was received.

The subject matter was identified as completed and removed from the Outstanding Business List.

(d) ADJOURNMENT (Item 6)

There being no further business, the Committee adjourned at 2:25 p.m. on November 28, 2013.

Respectfully submitted

Councillor T. Jackson
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk
GENERAL ISSUES COMMITTEE
REPORT 13-018(c)
9:30 a.m.
Thursday, November 28, 2013
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Deputy Mayor T. Jackson (Chair)
Mayor R. Bratina
Councillors B. Clark, C. Collins, J. Farr, B. McHattie,
S. Merulla, J. Partridge, R. Pasuta, M. Pearson, T. Whitehead

Absent with Regrets: Councillors S. Duvall, R. Powers – City Business
Councillors L. Ferguson – Vacation
Councillor B. Johnson – Personal
Councillor B. Morelli – Illness

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 13-018(c) FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

None

The agenda was approved as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) STAFF PRESENTATIONS

(i) 2014 Tax-Supported Capital Budget (FCS13096) (Item 3.1)

Mike Zegarac, Acting General Manager of Finance and Corporate Services, acknowledged and thanked the efforts of his staff for gathering and compiling all of the information that will be presented at today's meeting.
With the assistance of a PowerPoint presentation, Mr. Zegarac spoke to the following issues with respect to the 2014 Tax-Supported Capital Budget:

- 2014 Tax Capital Process
- 2014 Tax Capital Objectives
- Tax Capital History
- Capital Funding compared to September Budget Workshops
- Gross Tax Capital Funding Sources
- 2014 Capital Budget by Program
- 2014 Capital Highlights
- 2014 Tax Capital Budget
- 2014 Proposed Capital budget
- Roads Capital 2010 to 2014
- 2014 Roads Capital Program
- Future Underfunded Projects
- 2014 Capital Funding
- 2014 to 2023 Capital Forecast by Program
- 2014 to 2023 Capital Funding Forecast
- Tax Capital Forecast 2014 to 2023
- General Funding Sources
- Discretionary Funding Forecast
- Capital Reserve Forecast
- 2014 Multi-Year Projects
- Debt Forecast 2014 to 2023
- Debt Forecast 2013 vs 2014
- Consolidated Outstanding Debt Forecast 2014 to 2023
- Debt Forecast 2013 vs 2014
- Annual Repayment Limit

The presentation from the Acting Manager of Finance and Corporate Services respecting the 2014 Tax Supported Capital Budget was received.

Report FCS13096 respecting the “2014 Tax Supported Capital Budget” was tabled.

A copy of the PowerPoint presentation is available for viewing on the City of Hamilton website.

**2014 Tax-Supported Capital Budget (FCS13096) (Item 3.1)**

(aa) That staff be directed to work with Council to identify projects in the 2014 Recommended Capital Budget to reduce the .5% levy contribution as part of the 2014 Operating Budget process;

Council – December 11, 2013
(bb) That the Wards 1 to 8 Councillors be requested to submit their 2014 Area Rating projects as soon as possible.

(d) ADJOURNMENT (Item 4)

There being no further business, the Committee adjourned at 11:57 a.m.

Respectfully submitted

Councillor T. Jackson
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk
THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 13-015 AND RESPECTFULLY RECOMMENDS:

1. Appointment of Chair and Vice-Chair for 2014 (Item A)

   (a) That Councillor T. Whitehead be appointed Chair of the Public Works Committee for 2014;

   (b) That Councillor S. Merulla be appointed Vice-Chair of the Public Works Committee for 2014.

2. Tree Health and Maintenance in the Hamilton and Dundas Downtown Areas (PW13089) (Wards 2 & 13) (Item 5.2)

   That Report PW13089 respecting Tree Health and Maintenance in the Hamilton and Dundas Downtown Areas, be received.

3. Correspondence from the Toronto Lynx Soccer Club (PW13095) (Ward 3) (Item 5.3)

   That Report PW13095 respecting Correspondence from the Toronto Lynx Soccer Club, be received.

4. 2014 Volunteer Committee Budget - Keep Hamilton Clean & Green Committee (formerly Clean City Liaison Committee) (PW13090) (City Wide) (Item 5.4)

   That Report PW13090 respecting 2014 Volunteer Committee Budget for the Keep Hamilton Clean & Green Committee, be received.
(a) That the Keep Hamilton Clean & Green Committee Volunteer Coordinating Committee 2014 base budget submission (Appendix “A” to Report PW13090), in the amount of $18,250, be approved and forwarded to the 2014 budget process (GIC);

(b) That in addition to the base funding, that a one-time budget allocation for 2014 of $10,550, funded by the Keep Hamilton Clean & Green Committee Volunteer Coordinating Committee Reserve, be approved and forwarded to the 2014 budget process (GIC).

5. 2014 Volunteer Committee Budget Submission - Hamilton Cycling Committee (PW13091) (City Wide) (Item 5.5)

(a) That the Hamilton Cycling Committee 2014 base budget submission, in the amount of nine thousand dollars ($9,000), as described in Appendix “A” to report PW13091, be approved and forwarded to the 2014 budget process (GIC);

(b) That in addition to the base funding, that a one-time budget allocation for 2014 of one thousand dollars ($1,000), funded by the Hamilton Cycling Committee reserve, be approved and forwarded to the 2014 budget process (GIC).


(a) Sale of District Cooling System (DCS) Assets to Hamilton Utilities Corporation

That staff be directed to finalize agreement terms and leasing arrangements for the sale of the City of Hamilton’s District Cooling System (DCS) Assets to Hamilton Utilities Corporation to be presented for approval through the Hamilton Utilities Corporation Joint Advisory Committee and then Council for final approval.

(b) Expanding District Energy in Hamilton

(i) That staff from the City of Hamilton’s Public Works and Planning and Economic Development Departments and Hamilton Community Energy investigate and report back to the Hamilton Utilities Corporation Joint Advisory Committee on programs or policies that will enhance, promote, encourage or mandate the installation of district energy (heating and cooling) systems in the City’s new Harbourfront Development and Downtown Core;
(ii) That staff be directed to identify the environmental, social, economic and energy efficiency benefits to the City of Hamilton and the community as part of recommendation (a);

(iii) That staff report back to Hamilton Utilities Corporation Joint Advisory Committee with an update and recommendations by March 2014.

7. Petition from West 19th Residents Regarding Road Improvements (PW13093) (Ward 8) (Item 8.2)

That Report PW13093 respecting the Petition from West 19th Residents Regarding Road Improvements, be received.

8. Public Bike Share Implementation (PW13015(b)) (City Wide) (Item 8.3)

That Report PW13015(b) respecting Public Bike Share Implementation, be received.


That the City of Hamilton continue with a Trash Tag system for eligible residential units for the 2014 - 2015 waste collection year as follows:

(i) That 26 tags be made available at no charge for eligible residential properties with curb side collection service;

(ii) That 12 of the 26 tags be delivered by Canada Post in the first quarter of 2014 and that the remaining 14 tags be made available for pick up or mail out upon request (phone or online ordering);

(iii) That staff be directed to place the 2014 garbage tags in envelopes for delivery.

10. Winter Control Program Snow Plow Tracking System (Web) (PW13096) (City Wide) (Item 8.5)

(a) That staff continue to monitor the use of live web site reporting of winter storm event response activities (i.e. snow plow tracking) across Canadian jurisdictions and maintain a current business case for its future implementation;

(b) That staff pursue the provision of static Winter Control event response updates on the City of Hamilton Web site in collaboration with the Web Strategy Group.
11. City of Hamilton/Metrolinx Multi-Year Governance Agreement (PW13092) (City Wide) (Item 8.6)

That Item 11 of Public Works Committee Report as amended below be referred back to the Public Works Committee for further discussions on sections 2.1(i) and 4.9 of the Governance Agreement:

(a) That the Mayor and General Manager of Finance and Corporate Services (City Treasurer) be authorized to enter into a Governance Agreement attached as Appendix “A” to Report PW13092, for a five year term beginning in 2013 and ending in 2018;

(b) That staff report back to the Public Works Committee for authority to enter into any formal Purchasing Agreements;

(c) That a certified copy of this Governance Agreement and accompanying By-Law attached as Appendix “B” to Report PW13092, in a form satisfactory to Corporate Legal Services, Corporate Purchasing and Corporate Finance be forwarded to Metrolinx upon Council approval:

(a) That the Mayor and City Clerk be authorized and directed to execute on behalf of the City of Hamilton, a Multi-Year Governance Agreement for Joint Transit Procurements Facilitated by Metrolinx for a five year term beginning in 2013 and ending in 2018, with content acceptable to the General Manager of Public Works, and in a form satisfactory to the City Solicitor;

(b) That staff report back to the Public Works Committee for authority to enter into any formal Purchasing Agreements;

(c) That the by-law substantially in the form of the by-law attached as Appendix “B” to Report PW13092, and satisfactory to the City Solicitor, being a by-law to authorize the signing of a multi-year governance agreement for fiscal year 2013 – fiscal year 2018 with Metrolinx, be approved;

(d) That a certified copy of the Governance Agreement and accompanying By-Law attached as Appendix “B” to Report PW13092, in a form satisfactory to the City Solicitor, and with content satisfactory to the General Manager of Public Works, be forwarded to Metrolinx upon Council approval.

12. City Initiated Municipal Act Project – Extension of Municipal Sanitary Sewer on Chester Avenue (PW13094) (Ward 8) (Item 8.7)

Council – December 11, 2013
(a) That pursuant to Section 250.1 of the Municipal Act, 2001, S.O. 2001, a full cost recovery mechanism regarding the construction cost of the sanitary and storm sewer extension be implemented in order to recover, for the City, the total estimated cost of $149,990.00 excluding HST, for sanitary sewer on Chester Avenue from West 5th Street to approximately 95m westerly and storm sewer on Chester Avenue from West 5th Street to approximately 97m westerly, including sanitary and storm sewer private drains. The actual cost will be recovered in total from benefiting property owners 85 and 96 Chester Avenue, on a property frontage basis for the mainline sewer and a linear meter basis for private drains;

(b) That the charges for the municipal sanitary and storm sewer extension as outlined in Report PW13094 shall be payable upon the completion of the construction works by the benefiting property owners;

(c) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the necessary full cost recovery by-law.

13. Installation of Stop Controls at the Intersection of Glover Road and of Watershore Drive/Watercrest Drive (Item 9.1)

(a) That north bound and south bound stop controls be placed on Glover Road at the intersection of Watershore Drive /Watercrest Drive;

(b) That the appropriate amending by-law be passed.

14. Cochrane Road Reconstruction (Added Item 10.1 and 9.2)

(a) That Cochrane Road (between Greenhill Avenue & Lawrence Road) be reconstructed, with the work to include the removal of the existing asphalt, complete base repairs, curb and sidewalk repairs and re-paving;

(b) That the cost of the Cochrane Road reconstruction project estimated at $600,000 be funded from the 2014 Ward 5 Area Rating fund.

FOR THE INFORMATION OF COUNCIL:

(a) APPOINTMENT OF CHAIR/ VICE-CHAIR FOR 2014 (ITEM A)

On a Motion the appointment of the Chair for the 2014 term was tabled to the end of the agenda.
On a Motion the appointment of the Vice-Chair for the 2014 term was tabled to the end of the agenda.

(b) CHANGES TO THE AGENDA (Item 1)

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

(i) Cochrane Road Reconstruction (Item 10.1)

The December 2, 2013 Public Works Committee Agenda was approved, as presented.

(c) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(d) MINUTES (Item 3)

(i) November 18, 2013 (Item 3.1)

The Minutes of the November 18, 2013 Public Works Committee meeting were approved, as presented.

(e) CONSENT ITEMS (Item 5)

(i) Correspondence from QPA Solar requesting a Resolution of support under the OPA FIT program version 3.0 for the installation of a solar PV ground mounted system 367 Highway #5 West, Dundas (Item 5.6)

On a Motion the request from QPA Solar was referred to the appropriate staff for review and response to the next Council meeting.

(f) DISCUSSION ITEMS (Item 8)

(i) Trash Tag System and Distribution Method for 2014 - 2015 (PW13088) (City Wide) (Item 8.4)

The motion was amended through the addition of a sub-section (iii) to read as follows:

(iii) That staff be directed to place the 2014 garbage tags in envelopes for delivery.
For disposition on this matter refer to Item 9.

(ii) Winter Control Program Snow Plow Tracking System (Web) (PW13096) (City Wide) (Item 8.5)

Committee determined not to remove the item from the Outstanding Business List as recommended in sub-section (c) of Report PW13096 and directed staff to report back on the matter.

(g) MOTIONS (Item 9)

(i) Installation of Stop Controls at the Intersection of Glover Road and of Watershore Drive/Watercrest Drive (Item 9.1)

For disposition on this matter refer to Item 13.

(ii) Cochrane Road Reconstruction (Added Item 10.1 and 9.2)

For disposition on this matter refer to Item 14.

(h) NOTICES OF MOTION (Item 10)

Councillor Collins introduced the following Notice of Motion:

(i) Cochrane Road Reconstruction (Added Item 10.1)

(a) That Cochrane Road (between Greenhill Avenue & Lawrence Road) be reconstructed, with the work to include the removal of the existing asphalt, complete base repairs, curb and sidewalk repairs and re-paving;

(b) That the cost of the Cochrane Road reconstruction project estimated at $600,000 be funded from the 2014 Ward 5 Area Rating fund.

The rules of order were waived to allow the introduction of a Motion respecting the Cochrane Road Reconstruction.

For disposition on this matter refer to Item 14.

(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business List (Item 11.1)

Council – December 11, 2013
(a) The following Items were approved for removal from the Outstanding Business List:

1. Item F - Public Bike Share Transit System Implementation
2. Item G - Tree health and maintenance in the downtown area
3. Item H - Garbage Tag Mail out options
4. Item J - Correspondence from the Toronto Lynx Soccer Club

(b) The following proposed new due date was approved:

1. Item C - Two-way Conversion Victoria Avenue North
   Current Date - December 2, 2013
   Revised Due Date - June 16, 2014

(j) ADJOURNMENT (Item 13)

There being no further business, the Public Works Committee adjourned at 10:53 p.m.

Respectfully submitted,

Councillor L. Ferguson, Chair
Public Works Committee

Andy Grozelle
Legislative Coordinator
Office of the City Clerk
THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 13-027 AND RESPECTFULLY RECOMMENDS:

1. Acquisition of Property in Ward 3 (PED13014(a)) (Ward 3) (Item 4.1)

   (a) That the direction provided to staff during the closed session meeting of the General Issues Committee on December 11, 2013 respecting Acquisition of Property in Ward 3, be approved;

   (b) That the financial details of the acquisition outlined in Appendix “B” attached to Report PED13014(a) remain confidential until the completion of the transaction and that the balance of the report not be released as a public document.

FOR THE INFORMATION OF COUNCIL:

The 48-hour rule be waived for the calling of this meeting pursuant to sub-section 3.4(3) of the City’s Procedural By-law.

(a) CHANGES TO THE AGENDA (Item 1)

None.

The agenda was approved, as presented.
(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

None.

(d) PRIVATE & CONFIDENTIAL (Item 4)

The Committee moved into Closed Session pursuant to Sub-section 8.1(c) of the City’s Procedural By-law and Section 239.2 of the Municipal Act as the subject matter pertains to a proposed acquisition or disposition of land by the municipality or local board respecting Acquisition of Property in Ward 3.

The Committee reconvened in Open Session.

(i) Acquisition of Property located in Ward 3 (PED13014(a)) (City Wide) (Item 4.1)

See Item 1 for the disposition of this item.

(e) MOTIONS (Item 5)

None.

(f) ADJOURNMENT (Item 6)

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

Respectfully submitted

Councillor B. Johnson
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk
THE BOARD OF HEALTH PRESENTS REPORT 13-011 AND RESPECTFULLY RECOMMENDS:

1. *Retirement Homes Act, 2010 Implications Update (BOH13044) (City Wide) (Item 6.1)*

That Report BOH13044 respecting the *Retirement Homes Act, 2010 Implications Update*, be received.

2. *Healthy Babies Healthy Children Budget (BOH13009(a)) (City Wide) (Item 6.2)*

That Report BOH13009(a) respecting Healthy Babies Healthy Children Budget, be received.

3. *Community Food Security Stakeholder Advisory Committee – Minutes – October 2, 2013 (Item 6.3)*

That the minutes of the Community Food Security Stakeholder Advisory Council – December 11, 2013
Committee, dated October 2, 2013, be received.

4. **Air Quality Task Force Action Plan (BOH13029) (City Wide) (Item 8.1)**

(a) That the Medical Officer of Health, in partnership with Clean Air Hamilton be directed, pending identification of a funding source, to procure the development of an advanced airshed model for the City of Hamilton as described as “Recommendation 1” of the Air Quality Task Force Action Plan (Attached as Appendix “A” to Report 13-011);

(b) That Public Health Services staff, in partnership with Clean Air Hamilton be directed, pending identification of a funding source, to procure neighbourhood mobile monitoring surveys in identified neighbourhoods, as described in “Recommendation 2” of the Air Quality Task Force Action Plan (Attached as Appendix “A” to Report 13-011);

(c) That Public Health Services staff be directed to consult with Planning and Economic Development staff to develop air quality-related guidelines for new and redeveloping neighbourhood land use planning, as described in “Recommendation 3” of the Air Quality Task Force Action Plan (Attached as Appendix “A” to Report 13-011);

(d) That Clean Air Hamilton be directed to continue to coordinate education programming among community partners with regard to the promotion of green infrastructure to citizens, organizations and government, the Air Quality Outreach Program within Hamilton schools, and promotion of programs to encourage community-based environmental monitoring, as described in “Recommendations 4, 7 and 8” of the Air Quality Task Force Action Plan (Attached as Appendix “A” to Report 13-011);

(e) That Public Health Services staff be directed to work with the Ontario Ministry of the Environment and Clean Air Hamilton to develop and conduct particulate matter control workshops for local businesses and industries, as described in “Recommendation 10” of the Air Quality Task Force Action Plan (Attached as Appendix “A” to Board of Health Report 13-011).

**FOR THE INFORMATION OF COUNCIL:**

(a) **CHANGES TO THE AGENDA (Item 1)**

1. **ADDED DELEGATION REQUESTS**

   (i) Mr. Shawn Comer respecting the development of a new approach to dealing with pests in rental units in Hamilton (Item 5.1)
The agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Pearson declared a conflict of interest with respect to item 5.1 respecting Mr. Shawn Comer’s delegation request respecting the development of a new approach to dealing with pests in rental units in Hamilton, as she is a rental property owner.

(c) CEREMONIAL ACTIVITY (Item 3)

(i) WALK Friendly Ontario Award (no copy) (Item 3.1)

Mayor Bratina welcomed Sharon Green, Public Health Nurse with the City and Steve Moly, Project Manager within the Public Works Department who were involved with the City’s initiative in the WALK Friendly Ontario project, where the City recently received silver designation. The initiative looks to raise the profile of walking in community planning and design, and encourages municipalities to create and improve spaces and places to walk.

(d) MINUTES (Item 4)

(i) November 18, 2013 (Item 4.1)

The minutes from the November 18, 2013 Board of Health meeting were approved, as presented.

(e) DELEGATION REQUESTS (Item 5)

(i) Mr. Shawn Comer respecting the development of a new approach to dealing with pests in rental units in Hamilton (Item 5.1)

The delegation request by Mr. Shawn Comer respecting the development of a new approach to dealing with pests in rental units in Hamilton, was approved to be heard at the January 13, 2014 meeting of the Board of Health provided that the delegation presents new information.

(f) PRESENTATIONS (Item 8)

(i) Air Quality Task Force Action Plan (BOH13029) (City Wide) (Item 8.1)

Matt Lawson, Program Manager with Public Health Services gave a brief
presentation to the Board. A copy of the presentation was retained by the Clerk.
Mr. Lawson spoke about the background, and work performed by the Air Quality Taskforce, since its inception. Mr. Lawson then proceeded to outline the recommendations that have been identified by the Air Quality Taskforce, for the consideration of the Board.

The Board asked questions of Mr. Lawson and staff with respect to the recommendations put forward.
The presentation respecting the Air Quality Task Force Action Plan, was received.

(a) Public Health Services staff were directed to work with Municipal Law Enforcement staff, with assistance from Legal Services to review the Town of Oakville’s Particulate Matter Reduction By-law, and report back to the Board of Health on how it could be adapted for a similar by-law in Hamilton;

(b) Public Health Services staff, with support from Municipal Law Enforcement staff were directed to review the Streets By-Law (No. 86-077) and report back to the Board of Health on possible areas of improvement, as described in “Recommendation 9” of the Air Quality Task Force Action Plan;

(c) The Street Sweeping Program enhancement recommendation were referred to the 2014 budget deliberation, to address corresponding budget requirements for the service level increase to the Industrial Zone Neighbourhoods, as described in “Recommendation 10” of the Air Quality Task Force Action Plan;

Please note that Council approved recommendation (c) at the City Council meeting of September 11, 2013.

Please refer to item 4 for disposition of this matter.

(g) DISCUSSION ITEMS (Item 8)

(i) Prohibiting Smoking Within City Parks and Recreation Properties: Schedule Update (BOH07034(h)) (City Wide) (Tabled at the November 18, 2013 of the Board of Health) (Item 9.1)

The Board indicated to staff that consultation needed to take place with Councillor Duvall, before the item should be raised by the Board, for consideration.
(h) MOTIONS (Item 10)

(i) Strategies to Address Cancer (Item 10.1)

Whereas, the Hamilton Spectator did a week-long series on the differential impact of cancer on Hamiltonians, and;

Whereas, the City of Hamilton - Public Health Services has been active in poverty reduction efforts spurred on by the Hamilton Spectator's previous Code Red series.

That Public Health Services staff, Cancer Care Ontario and the Jurivinski Cancer Centre report back on actions that the City of Hamilton can take to deal with issues raised in the Hamilton Spectator's Cancer series.

The motion CARRIED on the following vote:


Total: 13

Nays: R. Bratina

Total: 1

Absent: B. Morelli, S. Duvall

Total: 2

(i) PRIVATE AND CONFIDENTIAL (Item 13)

(i) Performance Review - Public Health Services Management Team (no copy) (Item 13.1)

The Board of Health moved into Closed Session at 3:27 p.m. pursuant to Section 8.1(b) of the Procedural By-law and Section 239 of the Municipal Act to deal with personal matters about identifiable individuals, including City employees.

The Board of Health reconvened in open session at 3:28 and indicated that they did not have sufficient time today to deal with item before them, and requested that the item appear on the next agenda.

Council – December 11, 2013
(j) **ADJOURNMENT (Item 13)**

There being no further business, the Board of Health adjourned at 3:30 p.m.

Respectfully submitted,

Mayor R. Bratina  
Chair, Board of Health

Christopher Newman  
Legislative Coordinator
ACTIONS PLAN

Report of the Air Quality Task Force (AQTF)

Hamilton Area Airshed

December 2013
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Summary</td>
<td>2</td>
</tr>
<tr>
<td>Background</td>
<td>3</td>
</tr>
<tr>
<td>Air Quality Task Force</td>
<td>3</td>
</tr>
<tr>
<td>Vision</td>
<td>4</td>
</tr>
<tr>
<td>Airshed Management System</td>
<td>4</td>
</tr>
<tr>
<td>Components of the Action Plan</td>
<td>5</td>
</tr>
<tr>
<td>i) Air Monitoring and Modelling</td>
<td>5</td>
</tr>
<tr>
<td>ii) Planning</td>
<td>7</td>
</tr>
<tr>
<td>iii) Education &amp; Outreach</td>
<td>8</td>
</tr>
<tr>
<td>iv) Municipal Action</td>
<td>9</td>
</tr>
<tr>
<td>Conclusion</td>
<td>10</td>
</tr>
<tr>
<td>Appendix A: AQTF Recommendations</td>
<td>11</td>
</tr>
<tr>
<td>Appendix B: Draft Air Quality Assessment Guidelines</td>
<td>12</td>
</tr>
<tr>
<td>Appendix C: Draft Land Use Compatibility Guidelines</td>
<td>13</td>
</tr>
<tr>
<td>References</td>
<td>14</td>
</tr>
</tbody>
</table>
Executive Summary

The Air Quality Task Force (AQTF) working group consisted of members from Clean Air Hamilton (CAH) who since 1998 have been working to improve air quality throughout the City of Hamilton. For well over a decade, CAH has provided City Council, City staff and the community with science-based information essential for better decision-making in the promotion and protection of air quality. The AQTF was established as a result of the motion passed on December 3rd, 2012 by the Hamilton Board of Health with the mandate to: “…investigate and make recommendations to the City on actions that can be taken to reduce air pollution in Hamilton.” This motion was brought forth as a result of local citizen concern about: “…residing in neighbourhoods in close proximity to Hamilton’s industrial core as they relate to air quality” (City of Hamilton Public Health Services BOH 12035, 2012).

Therefore, with their collective and extensive knowledge of air quality issues in the City of Hamilton, the AQTF developed a list of 10 recommendations: “on actions that can be taken to reduce air pollution in Hamilton” (Appendix A).

The AQTF believes an effective response going forward will include a suite of different actions intended to address the complicated interaction of Hamilton’s unique geography, multiple sources of air pollution and the distribution of various land uses and transportation infrastructure within the City of Hamilton.

Further, many of the efforts to date have involved simple actions which have resulted in significant air quality improvements. However, further improvements in air quality may be dependent on more complex strategies required to address the complexity of Hamilton’s airshed.

Air quality in the City of Hamilton is influenced by pollution coming into the City from long-range trans-boundary sources, local emissions generated from energy use, industrial releases, emissions from transportation sources and by meteorological conditions and atmospheric processes (CAH, 2013). Therefore, it is important to stress that air pollution issues in the City of Hamilton are complex with multiple sources generated by different contributors impacting local air quality; accordingly measures to reduce air pollution must take into account this complexity.

The AQTF emphasizes the importance of providing City of Hamilton residents with the tools to inform individual actions to reduce personal exposures. In order to be able to provide the public with such information, the AQTF recognizes the important role of air quality modeling as a tool designed to provide the information required to guide individual choices.

There have been numerous studies from all over the world confirming the adverse effects of air pollution on the health of a population (Kunzli and Perez, 2009). Short spikes or peaks in air pollution have been linked to school and work absenteeism, asthma symptoms, hospital admissions and emergency department visits for heart and
lung conditions, and premature deaths. Furthermore, increases in heart and lung cancer and reduced life expectancy have been statistically linked to chronic PM$_{2.5}$ exposure (Pope et al., 2002).

In Ontario, it is estimated that short-term and long-term exposure to air pollution contributes to more than 5,800 premature deaths, 16,000 hospital admissions, 60,000 emergency room visits and at least 29 million minor illness days per year (Ontario Medical Association, 2005). In addition, long-term exposure to PM$_{2.5}$ is estimated to contribute to approximately 9,500 premature deaths across Canada (Canadian Medical Association, 2008).

In Hamilton, it is estimated that air pollution contributes to approximately 186 premature deaths, 395 respiratory hospital admissions and 322 cardiovascular hospital admissions each year (SENES, 2012).

Clean Air Hamilton (2013) reports that despite long-term reductions over recent decades, the annual values for pollutants known to be hazardous to human health - PM$_{10}$, PM$_{2.5}$, SO$_2$, benzene and benzo[a]pyrene - have all shown modest increases over the past three to four years. Moreover, in Hamilton, mobile air monitoring studies report that higher pollutant exposures were measured along arterial roads, major highways and intersections due to emissions from automobiles, light-duty and heavy-duty trucks (CAH, 2013). Therefore, monitoring has been instrumental in providing helpful information on key air pollutant types and sources in the City of Hamilton.

This report presents and describes components of an action plan that looks to the individual, community, and all levels of government to take steps toward a comprehensive approach to air pollution reduction in the City of Hamilton.

Background

On December 3rd, 2012, the Hamilton Board of Health passed a motion that received and approved the following recommendation: “That Clean Air Hamilton establishes a working group to investigate and make recommendations to the City on actions that can be taken to reduce air pollution in Hamilton.” Members of Clean Air Hamilton (CAH) were informed of the motion passed by the Board of Health, mandating that CAH form a task force to investigate and bring forward recommendations on actions that can be taken to reduce air pollution in Hamilton.

Air Quality Task Force (AQTF)

Participation on this task force was open to interested members of Clean Air Hamilton. The task force Chairperson, a member of Clean Air Hamilton, led the group toward satisfying the mandate from the Board of Health. The Air Quality Task Force (AQTF) met on a monthly basis in 2013.
The AQTF consulted with stakeholders in order to develop its recommendations to the Board of Health about what actions should be taken to improve air quality.

The AQTF developed this action plan which contains recommendations in the following areas:

i. Air monitoring and modelling;
ii. Planning;
iii. Education & outreach; and
iv. Municipal action

Vision

Through the collective involvement of citizens, community and government in the City of Hamilton (Figure 1), the AQTF supports: “actions that can be taken to reduce air pollution in Hamilton” and that have the potential to result in:

- Improved human health due to decreased exposure to air pollutants
- A sustainable environment which receives fewer and lower emissions and produces less detriment to the local airshed
- A higher quality of life for individuals who live and/or work in the City of Hamilton
- A legacy for future generations that includes a cleaner environment

Airshed Management System

An airshed has been described as: “a defined physical geographical area which is covered by a volume of air that has similar characteristics and into which air pollutants are deposited and often remain for a period of time” (Balsillie, 2010). It is important to note that the area may be made up of many jurisdictions since emissions from one jurisdiction have the potential to impact air quality in other jurisdictions.

It is recognized that multiple emission sources, including those from the transportation, industrial and residential sectors, all contribute to air pollution concerns and will only increase with population growth. In order to address these multiple emission sources, an integrated approach with multi-stakeholder participation is essential.

Stakeholder engagement and involvement with respect to control actions taken in response to evidence-based results, air monitoring and modeling, education and outreach, as well as planning are all critical to improving air quality in the City of Hamilton.
The AQTF brings forward 10 recommendations “on actions that can be taken to reduce air pollution in Hamilton” (Appendix A). The 10 recommendations have been organized from one to ten with each recommendation building on the previous one thereby creating an integrated and comprehensive approach to air pollution reduction for the City of Hamilton to apply. Therefore, ordering of recommendations has been done in a systematic manner rather than one of priority.

Figure 1. Collaborative partnership to reduce air pollution in Hamilton

Components of the Action Plan

i) Air Modelling and Monitoring

There are now advanced air quality models available that can be used to determine the contribution of air pollution to the geographical distribution of ambient air concentrations that residents are exposed to right down to a neighbourhood level. Emissions from multiple sources including transportation, industry, agriculture/biogenic emissions, community and residential and long-range sources (i.e. transboundary) can be accounted for in these air quality models. Moreover, existing inventories and data including those from the US EPA, Environment Canada, Ministry of Environment, the Hamilton Air Monitoring
Network (HAMN) and Ministry of Transportation will be incorporated into the air quality modelling system.

Air quality modelling is an essential tool since it not only explains current air quality conditions, it can also predict air quality using forecast conditions. Air quality models use data on emission sources and data on atmospheric processes and terrain characteristics to forecast ambient air quality and the contribution of different sectors to local air quality. Therefore, numerous potential future scenarios such as new policy implementation and/or proposed new sources of emissions can be estimated beforehand with the use of air quality modelling to inform effective mitigation strategies. With the use of advanced air quality modelling, the City of Hamilton could gain a better understanding of the contribution of emissions from different sectors and would be able to predict potential impacts of policies pertaining to new development, land use and transportation on air quality. Members of the Hamilton Industrial Environmental Association (HIEA) have already expressed readiness to invest in an advanced airshed model. The great value of advanced airshed modelling has already been recognized by neighbouring municipalities such as Halton and Peel Region, which have put such systems in place. Therefore, the AQTF brings forward:

**RECOMMENDATION 1**

Commit to partnerships with interested stakeholders to fund the development of an advanced air model for the City of Hamilton.

Because air modelling is dependent on air monitoring data, the AQTF brings forward:

**RECOMMENDATION 2**

Strengthen air monitoring activities through additional:
- Neighbourhood mobile monitoring surveys;
- Number and location of air monitors;
- Monitoring strategies and technologies.

**ii) Planning**

Land-use planning is critical for managing air quality levels in the City of Hamilton. By considering land-use planning early on in the process, future localized air quality issues impacting sensitive land uses can be avoided or
minimized. The importance of this early involvement in land-use planning has been recognized and outlined by Halton Region in two draft reports.

The first includes the Draft Air Quality Assessment Guidelines (Appendix B) which provide a framework for the municipal decision-making practice pertaining to sensitive land uses and residential, industrial, transportation and utility development applications in order to uncover the potential for harmful impacts to air quality.

The second includes the Draft Land Use Compatibility Guidelines (Appendix C) which are set out to protect and improve the health and quality of life of people within the area by endorsing the implementation of Regional Official Plan Amendment 38 (ROPA 38) policies on land use compatibility. This policy aims to minimize the negative impacts of air pollution from industrial, transportation and utility sources on sensitive land uses. Therefore, guidance is offered to developers with respect to land use compatibility issues via the planning and development approval process such that appropriate development is advanced and factors such as intensification, mixed use communities, and transit supportive urban form are taken into consideration.

Therefore, the AQTF brings forward:

**RECOMMENDATION 3**

*Develop appropriate air quality related guidelines for new and redeveloping neighbourhood land use planning. These guidelines should consider the potential impacts of personal transportation, arterial roads, 400 series highways and site specific and technical standards for industrial emissions.*

In addition, the US EPA (2013) reports that vegetation can reduce ground level ozone by reducing air temperatures, reducing power plant emissions associated with air conditioning, and removing air pollutants. It is noted that green infrastructure features can reduce particulate matter by absorbing and filtering it. Moreover, a study on the benefits of green infrastructure conducted in the City of Philadelphia has found green infrastructure has the potential to reduce ozone and particulate pollution levels significantly enough to reduce mortality, hospital
admissions, and work loss days (Stratus Consulting Inc., 2009). Not only do green roofs reduce air pollution but they also reduce urban heat-island impact, control storm water runoff and lower energy consumption (City of Hamilton, 2011). The City of Toronto has recognized the importance of green roofs and street shading by implementing supportive bylaws. Therefore, the AQTF brings forward:

**RECOMMENDATION 4**

Promote green infrastructure (i.e. green roofs, street shading) to be supported by citizens, organizations and government.

iii) Education & Outreach

Air quality data must be shared with key stakeholders, including community members and government, effectively such that knowledge and awareness of air quality conditions in the City of Hamilton can be increased and collective air pollution reduction and risk management strategies can be undertaken. Paying careful attention to the manner in which environmental health information is presented will allow citizens to incorporate important information into their health decision-making processes (Peters, Hibbard, Slovic, Dieckmann, 2007). Therefore, the AQTF brings forward:

**RECOMMENDATION 5**

Provide individuals with tools to minimize their personal exposure. These tools should include a real-time map of air quality conditions in the City of Hamilton to encourage alternative modes of transportation such that citizens have the opportunity to select pedestrian and cycling routes which would minimize their personal exposure to air pollution.

Since previous engagement with local business operators about fugitive dusts and environmental impacts has fostered air pollution reduction measures (CAH, 2010), the AQTF brings forward:
RECOMMENDATION 6

Develop and conduct particulate matter control workshops in partnership with the Ontario Ministry of the Environment for local businesses and industries.

Because health decision-making processes in adulthood are shaped by early life course experiences (Umberson, Crosnoe, Reczek, 2010), the AQTF brings forward:

RECOMMENDATION 7

Expand the Air Quality Outreach Program within Hamilton schools such that air quality curriculum (ie., benefits of anti-idling, active transportation commuting routes, etc.) is promoted.

In view of the fact that community-based environmental monitoring empowers community members with respect to influencing air quality and striving for change (Ottinger, 2010), the AQTF brings forward:

RECOMMENDATION 8

Promote programs that encourage community-based environmental monitoring and engagement within the City of Hamilton.

iv) Municipal Actions

As noted earlier in the report, PM$_{2.5}$ levels have shown modest increases over the past three to four years in Hamilton (CAH, 2013). Research has found that fine particulate matter is harmful to human health (Pope et al., 2002). This increase in PM$_{2.5}$ suggests that further opportunities for improvement are needed. Recognizing that PM$_{2.5}$ comes from many different sources, the AQTF brings forward:
RECOMMENDATION 9

Support the revision, updating and enforcement of existing bylaws to minimize the generation and dispersion of airborne particulate matter.

Given that street washing has been identified as an effective strategy to mitigate curb side particulate matter (Amato et. al., 2009). The AQTF brings forward:

RECOMMENDATION 10

Implement strategies to improve street cleaning by taking into account factors such as cleaning schedules and equipment effectiveness.

Conclusion

Although there has been a downward trend in pollutant levels since the mid-1990s, recent (3-4 year) increases in PM_{10}, PM_{2.5}, SO_{2}, benzene and benzo[a]pyrene are of concern and require direct attention. The AQTF was mandated to investigate and bring forward recommendations on actions that can be taken to reduce air pollution in Hamilton. Since multiple emission sources including those from the transportation, industrial and residential sectors contribute to air pollution in Hamilton, an integrated approach with citizens, community and government is essential. After consulting with stakeholders, the AQTF has brought forward 10 recommendations in this action plan to reduce air pollution in Hamilton. These 10 recommendations - built upon air monitoring and modelling, planning, education and outreach, green infrastructure and municipal action - are expected to work synergistically to achieve air pollution reductions in the City of Hamilton. Careful consideration of each recommendation in ascending order is necessary to understand the benefits of an integrated and comprehensive action plan to address air pollution in the City of Hamilton.
<table>
<thead>
<tr>
<th>Component</th>
<th>Recommendation #</th>
<th>Description</th>
<th>Preliminary Cost Estimates ($)</th>
<th>Timeframe</th>
</tr>
</thead>
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<tr>
<td>Air Monitoring and Modelling</td>
<td>1</td>
<td>Commit to partnerships with interested stakeholders to fund the development of an advanced air model for the City of Hamilton.</td>
<td>250 000/3</td>
<td>over 2 year period</td>
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<tr>
<td></td>
<td>2</td>
<td>Strengthen air monitoring activities through additional: a. neighbourhood mobile monitoring surveys; b. number and location of air monitors; c. monitoring stations and technologies.</td>
<td>100 000</td>
<td>1 year</td>
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<tr>
<td>Planning</td>
<td>3</td>
<td>Develop appropriate air quality related guidelines for new and redeveloping neighbourhood land use planning. These guidelines should consider the potential impacts of personal transportation, arterial roads, 400 series highways and site specific and technical standards for industrial emissions.</td>
<td>50 000</td>
<td>1 year</td>
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<td></td>
<td>4</td>
<td>Promote green infrastructure (i.e. green roofs, street shading) to be supported by citizens, organizations and government.</td>
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<tr>
<td>Education &amp; Outreach</td>
<td>5</td>
<td>Provide individuals with tools to minimize their personal exposure. These tools should include a real-time map of air quality conditions in the City of Hamilton to encourage alternative modes of transportation such that citizens have the opportunity to select pedestrian and cycling routes which would minimize their personal exposure to air pollution.</td>
<td>10 000 15 000</td>
<td>1st year every year after</td>
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<td></td>
<td>6</td>
<td>Develop and conduct particulate matter control workshops in partnership with the Ontario Ministry of the Environment for local businesses and industries.</td>
<td>8 000</td>
<td></td>
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<td></td>
<td>7</td>
<td>Expand the Air Quality Outreach Program within Hamilton schools such that air quality curriculum (i.e. benefits of anti-idling, active transportation commuting routes) is promoted.</td>
<td>12 000</td>
<td></td>
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<td>8</td>
<td>Promote programs that encourage community-based environmental monitoring and engagement within the City of Hamilton.</td>
<td>20 000</td>
<td></td>
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<tr>
<td>Municipal Action</td>
<td>9</td>
<td>Support the revision, updating and enforcement of existing bylaws to minimize the generation and dispersion of airborne particulate matter.</td>
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<td></td>
<td>10</td>
<td>Implement strategies to improve street cleaning by taking into account factors such as cleaning schedules and equipment effectiveness.</td>
<td>20 000 - 66 000</td>
<td>1 year</td>
</tr>
</tbody>
</table>
Appendix B Draft Air Quality Assessment Guidelines

Retrieved from:
Appendix C Draft Land Use Compatibility Guidelines

References


15. SENES Consulting Ltd. 2012. Health Impacts Exposure to Outdoor Air Pollution in Hamilton, Ontario. Retrieved from:  


http://water.epa.gov/infrastructure/greeninfrastructure/gi_why.cfm#airquality
THE PLANNING COMMITTEE PRESENTS REPORT 13-019 AND RESPECTFULLY RECOMMENDS:

1. **Appointment of Chair and Vice-Chairs**

   (a) That Councillor Johnson be appointed as Chair of the Planning Committee for 2014;

   (b) That Councillor Partridge be appointed as 1st Vice-Chair of the Planning Committee for 2014;

   (c) That Councillor Collins be appointed as 2nd Vice-Chair of the Planning Committee for 2014;
2. **Follow-Up Report - Municipal Services and Property Taxation on Condominium Properties (PED13206) (City Wide) (Outstanding Business List Item) (Item 5.2)**

That the current Site Plan Guidelines and best practice of requiring warning clauses be retained in their current condition, and updates be completed, as required.

3. **Request to Designate 1099 King Street East (Hamilton) (Jimmy Thompson Memorial Pool) Under Part IV of the Ontario Heritage Act (PED13182) (Ward 3) (Item 5.3)**

   (a) That 1099 King Street East (Hamilton) (Jimmy Thompson Memorial Pool) be included in the Municipal Register of Property of Cultural Heritage Value or Interest, as per the provisions of the Ontario Heritage Act, and that staff make appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;

   (b) That Report PED13182 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation prior to the Council-approved inclusion of 1099 King Street East (Hamilton) (Jimmy Thompson Memorial Pool) in the Municipal Register of Property of Cultural Heritage Value or Interest;

   (c) That Council discloses its intent to demolish Scott Park Arena, listed as 876 Cannon Street East but located on the subject property municipally addressed as 1099 King Street East (Hamilton).

4. **Hamilton Historical Board 2014 Volunteer Committee Budget Submission (PED13186) (City Wide) (Item 5.4)**

   (a) That the Hamilton Historical Board 2014 base budget submission in the amount of $14,340.00, attached as Appendix “A” to Report PED13186, be approved and forwarded to the 2014 budget process General Issues Committee (GIC);

   (b) That in addition to the base funding, a one-time budget allocation for 2014 of $2370.00, funded by the Hamilton Historical Board reserve, be approved and forwarded to the 2014 budget process General Issues Committee (GIC).
5. Airport Employment Growth District Ontario Municipal Board (OMB) Hearing Update (PED13209) (City Wide) (Item 5.5)

That Report PED13209, Airport Employment Growth District Ontario Municipal Board (OMB) Hearing Update, be received.


That Heritage Permit Application HP2013-057 be approved for the erection of a new garage at 43 Mill Street North (Mill Street Heritage Conservation District) (Waterdown), subject to the following conditions:

(a) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(b) That construction of the proposed garage, in accordance with this approval, shall commence no later than December 31, 2015. If the construction has not commenced by December 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

7. Increase to Fees Under the Building By-law (PED13187) (City Wide) (Item 6.2)

(a) That the By-law, attached as Appendix “A” to Report PED13187 to amend City of Hamilton By-law No. 08-161, the Building By-law, be enacted.

(b) That the fees prescribed in the By-law, attached as Appendix “A” to Report PED13187, be included in the User Fees and Charges By-law, replacing the fees listed under the heading “Classes of Permits and Fees New Construction and Additions Building Classifications per the Building Code”.

8. Application for a Condominium Conversion for Lands Known as 54 Mohawk Road West (Hamilton) (PED13184) (Ward 8) (Item 6.3)

That approval be given to Condominium Conversion Application CDM-CONV-12-01, by 54 Mohawk Road West (Hamilton) Limited, Owner, to establish a Draft Plan of Condominium for the existing apartment building, consisting of 47
dwelling units, located at 54 Mohawk Road West (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED13184, subject to the following:

(a) That this approval apply to the plan, prepared by A.T. McLaren Limited and certified by S.D. McLaren, O.L.S., dated July 27, 2012, and as red-lined revised, showing a total of 47 residential apartment units, 40 resident vehicular parking spaces, and 6 visitor vehicular parking spaces, attached as Appendix “B” to Report PED13184;

(b) That the following conditions shall apply to the Draft Plan of Condominium approval:

(i) That the Final Plan of Condominium comply with all applicable provisions of Hamilton Zoning By-law No. 6593;

(ii) That the owner satisfies all conditions, financial or otherwise, of the City of Hamilton;

(iii) That the owner shall submit a report, in accordance with Section 9 (4) of The Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration;

(iv) That the owner shall include the following warning clause in all Development Agreements and Offers of Purchase and Sale or Lease/Rental Agreements:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”

(v) That the owner shall provide the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication services provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information.
9. Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 83 - 89 Stone Church Road West (Hamilton) (PED13188) (Ward 8) (Item 6.4)

(a) That approval be given to Amended Zoning By-law Amendment Application ZAC-13-018, by Valery Homes, Owner, for a change in zoning from the "D"-'H' (Urban Protected Residential - One and Two Family Dwelling) District, with a Holding Provision, the “C” (Urban Protected Residential) District, and the “AA” (Agricultural) District to the “DE-2/S-1700”-'H' (Multiple Dwellings) District, Modified, with a Holding Provision, to permit two 9-unit multiple dwellings (stacked townhouse), on lands located at 83-89 Stone Church Road West (Hamilton), as shown on Appendix “A” to Report PED13188, on the basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED13188, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as “DE-2/S-1700”-'H’;

(iii) That the proposed modification in zoning conforms to the Urban Hamilton Official Plan.

(b) That upon finalization of the implementing By-law, the Mewburn Neighbourhood Plan be amended by changing the designation of 83-89 Stone Church Road West (Hamilton) from “Single and Double Residential” to “Attached Housing”;

(c) That Section 3 of the proposed zoning by-law be amended to add a new sub-section (b), to read as follows:

“(b) That the applicant/owner provide the appropriate access points to the satisfaction of the Senior Director, Growth Management and Ward Councillor.”

10. Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road, and 395 Fifty Road, in the Former City of Stoney Creek (PED13205) (Ward 11) (Item 6.6)

That approval be given to Zoning Application ZAC-13-019, by Penady (Stoney Creek) Ltd., Applicant, for a further modification to the Community Shopping Centre (Holding) “SC2-4(H)” Zone, for the lands located at 1310 South Service
Road, 400 Winona Road, and 395 Fifty Road, as shown on Appendix “A” to Report PED13205, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED13205, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the amending By-law be added to Schedule “A”, Map No. 9, of Stoney Creek Zoning By-law No. 3692-92;

(c) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan.

11. Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 1500-1502 Main Street East (Hamilton) (PED13185) (Ward 4) (Item 6.7)

That approval be given to Zoning Application ZAC-13-017, by Unicare Limited Partnership, c/o Steve Kozar, to further modify the site specific “H/S-1462” (Community Shopping and Commercial, Etc.) District, Modified and the “C/S-1462” (Urban Protected Residential, Etc.) District, Modified to the “H/S-1462b” (Community Shopping and Commercial, Etc.) District, Modified and the “C/S-1462b” (Urban Protected Residential, Etc.) District, Modified, to permit a 620 sq. m third storey addition for twenty additional residents to the existing retirement home (for a total of 90 units), at lands located at 1500-1502 Main Street East (Hamilton), as shown on Schedule “A” to Appendix “B” to Report PED13185, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED13185, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the change in Zoning conforms to the Urban Hamilton Official Plan.

12. Rental Housing Sub-Committee Terms of Reference (PED10049(o)) (City Wide) (Item 8.1)

That Councillors Whitehead and Councillor Collins be appointed as members of the Rental Housing Sub-Committee.
13. **Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Twenty Road East Landowners and Legal Direction (LS13038) (Item 12.1)**

(a) That Report LS13038 remain confidential;

(b) That the recommendations contained in Appendix “A” to Report LS13038 are approved as the basis of a proposed settlement of those portions of Twenty Road East Landowners’ appeal of the Urban Hamilton Official Plan identified in Appendix “A”;

(c) That the recommendations contained in Appendix “A” to Report LS13038 are approved as the position of the City at any Ontario Municipal Board hearing in respect of those matters set out in Appendix “A”;

(d) That Legal staff be authorized to finalize the details of the proposed settlement together with such drafting, editorial or technical modifications as may be necessary and consented to by the Director of Planning, or his delegate, provided these are consistent with the intent of the recommendations, as described in Appendix “A” to Report LS13038;

(e) That in the event that the recommendations contained in Appendix “A” to Report LS13038 are approved, that Appendix “A” be made public.

**FOR THE INFORMATION OF COUNCIL:**

(a) **CHANGES TO THE AGENDA (Item 1)**

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

**DELEGATION REQUESTS**

4.1 Delegation request from Patty Bogumil respecting item 5.3 Request to Designate 1099 King Street East (Hamilton) (Jimmy Thompson Memorial Pool) Under Part IV of the Ontario Heritage Act (PED13182) (Ward 3)

4.2 Delegation request from Jo-Ann Young respecting item 5.3 Request to Designate 1099 King Street East (Hamilton) (Jimmy Thompson Memorial Pool) Under Part IV of the Ontario Heritage Act (PED13182) (Ward 3)
PUBLIC HEARINGS AND DELEGATIONS

6.5 Application for an Amendment to Glanbrook Zoning By-law No. 464 to Permit a Place of Worship for Lands Located at 3075 Tisdale Road, Glanbrook (PED13210) (Ward 11)

(i) Correspondence from Jonathan Malda
(ii) Correspondence from Tessa Malda
(iii) Correspondence from Stuart Vermeulen

Report PED13210, Application for an Amendment to Glanbrook Zoning By-law No. 464 to Permit a Place of Worship for Lands Located at 3075 Tisdale Road, Glanbrook and the items of correspondence, was tabled to the January 14, 2014 meeting of the Planning Committee.

The Agenda for the December 3, 2013 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

(i) November 19, 2013

The Minutes of the November 19, 2013 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation request from Patty Bogumil respecting item 5.3 Request to Designate 1099 King Street East (Hamilton) (Jimmy Thompson Memorial Pool) Under Part IV of the Ontario Heritage Act (PED13182) (Ward 3) (Item 4.1)

The delegation request from Patty Bogumil respecting item 5.3 Request to Designate 1099 King Street East (Hamilton) (Jimmy Thompson Memorial Pool) Under Part IV of the Ontario Heritage Act (PED13182) (Ward 3), was approved for today’s meeting.
(ii) Delegation request from Jo-Ann Young respecting item 5.3 Request to Designate 1099 King Street East (Hamilton) (Jimmy Thompson Memorial Pool) Under Part IV of the Ontario Heritage Act (PED13182) (Ward 3) (Item 4.2)

The delegation request from Jo-Ann Young respecting item 5.3 Request to Designate 1099 King Street East (Hamilton) (Jimmy Thompson Memorial Pool) Under Part IV of the Ontario Heritage Act (PED13182) (Ward 3), was approved for today’s meeting.

(e) CONSENT ITEMS (Item 5)

(i) A Draft Woodland Conservation By-law for Private Property Within the Urban Area (City Wide) (PD02229(d)) (Item 5.1)

(a) That the new by-law reflect a change to the Stoney Creek By-law Section (to remain) where the fee schedules and the number of trees allowed be removed;

(b) That the revised Stoney Creek By-law Section reflect the harmonized by-law of no fee or limit of trees;

(c) That any changes to a fee schedule be harmonized City Wide.

Report PD02229(d), A Draft Woodland Conservation By-law for Private Property Within the Urban Area (City Wide), was tabled, as amended.

(ii) Request to Designate 1099 King Street East (Hamilton) (Jimmy Thompson Memorial Pool) Under Part IV of the Ontario Heritage Act (PED13182) (Ward 3) (Item 5.3)

Patty Bogumil, speaking on behalf of herself and Jo-Ann Young, spoke to the report with the aid of speaking notes. A copy of the speaking notes has been included in the public record.

The delegation from Patty Bogumil, respecting report PED13182, Request to Designate 1099 King Street East (Hamilton) (Jimmy Thompson Memorial Pool) Under Part IV of the Ontario Heritage Act, was received.

That Council direction to staff pertaining to further Cultural Heritage Assessment of 1099 King Street East (Hamilton) (Jimmy Thompson Memorial Pool), to determine whether the property is of cultural heritage...
value worthy of designation under Part IV of the Ontario Heritage Act, be added to the Outstanding Business List pending further information on the programming requirements for the proposed recreation facility for the Pan Am Stadium Precinct;

For disposition on this Item, refer to item 3.

(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Delegation Request from Jonathan Dalton respecting City licensing and by-law enforcement (Item 6.1)

The delegation was not in attendance.

(ii) Increase to Fees Under the Building By-law (PED13187) (City Wide) (Item 6.2)

No public speakers came forward.

The public meeting respecting Report PED13187, Increase to Fees Under the Building By-law, was closed.

The staff presentation respecting Report PED13187, Increase to Fees Under the Building By-law, was waived.

For disposition on this Item, refer to item 7.

(iii) Application for a Condominium Conversion for Lands Known as 54 Mohawk Road West (Hamilton) (PED13184) (Ward 8) (Item 6.3)

In accordance with the provision of the Planning Act, Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the condominium conversion, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.
The public meeting respecting Report PED13184, Application for a Condominium Conversion for Lands Known as 54 Mohawk Road West (Hamilton), was closed.

The staff presentation respecting Report PED13184, Application for a Condominium Conversion for Lands Known as 54 Mohawk Road West (Hamilton), was waived.

For disposition on this Item, refer to item 8.

(iv) **Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 83 - 89 Stone Church Road West (Hamilton) (PED13188) (Ward 8) (Item 6.4)**

In accordance with the provision of the Planning Act, Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Tim Lee, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting Report PED13188, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 83 - 89 Stone Church Road West (Hamilton), was received.

**Public Speaker:**

1. Catherine Charlebois – 30-1030 West 5th St, Hamilton, ON L9B 0A1

   Ms. expressed concerns, on behalf of her complex, respecting traffic, road widening of West 5th Street, the entrance to the complex being on West 5th Street instead of Stoney Church Road West.

   A petition signed by the residents has been received for the public record.
The public presentation respecting Report PED13188, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 83 - 89 Stone Church Road West (Hamilton), was received.

George Zajac, IBI Group, agent, addressed concerns respecting the property.

The public meeting respecting Report PED13188, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 83 - 89 Stone Church Road West (Hamilton), was closed.

The recommendations contained in Report PED13188, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 83 - 89 Stone Church Road West (Hamilton), were amended by adding a new recommendation (c) to read as follows:

(c) That Section 3 of the proposed zoning by-law be amended to add a new sub-section (b), to read as follows:

“(b) That the applicant/owner provide the appropriate access points to the satisfaction of the Senior Director, Growth Management and Ward Councillor.”

For disposition on this Item, refer to item 9.

(v) Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road, and 395 Fifty Road, in the Former City of Stoney Creek (PED13205) (Ward 11) (Item 6.6)

In accordance with the provision of the Planning Act, Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting Report PED13205, Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92, for Lands
Located at 1310 South Service Road, 400 Winona Road, and 395 Fifty Road, in the Former City of Stoney Creek, was closed.

The staff presentation respecting Report PED13205, Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road, and 395 Fifty Road, in the Former City of Stoney Creek, was waived.

For disposition on this Item, refer to item 10.

(vi) Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 1500-1502 Main Street East (Hamilton) (PED13185) (Ward 4) (Item 6.7)

In accordance with the provision of the Planning Act, Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting Report PED13185, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 1500-1502 Main Street East (Hamilton), was closed.

The staff presentation respecting Report PED13185, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 1500-1502 Main Street East (Hamilton), was waived.

For disposition on this Item, refer to item 11.

(vii) Proposed Zoning By-law Amendment for 307 and 325 Fiddler’s Green Road (Ancaster) (PED13183) (Ward 12) (Item 6.8)

In accordance with the provision of the Planning Act, Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the
zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Cam Thomas, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting Report PED13183, Proposed Zoning By-law Amendment for 307 and 325 Fiddler's Green Road (Ancaster), was received.

Christoph Summer, applicant/owner, and Glenn Wellings, agent, provided an overview of the development and the concerns of the Ward Councillor respecting buffers, garbage, parking, traffic, air conditioning.

Public Speakers:

1. Janet Mahony – 259 Fiddler’s Green Rd., Ancaster, ON L9G 1W9
   
   Ms. Mahony expressed concerns with respect to the character of the neighbourhood with the aid of speaking notes. A copy of her speaking notes and opposition package have been included in the public record.

   
   Mr. Smith expressed concerns with respect to the character of the neighbourhood, intensification, privacy, garbage. A copy of the speaking notes has been included in the public record.

3. David and Wendy Fallis – 300 Mapledene Dr., Ancaster, ON L9G 2K2
   
   Mr. Fallis expressed concerns with respect to the garbage. He also expressed concerns on behalf of Mrs. Fallis. A copy of the speaking notes are included in the public record.

Ms. St. Michael expressed concerns with respect to the storm water, affordability, garbage, character of the neighbourhood, air conditioning units.

5. Lillian Beattie – 325 Fiddler’s Green Road, Ancaster, ON L9G 1W9

Ms. Vicky expressed that she is a resident of Highgate and the retirement home is the most affordable and is thankful for the quality of care. She also expressed that she has not had any issues with the sounds from air conditioning units.

6. Mildred McLaren – 325 Fiddler’s Green Road, Ancaster, ON L9G 1W9

Ms. McLearan expressed that she is a resident of Highgate and enjoys the accommodations at an affordable rate.

7. Paula Wiggins – 92 Chatterson Dr, Ancaster, ON L9G3X2

Ms. Wiggins expressed that there is a waiting list and many of the current residents of Ancaster wish to stay in the community and the expansion is beneficial to those residents.

8. Scott Gallea – 293 and 283 Fiddler’s Green Road, Ancaster, ON L9G 1W9

Mr. Gallea expressed support towards the development.

9. Michael Street - 73 Hatton Dr, Ancaster, ON L9G2H5

Mr. Street expressed concerns with respect to character of the neighbourhood and intensity.

The public presentations respecting Report PED13183, Proposed Zoning By-law Amendment for 307 and 325 Fiddler’s Green Road (Ancaster), were received.

The public meeting respecting Report PED13183, Proposed Zoning By-law Amendment for 307 and 325 Fiddler's Green Road (Ancaster), was closed.

The recommendations contained in Report PED13183, Proposed Zoning By-law Amendment for 307 and 325 Fiddler’s Green Road (Ancaster), were amended in subsection (a) by adding the word, “revised”, before the words, “Draft by-law”.

Council – December 11, 2013
Report PED13183, Proposed Zoning By-law Amendment for 307 and 325 Fiddler's Green Road (Ancaster), as amended, was referred back to the Ward Councillor and staff for further consultation with the public.

(g) DISCUSSION ITEMS (Item 8)

(i) Rental Housing Sub-Committee Terms of Reference (PED10049(o)) (City Wide) (Item 8.1)

Report PED10049(o), Rental Housing Sub-Committee Terms of Reference, was referred back to staff for further details respecting the length of term and additional membership.

For disposition on this Item, refer to item 12.

(h) MOTIONS (Item 9)

(i) Tax Implications for Condominium Conversions

Planning staff in consultation with the City’s Finance Department, were requested to investigate the tax implications related to the condominium conversions for multi-residential properties and that this information be relayed to the Planning Committee via an information report.

(i) NOTICES OF MOTION (Item 10)

Councillor Collins introduced the following Notice of Motion:

(i) Tax Implications for Condominium Conversions

That planning staff in consultation with the City’s Finance Department, investigate the tax implications related to the condominium conversions for multi-residential properties and that this information be relayed to the Planning Committee via an information report.

The rules were waived in order to bring forward a motion respecting Tax Implications for Condominium Conversions.
(j) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)

(i) Outstanding Business List Amendments (Item 11.1)

The following Outstanding Business List due dates were revised:

(aa) Item B: Woodland Manor (PED08306)
    Current Date: December 3, 2013
    New Date: June 3, 2014

(bb) Item E: Racing Pigeons
    Current Date: December 3, 2013
    New Date: January 14, 2014

(cc) Item N: Hamilton Municipal Heritage Committee Report 12-006 (Proactive Heritage Building Protection Strategy)
    Current Date: December 3, 2013
    New Date: March 19, 2014

(dd) Item T: Municipal Costs for Appeals to the Ontario Municipal Board for Municipal Decision on Mineral Aggregate Resource Developments
    Current Date: December 3, 2013
    New Date: February 18, 2014

(ee) Item X: City Initiative to Amend Hamilton Zoning By-law No. 6593 for the Properties Located at 118 to 338 Mountain Brow Boulevard (Hamilton) (PED13101)
    Current Date: December 3, 2013
    New Date: April 1, 2014

(ff) Item Y: Establishment of a Specialized By-law Enforcement Unit (PED13108) (City Wide) (Item 5.1)
    Current Date: December 3, 2013
    New Date: Q1 2014

(gg) Item Z: Parked Facing the Wrong Way (PED13109) (City Wide)
    Current Date: December 3, 2013
    New Date: Q1 2014

(hh) Item D: Protection Measures for Existing Stable Residential Areas (Monster Homes) (PED11196)
    Current Date: December 3, 2013
    New Date: Q4 2014
The following items were removed from the Outstanding Business List:

(aa) Item EE: Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for the Property Located at 455 Jones Road (Stoney Creek) (PED12169)

(bb) Item FF: Accessible Taxicab Licensing (PED10063(e))

(cc) Item F: By-law 05-200, to Modify General Commercial “C3-116” and “C3-117” Zone and add Site Specific General Commercial “C3-275” Zone to the Glanbrook Zoning By-law No. 464

(dd) Item G: Municipal Services and Property Taxation on Condo Properties

(k) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Twenty Road East Landowners and Legal Direction (LS13038) (Item 12.1)

For disposition on this Item, refer to item 13.

(l) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 2:13 p.m.

Respectfully submitted,

Councillor J. Farr
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 13-026 AND RESPECTFULLY RECOMMENDS:

1. Hamilton Tax Increment Grant Program – 193-197 James Street North – HTIGP 09/02 (PED13190) (Ward 2) (Item 5.2)

   (a) That a grant in the amount of $23,739.85 be approved under the terms and conditions of the Hamilton Tax Increment Grant Program (HTIGP) for the application submitted by 2206066 Ontario Inc. (Glen Norton, Robert Scott Smith) as the redevelopment of the property is complete;

Council – December 11, 2013
(b) That the Mayor and City Clerk be authorized and directed to execute the Grant Agreement, attached as Appendix “A” to Report PED13190, in a form satisfactory to the City Solicitor.

2. **Employee Conflict of Interest (New Business)**

   That the issue of actual or perceived conflict of interest of employees of the City of Hamilton relative to their personal involvement in City matters be referred to the Governance Review Sub-Committee for a report back to the General Issues Committee.

3. **Ancaster Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13191) (Ward 12) (Item 5.3)**

   (a) That the 2014 Operating Budget for the Ancaster Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13191), in the amount of $108,300, be approved;

   (b) That the levy portion of the Operating Budget for the Ancaster Business Improvement Area (BIA), in the amount of $93,300, be approved;

   (c) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the requisite by-law pursuant to Section 208, *The Municipal Act*, 2001, to levy the 2014 Budget, as referenced in sub-section (b), above;

   (d) That the following schedule of payments for 2014 be approved:

<table>
<thead>
<tr>
<th>Month</th>
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<tbody>
<tr>
<td>January</td>
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<td>June</td>
<td>$46,650</td>
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   Note: Assessment appeals may be deducted from the levy payments.

4. **Concession Street Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13192) (Wards 6 and 7) (Item 5.4)**

   (a) That the 2014 Operating Budget for the Concession Street Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13192), in the amount of $80,750, be approved;

   (b) That the levy portion of the Operating Budget for the Concession Street Business Improvement Area (BIA), in the amount of $80,750, be approved;

   Council – December 11, 2013
(c) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2014 Budget as referenced in recommendation (b), above;

(d) That the following schedule of payments for 2014 be approved:

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<tbody>
<tr>
<td>January</td>
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<td>June</td>
<td>$40,375</td>
</tr>
</tbody>
</table>

Note: Assessment appeals may be deducted from the levy payments.

5. Barton Village Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13193) (Wards 2 and 3) (Item 5.5)

(a) That the 2014 Operating Budget for the Barton Village Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13193) in the amount of $53,970, be approved.

(b) That the levy portion of the Operating Budget for the Barton Village Business Improvement Area (BIA) in the amount of $53,970.00 be approved.

(c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2014 Budget as referenced in sub-section (b) above.

(d) That the following schedule of payments for 2014 be approved:

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<tr>
<td>June</td>
<td>$26,985</td>
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Note: Assessment appeals may be deducted from the levy payments.

6. Downtown Hamilton Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13194) (Ward 2) (Item 5.6)

(a) That the 2014 Operating Budget for the Downtown Hamilton Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13194), in the amount of $375,100, be approved;

(b) That the levy portion of the Operating Budget for the Downtown Hamilton Business Improvement Area (BIA), in the amount of $300,000, be approved;

Council – December 11, 2013
(c) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2014 Budget as referenced in sub-section (b), above;

(d) That the following schedule of payments for 2014 be approved:

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<table>
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<tbody>
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<td>January</td>
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<tr>
<td>June</td>
<td>$150,000</td>
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</table>

Note: Assessment appeals may be deducted from the levy payments.

7. **International Village Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13196) (Wards 2 and 3) (Item 5.7)**

(a) That the 2014 Operating Budget for the International Village Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13196) be approved in the amount of $140,000.

(b) That the levy portion of the Operating Budget for the International Village Business Improvement Area (BIA) in the amount of $140,000, be approved.

(c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2014 Budget as referenced in sub-section (b) above.

(d) That the following schedule of payments for 2014 be approved:

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<table>
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<td>June</td>
<td>$70,000</td>
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</table>

Note: Assessment appeals may be deducted from the levy payments.

8. **Ottawa Street Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13198) (Wards 3 and 4) (Item 5.8)**

(a) That the 2014 Operating Budget for the Ottawa Street Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13198), in the amount of $179,825, be approved;

(b) That the levy portion of the Operating Budget for the Ottawa Street Business Improvement Area (BIA), in the amount of $133,000, be approved;
(c) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2014 Budget as referenced in recommendation (b) above;

(d) That the following schedule of payments for 2014 be approved:

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<td>January</td>
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<tr>
<td>June</td>
<td>$66,500</td>
</tr>
</tbody>
</table>

Note: Assessment appeals may be deducted from the levy payments.

9. Waterdown Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13199) (Ward 15) (Item 5.9)

(a) That the 2014 Operating Budget for the Waterdown Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13199) be approved in the amount of $151,200.

(b) That the levy portion of the Operating Budget for the Waterdown BIA in the amount of $151,200.00 be approved.

(c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2014 Budget as referenced in sub-section (b) above.

(d) That the following schedule of payments for 2014 be approved:

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<th>Month</th>
<th>Amount</th>
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<td>January</td>
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<tr>
<td>June</td>
<td>$75,600.00</td>
</tr>
</tbody>
</table>

Note: Assessment appeals may be deducted from the levy payments.

10. Dundas Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13195) (Ward 13) (Item 5.10)

(Ferguson/Duvall)

(a) That the 2014 Operating Budget for the Dundas Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13195) be approved in the amount of $162,000.

(b) That the levy portion of the Operating Budget for the Dundas Business Improvement Area (BIA) in the amount of $116,699, be approved.
(c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2014 Budget as referenced in sub-section (b) above.

(d) That the following schedule of payments for 2014 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>$58,349.50</td>
</tr>
<tr>
<td>June</td>
<td>$58,349.50</td>
</tr>
</tbody>
</table>

Note: Assessment appeals may be deducted from the levy payments.

11. **King Street West Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13197) (Ward 2) (Item 5.11)**

(a) That the 2014 Operating Budget for the King Street West Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13197) be approved in the amount of $6,373.88.

(b) That the levy portion of the Operating Budget for the King Street West Business Improvement Area (BIA) in the amount of $5,000.00, be approved.

(c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2014 Budget as referenced in sub-section (b) above.

(d) That the following schedule of payments for 2014 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>June</td>
<td>$2,500.00</td>
</tr>
</tbody>
</table>

Note: Assessment appeals may be deducted from the levy payments.

12. **Stoney Creek Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13213) (Wards 9 and 10) (Item 5.12)**

(a) That the 2014 Operating Budget for the Stoney Creek Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13213) be approved in the amount of $25,100.

(b) That the levy portion of the Operating Budget for the Stoney Creek Business Improvement Area (BIA) in the amount of $12,944, be approved;
(c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2014 Budget as referenced in sub-section (b) above.

(d) That the following schedule of payments for 2014 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>$6,472</td>
</tr>
<tr>
<td>June</td>
<td>$6,472</td>
</tr>
</tbody>
</table>

Note: Assessment appeals may be deducted from the levy payments.

13. Arts Advisory Commission 2014 Volunteer Committee Budget Submission (PED13200) (City Wide) (Item 5.13)

That the Arts Advisory Commission’s base budget submission in the amount of $9,000, attached as Appendix “A” to Report PED13200, be approved and forwarded to the 2014 budget process.

14. 18-28 King Street East – Hamilton Heritage Property Grant Program and GORE Building Improvement Grant Program (PED13208) (Ward 2) (Item 5.15)

(a) That a grant commitment to an upset limit of $850,000 be approved under the Hamilton Heritage Property Improvement Grant Program for Hughson Business Space Corporation (Marvin Barnett, David Blanchard, Ronald Quinn, William Rogan) owner of 18, 20, 22, 24 and 28 King Street East, conditional upon all terms and conditions of the Program being met and subject to complete program applications being submitted no later than December 31, 2014;

(b) That a grant commitment to an upset limit of $250,000 be approved under the GORE Building Improvement Grant Program for Hughson Business Space Corporation (Marvin Barnett, David Blanchard, Ronald Quinn, William Rogan) owner of 18, 20, 22, 24 and 28 King Street East, conditional upon all terms and conditions of the program being met.

15. Hamilton Police Services Forensic Lab – Initiation of Design Process (CM13018) (City Wide) (Item 5.17)

That Report CM13018 respecting “Hamilton Police Services Forensic Lab – Initiation of Design Process” be received.
16. **Arts Advisory Commission Annual Report (No Copy) (Item 7.1)**

That the Arts Advisory Commission Annual Report, as presented by Patricia LeClaire, Chair of the Arts Advisory Commission, be received.

17. **Strategic Municipal Arts Investment (PED13202) (City Wide) (Outstanding Business List Item) (Item 8.3)**

That Report PED13202 respecting “Strategic Municipal Arts Investment” be received.

18. **Strategic Municipal Arts Investment (PED13202(a)) (City Wide) (Outstanding Business List Item) (Item 8.3(a))**

That Report PED13202(a) respecting “Strategic Municipal Arts Investment” be received.

19. **Establishment of a Citizens’ Task Force to Study the Issue of Fluoridation of the City’s Water Supply**

That the Medical Officer of Health be directed to report back to the Board of Health with respect to the feasibility of establishing of a Citizens’ Task Force to study the issue of fluoridation of the City’s water supply, such report to include what costs, if any, would be required for the Task Force, the eligibility criteria, etc.


(a) That a zero percent increase in the 2014 User Fees for the Hamilton Farmers’ Market – Stall Fees be approved;

(b) That the 2014 User Fees for the Hamilton Farmers’ Market – Stall Fees, as listed in Appendix “A” to Report FCS13079, be amended accordingly.

21. **North End Traffic Management Plan (PW08094(b)) (Ward 2) (Outstanding Business List Item) (Item 8.1)**

That Report PW08094(b) respecting “North End Traffic Management Plan” be received.
Sub-section (a) of Item 22 was amended by deleting the date of February 14, 2013 and replacing it with April 30 in lieu thereof.

22. Acquisition of Part of 1400 Upper James Street, Hamilton, from LPF Realty Retail Inc. (PED13207) (Ward 8) (Item 5.14)

(a) That an Option to Purchase with Authority to Enter, executed by LPF Realty Retail Inc. on November 7, 2013, and scheduled to close on February 14, April 30, 2014, identified as Part of Lot 15, Concession 8, in the City of Hamilton, comprising an area of 1.95 acres, subject to an easement described as Part 2 on Expropriation Plan WE424570, being part of PIN 16912-0017(LT), forming part of the property municipally known as 1400 Upper James Street, as shown on Appendix “A” and Appendix “B” attached to Report PED13207, be approved and completed at a purchase price of $717,656.60, subject to adjustments and subject to:

(i) Satisfactory environmental review at the sole and absolute discretion of the City of Hamilton, failing which the Option to Purchase shall be null and void;

(ii) The owner providing the City of Hamilton with a copy of a Phase 1 environmental report on or before December 13, 2013;

(iii) The owner obtaining approval of an Official Plan Amendment and Zoning By-law Amendment filed as OPA-12-012 and ZAC-12-029, to permit the expansion of the existing commercial development, which have been appealed to the Ontario Municipal Board for non-decision, failing which the Option to Purchase shall be null and void;

(iv) The owner obtaining site plan approval and satisfaction of pre-approval conditions, failing which the Option to Purchase shall be null and void;

(v) The City withdrawing its Planning Application(s) appeal, being OMB Case No. PL130601 with the Ontario Municipal Board, and written confirmation received from the Ontario Municipal Board on or before closing; and

(vi) The sanitary easement described as Part 2 on Expropriation Plan WE424570 being amended to include additional infrastructure for the installation, maintenance, etc. of storm sewers and water.

(b) That the purchase price of $717,656.60, subject to adjustments be funded from Capital Account 5181180090 (Annual Stormwater Management Program);
(c) That the Mayor and Clerk be authorized and directed to execute any necessary documents, in a form satisfactory to the City Solicitor.


(i) **Hamilton-Wentworth District School Board (HWDSB) Land – 1287 Centre Road, Part of Lot 9, Concession 7, former Township of Flamborough, now City of Hamilton (PED13176) (Ward 15) (Item 6.1)**

(aa) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board that the City of Hamilton has no interest in acquiring their land located at 1287 Centre Road, legally described as Part of Lot 9, Concession 7, former Township of Flamborough, now City of Hamilton, forming all of PIN 17582-0083, as shown on Appendix “A” attached to Report PED13176 (attached hereto as Appendix “A”);

(bb) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board of the City of Hamilton's site development requirements as identified in Appendix “B” attached to Report PED13176 (attached hereto as Appendix “A”).


(a) **Appointment of Chair for the Steel Committee**

That Councillor Scott Duvall be named Chair of the Steel Committee for the 2010 – 2014 term of Hamilton City Council.

(b) **Appointment of Vice Chair for the Steel Committee.**

That Councillor Sam Merulla be named Vice Chair of the Steel Committee for the 2010 – 2014 term of Hamilton City Council.

(c) **Request for Action Respecting the U.S. Steel Announcement**

Whereas U.S. Steel signed an agreement with the Province of Ontario and the Federal Government of Canada to continue operating in Hamilton with conditional incentives;

Whereas the terms of the agreement are confidential and,

**Council – December 11, 2013**
Whereas the details of the agreements are essential in protecting U.S. Steel pensioners and the City of Hamilton.

Therefore Be It Resolved:

That the City of Hamilton seek action from the Provincial Government of Ontario, the Federal Government of Canada and U.S. Steel accordingly.

The recommendation was deleted in its entirety and replaced with the following in lieu thereof:

That the City of Hamilton request the Provincial Government of Ontario, the Federal Government of Canada and U.S. Steel to attend a meeting of the Steel Committee to discuss the future of U.S. Steel and their pensioners.

The recommendation was amended to include the Presidents of Local 1005 and Local 8782 of the United Steel Workers of America, to read as follows:

That the City of Hamilton request the Provincial Government of Ontario, the Federal Government of Canada, U.S. Steel, and the Presidents of Local 1005 and Local 8782 of the United Steel Workers of America to attend a meeting of the Steel Committee to discuss the future of U.S. Steel and their pensioners.

25. Request for Third Party Audit to Review Impacts of the Province’s Funding of Social Services and the Ontario Municipal Partnership Fund (OMPF) (Item 9.3)

Whereas the Province of Ontario has just released the 2014 Ontario Municipal Partnership Fund allocations (OMPF), and the City of Hamilton is not eligible for any OMPF funding;

And Whereas the Province of Ontario has provided the City of Hamilton with an "Upload Notice" which identifies, base on provincial calculations, the net cumulative benefit received by the City of Hamilton is estimated at $89 million, up about $10.3 million from 2013;

And Whereas the City of Hamilton is currently forecasting the 2014 upload benefit at $3.9 million versus the Province's estimated benefit of $10.3 million;

And Whereas there is a difference between the Province's reported cumulative benefits up to 2013 of $78.9 million versus the City of Hamilton Finance staff's reported benefit of only $11.7 million, resulting in a difference of $67.2 million;
And Whereas the Municipal Act 2001 requires that all municipalities submit Financial Information Returns (FIRs) that are in compliance with the Canadian Institute of Chartered Accountant's Public Sector Accounting Board standards.

Therefore be it resolved:

(a) That staff be directed to hire a third party accountant to review the City's audited financial statements and the Province's audited financial statements and provide an independent analysis and report of the impacts to Hamilton of the Province's changes to the funding of social services and the Ontario Municipal Partnership Fund (OMPF);

(b) That the independent analysis and report from the third party accountant be presented to the General Issues Committee through the Office of the Acting General Manager of Finance and Corporate Services.

26. Non-Union/Union Termination Considerations (No Copy) (Item 7.3)
(December 6)

(a) That Human Resources staff be directed to present a strategy to the General Issues Committee that seeks to develop an aggressive plan to reach a 95% compliance rate for annual performance appraisals;

(b) That Human Resources staff be directed to survey neighbouring municipalities to determine whether other municipalities have adopted other measures to limit without cause non-union terminations.

27. Corporate Organizational Changes (CM13020) (City Wide)

(a) That an increase of 1.0 net FTE to the complement in the Parking and By-law Services Division on the basis of the organizational changes outlined in Report MC13020 be approved;

(b) That the organizational changes in the Parking and By-law Services Division outlined in Report CM13020, estimated to cost an additional $150,000 (net) annually, be funded through gapping and/or use of the Parking Reserve Account (108021), if necessary, until off-setting savings can be found;

(c) That the transfer of the staff complement of the Clerk’s Division to the City Manager be approved;

(d) That the City Manager revisit at a future date the potential of aligning the Legal and Municipal Law Enforcement Divisions once restructuring changes in recommendations (a) and (b) have been completed, evaluated and the results assessed;
(e) That the City Manager, City Solicitor and Senior Director of Parking and By-law Services explore opportunities to improve service delivery and efficiencies and report back to the General Issues Committee at a future date;

(f) That the contents of Report CM143020 remain confidential as it relates to identifiable individual(s).

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

DELEGATION REQUESTS

For Today’s Meeting:

4.1 Request from Sarah Poljanski, representing Canadian Awareness Network, to appear before the Committee respecting the Referendum on the 2014 Municipal Election Ballot

For Future Meeting:

4.2 Request from Carol Mitchell, MTE Consultants Inc., and Sergio Manchia, Urban Core Developments, respecting the mandatory Record of Site Condition requirement of the ERASE Redevelopment Grant Program relating to the redevelopment of 440 Victoria Avenue North (formerly the Studebaker and Otis Elevator Plants)

PUBLIC HEARINGS/DELEGATIONS

6.1 Tim Potocic, on behalf of the Hamilton Arts Council, to speak in support of the Arts Funding Task Force Report – Presentation withdrawn by the Requestor

DISCUSSION REPORT

8.3(a) Strategic Municipal Arts Investment (PED13202(a)) (City Wide)

PRIVATE & CONFIDENTIAL

12.1 Title of Report amended to read “Corporate Organizational Changes (CM13020) (City Wide)”

Council – December 11, 2013
The agenda was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF PREVIOUS MINUTES (Item 3.1)

That the Minutes of the November 20, 2013 meeting of the General Issues Committee were approved as presented.

(d) DELEGATION REQUESTS

(i) Request from Sarah Poljanski, representing Canadian Awareness Network, respecting the Referendum on the 2014 Municipal Election Ballot (Item 4.1)

The request from Sarah Poljanski, representing the Canadian Awareness Network, respecting the referendum on the 2014 Municipal Election Ballot, was approved, and the rules of order were waived in order to allow Ms. Poljanski to address the Committee at today’s meeting.

(ii) Request from Carol Mitchell, MTE Consultants Inc., and Sergio Manchia, Urban Core Developments, respecting the mandatory Record of Site Condition requirement of the ERASE Redevelopment Grant Program relating to the redevelopment of 440 Victoria Avenue North (formerly the Studebaker and Otis Elevator Plants)

The delegation request from Carol Mitchell, MTE Consultants Inc., and Sergio Manchia, Urban Core Developments, respecting the mandatory Record of Site Condition requirement of the ERASE Redevelopment Grant Program relating to the redevelopment of 440 Victoria Avenue North (formerly the Studebaker and Otis Elevator Plants) was approved.

(e) CONSENT ITEMS

(i) Site Enhancement (ERASE) Redevelopment Grant Application (ERG013-03) – 70 Barton Street, Waterdown (PED13189) (Ward 15) (Item 5.1)

Report PED13189 respecting “Site Enhancement (ERASE) Redevelopment Grant Application (ERG013-03) – 70 Barton Street, Waterdown” was tabled subject to a successful planning application.
(ii) Hamilton Tax Increment Grant Program – 193-197 James Street North – HTIGP 09/02 (PED13190) (Ward 2) (Item 5.2)

The motion contained in Report PED13190 respecting “Hamilton Tax Increment Grant Program – 193-197 James Street North – HTIGP 09/02” CARRIED on the following Standing Recorded Vote:

Yeas: McHattie, Farr, Merulla, Collins, Jackson, Duvall, Whitehead, Partridge, Powers, Ferguson
Total Yeas: 10
Nays: Johnson, Pasuta, Pearson, Clark
Total Nays: 4
Absent: Bratina, Morelli
Total Absent: 2

(iii) Acquisition of Part of 1400 Upper James Street, Hamilton, from LPF Realty Retail Inc. (PED13207) (Ward 8) (Item 5.14)

Item 5.14 respecting “Acquisition of Part of 1400 Upper James Street, Hamilton, from LPF Realty Retail Inc.” was moved to the Discussion Agenda.

(iv) Without Cause Severance Payments – 5-Year Historical Review (HUR13018) (City Wide) (Item 5.16) (December 6)

Report HUR13018 respecting “Without Cause Severance Payments – 5-Year Historical Review” was received.

(f) PUBLIC HEARINGS/DELEGATIONS

(i) Lorna Zaremba, on behalf of Anchor Arts Organizations (Art Gallery of Hamilton, Brott Music Festival, Hamilton Philharmonic Orchestra, Opera Hamilton and Theatre Aquarius), to update the Committee on positions and concerns arising from the recommendations of the Arts Funding Task Force (Item 6.1)

Lorna Zaremba appeared before the Committee to speak in one united voice on behalf of the anchor arts organizations (Art Gallery of Hamilton, Brott Music Festival, Hamilton Philharmonic Orchestra, Opera Hamilton and Theatre Aquarius), and to request that the City:

(aa) continue to invest in success;
(bb) apply the key principles of the City’s recently-adopted Cultural Plan (specifically, 4th Pillar of Sustainable Development);
(cc) continue to serve as peer evaluators in terms of the return on investment to taxpayers.

Council – December 11, 2013
Representatives from each of the anchor arts organizations were in attendance to respond to questions of the Committee.

A copy of Ms. Zaremba’s comments was distributed to the Committee and submitted to the Clerk for the public record.

The presentation from Lorna Zaremba, on behalf of anchor arts organizations (Art Gallery of Hamilton, Brott Music Festival, Hamilton Philharmonic Orchestra, Opera Hamilton and Theatre Aquarius), to update the Committee on positions and concerns arising from the recommendations of the Arts Funding Task Force was received.

(ii) Arts Advisory Commission Annual Report (No Copy) (Item 7.1)

Patricia LeClaire, Chair of the Arts Advisory Commission, appeared before the Committee to provide an update with respect to the activities of the Arts Advisory Commission Annual Report. With the assistance of a PowerPoint presentation, Ms. LeClaire spoke to the following:

- Mandate
- 2012-2013 Accomplishments
- Current Priorities
- Priority Project – Arts Funding
- What is required in order to succeed.

A copy of the PowerPoint presentation is available for viewing on the City of Hamilton website.

See Item 16 for the disposition of this item.

(iii) Simon Kiss, Wilfred Laurier University, to speak to the pending motion respecting referendum on municipal fluoridation (Item 6.3)

Simon Kiss from the Department of Political Science, Wilfred Laurier University spoke to the accuracy of the results in determining the effectiveness of a referendum and presented reasons why it is unwise to conduct a referendum.

A copy of Mr. Kiss’ presentation was submitted to the Clerk for the public record.

The presentation from Simon Kiss, Wilfred Laurier University, respecting the referendum on municipal fluoridation was received.
(iv) Request from Dr. Peter Graefe, Department of Political Science, McMaster University, to speak to Councillor Clark’s pending motion for a referendum on fluoridation (Item 6.4)

Dr. Graefe spoke to the decision-making process involved in a referendum. He spoke to the issue of fluoridation and outlined that it is not a hot topic in the community, so a referendum would not be the best method for making a decision on the matter. He indicated that while referendums are valuable tools in the right situations, in this instance it would not make information and factual analysis more readily available to the general public. Dr. Graefe indicated that the best forum for an informed decision to be made on the use of fluoride would be through the political process.

A copy of Dr. Graefe’s comments was submitted to the Clerk for the public record.

The presentation from Dr. Peter Graefe, Department of Political Science, McMaster University, respecting the referendum of municipal fluoridation was received.

(v) Request from Dr. Larry Levin, Hamilton Academy of Dentistry, to speak to the motion for a referendum on fluoridation (Item 6.5)

Dr. Levin spoke to Council’s role to make decisions on behalf of their citizens. He outlined how a vocal minority have made the issue of fluoride a larger one than it actually is. Dr. Levin indicated that the issue of fluoride in the water is not something that Council should relinquish their decision making ability on. He cautioned that to bring this issue to a referendum could result in an emotional, rather than a reasoned, decision.

The presentation from Dr. Larry Levin, Hamilton Academy of Dentistry, respecting the referendum of fluoridation was received.

(vi) Ms. Sarah Poljanski, on behalf of Canadian Awareness Network, respecting the Referendum on the 2014 Municipal Election Ballot (Item 6.9)

Ms. Poljanski spoke in favour of the referendum on fluoridation. She outlined that fluoride is a drug and she has a constitutional right to not be subjected to unapproved medication. Ms. Poljanski outlined her concerns around the dangers around fluoride and the need to hold a referendum to allow the public to be heard on this issue.

A copy of Ms. Poljanski’s comments was submitted to the Clerk for the public record.

Council – December 11, 2013
The presentation from Ms. Sarah Poljanski, on behalf of Canadian Awareness Network, respecting the referendum on the 2014 Municipal Election Ballot was received.

(vii) **Request from Ron Jepson, Jepson’s Fresh Meats, to address Market Parking and the User Fees for 2014 (Item 6.6)**

Ron Jepson, owner and operator of Jepson’s Fresh Meats at the Hamilton Farmers’ Market, appeared before the Committee to speak to concerns of the vendors and stallholders. Mr. Jepson’s comments included, but were not limited to, the following:

- Establishing a Board of Directors to run the day-to-day operations, responsible for making critical decisions for the benefit of vendors and customers
- Board of Directors would be made up of three vendors, representing the stallholders, three Councillors on behalf of the City, and three outside citizens who would remain impartial
- 3 issues of immediate concerns for the Board of Directors:
  - installation of signage
  - fix the parking problem
  - totally removing subsidy from the City (taxpayers).
- Vendors feel strongly that the market should remain self governed, public market and the only option is to have a Board of Directors in order for the market to survive
- Requesting permission for the placement of a large banner on the walkway between the Parkade and the Eaton Centre showing “Hamilton Farmers’ Market” in large letters, with an arrow pointing toward the Parkade that offers one or two hours of “free” validated parking
- Also requesting zero percent increase in rents for 2014
- Market has hit rock bottom and is at a crisis point
- Requesting that quick fixes take place immediately.

A copy of Mr. Jepson’s comments was provided to the Clerk for the public record.

The presentation from Ron Jepson, Jepson’s Fresh Meats, respecting Parking and the User Fees for 2014 was received.
(viii) **Shane Coleman, on behalf of the Hamilton Farmers’ Market Stallholder Association, respecting Parking** (Item 6.7)

Shane Coleman, President of the Hamilton Farmers’ Market Stallholders Association, appeared before the Committee to request consideration of a validated parking program for the Farmers’ Market and a review of the high rental rate of $25 to $28 per square foot for only four days of operation per week.

A copy of Mr. Coleman’s comments was provided to the Clerk for the public record.

The presentation from Shane Coleman, on behalf of the Hamilton Farmers’ Market Stallholders’ Association, respecting Parking was received.

Staff was directed to provide information on the following issues prior to the December 11, 2013 meeting of Council:

(aa) Signage opportunities which would include a new banner that would be installed on the pedestrian walkway above York Blvd.

(bb) Investigate a one or two hour validated parking system for the Hamilton Farmers’ Market that would include a parking system for the four days that the market is in operation.

(ix) **Dave Stephens, President of the North End Neighbours, to address the Committee on December 4, 2013 to provide an update on the North End Traffic Management Plan** (Item 6.8)

Shawn Selway and Dave Stephens appeared before the Committee to present an Interim Report on the Implementation of the North End Traffic Management Plan (NETMP). With the assistance of a PowerPoint presentation, Mr. Selway spoke to the following:

- A stable neighbourhood in the centre of Hamilton
- What the NETMP is doing
- Co-operation
- Progress and challenges
- The future
- Thank you – here for the long run.

A copy of the PowerPoint presentation is available for viewing on the City of Hamilton website.
The update from Shawn Selway and Dave Stephens, from the North End Neighbours, respecting the North End Traffic Management Plan was received.

(g) PRESENTATIONS

(i) Service Delivery Review – Call Handling Review Implementation (FCS13098/CM13017) (City Wide) (Item 7.2)

Chris Murray, City Manager, provided introductory remarks to the presentation and highlighted how Call Handling fits into the City’s Strategic Plan and outlined the consultation process to get to this stage.

Mr. Murray suggested that the Committee may wish to table the report to allow staff more time to speak with the Union for further discussions.

Beth Goodger, Director of Corporate Initiatives, addressed the Committee respecting the Call Handling Review Implementation. She outlined how the integration of technology can assist residents in getting the information and customer service that the City desires to provide. Ms. Goodger outlined the methodology and process undertaken in the Call Handling Review and provided an overview of the recommendations before the Committee today.

A copy of the PowerPoint presentation provided by Ms. Goodger is available for viewing on the City of Hamilton website.

The presentation respecting the “Service Delivery Review – Call Handling Review Implementation” was received.

Report FCS13098/CM13017 respecting “Service Delivery Review – Call Handling Review Implementation” was tabled to allow staff the opportunity to have discussions with Union representatives.

(ii) Non-Union/Union Termination Considerations (No Copy) (Item 7.3) (December 6)

Lora Fontana, Director of Employee and Labour Relations, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation has been included in the Official Record.

Ms. Fontana spoke to the differences between Non-Union and Union terminations. She indicated that dismissal without causes are the majority at the City of Hamilton and discussed the factors involved in these that impact severance. Ms. Fontana outlined the difficulty in pursuing dismissals with cause. She indicated that all policies and procedures are being reviewed.
The presentation from Lora Fontana respecting Non-Union/Union Termination Considerations was received.

See Item 26 for the disposition of this item.

(h) DISCUSSION ITEMS

(i) **Financial Obligations – Provincially-Shared Programs (FCS13092) (City Wide) (Outstanding Business List Item) (Item 8.5)**

Report FCS13092 respecting “Financial Obligations – Provincially-Shared Programs” was referred to a special meeting of the General Issues Committee. Staff was requested to extend an invitation to the MPP’s to attend the special meeting.

(ii) **Changes to Budgeted Complement Type (PED13166) (City Wide) (Item 8.4)**

Report PED13166 respecting “Change to Budgeted Complement Type” was referred to the 2014 Operating Budget deliberations.

(iii) **Five-Year Plan regarding Two-Way Street Conversions (PW13097) (City Wide) (Item 8.2) (December 6)**

Report PW13097 respecting “Five-Year Plan regarding Two-Way Street Conversions” was tabled to allow Councillors the opportunity to have further discussions with staff.

(i) ITEMS REFERRED TO THE DECEMBER 6, 2013 MEETING OF THE GENERAL ISSUES COMMITTEE:

The following items from the December 4, 2013 agenda of the General Issues Committee were referred to a meeting of the Committee on December 6, 2013 following the Rate Budget meeting:

(i) **Without Cause Severance Payments – 5-year Historical Review (HUR13018) (City Wide) (Outstanding Business List Item) (Item 5.16)**

(ii) **Non-Union/Union Termination Considerations (No Copy) (Item 7.3)**

(iii) **Five-Year Plan regarding Two-Way Street Conversions (PW13097) (City Wide) (Item 8.2)**

(iv) **Outstanding Business List (Item 11.1)**

(v) **Corporate Organizational Changes (CM13020) (Item 12.1)**

(vi) **Assessment Appeals by U. S. Steel (Item 12.3);**

_Council – December 11, 2013_
(i) MOTIONS

(i) Question to Electors on the 2014 Municipal Election Ballot respecting Fluoridation of Water Supply (Item 9.1)

The following motion was withdrawn:

(a) That Council pass a by-law to submit the following question to the electors of the City of Hamilton at the October 27, 2014 Municipal Election:

“Are you in favour of continuing fluoridation of the public water supply of the City of Hamilton?”;

(b) That the question be submitted in accordance with the Fluoridation Act and Municipal Elections Act, 1996.

(ii) Spring Valley Arena, Ancaster – Funding for Renovation/Construction of Dressing Rooms (Item 9.2)

The motion respecting “Spring Valley Arena, Ancaster – Funding for Renovation/Construction of Dressing Rooms” was referred to the 2014 Capital Budget deliberations.

(iii) City of Hamilton Lawsuit against the Federal Government respecting the Red Hill Valley Parkway (Item 9.3)

The motion respecting “City of Hamilton lawsuit against the Federal Government respecting the Red Hill Valley Parkway” was deferred to a future meeting of the General issues Committee in order that outside legal counsel can attend to provide an update and respond to questions of the Committee.

(iv) Request for Third Party Audit to Review Impacts of the Province’s Funding of Social Services and the Ontario Municipal Partnership Fund (OMPF) (Item 9.4)

See Item 25 for the disposition of this item.

(k) NOTICES OF MOTION

None
(d) GENERAL INFORMATION/OTHER BUSINESS (Item 11.1) (December 6)

(i) Outstanding Business Items List

(aa)(i) Revised Due Dates

The due dates for the following items on the Outstanding Business List were revised as follows:

Item D: Hamilton Downtown/West Harbourfront Remediation Loan Pilot Program Expansion and Continuance
Due Date: December 4, 2013
Revised Due Date: January 15, 2014

Item Q: Expansion of CII
Due Date: December 4, 2013
Revised Due Date: January 15, 2014

Item R: Waterfront and Shoreline
Due Date: December 4, 2013
Revised Due Date: January 15, 2014

Item Y: Waterfront Initiatives Financing Strategy
Due Date: December 4, 2013
Revised Due Date: January 15, 2014

Item CC: Establishment of a Music Working Group
Due Date: December 4, 2013
Revised Due Date: January 15, 2014

(aa)(ii) Staff was directed to provide a due date for the following item:

Item X: Temporary Promotional Transit Fare Special Program
Due Date: November 20, 2013

(bb)(i) Items to be removed from the Outstanding Business List

The following item were removed from the Outstanding Business List:

Item B: North End Traffic Management Study (Item 8.2)

Item GG: Strategic Municipal Investment in the Arts (Item 8.3)

Item SS: Without Cause Severance Payments (Item 5.16)
2013 Budget Deliberations

Item A: Provincial Downloading (Item 8.5)

Item B: Restricting Assessment Growth through Assessment Appeals (Item 5.1 of November 26 GIC agenda)

(b)(ii) Item T – Two Way Street Conversions will remain on the Outstanding Business List as Report PW13097 (Item 8.2) was tabled to a future meeting.

(l) PROCEDURAL MATTERS

(i) Extension of Presentation Time

Simon Kiss was provided with additional time for his presentation.

(m) PRIVATE & CONFIDENTIAL (December 4)

The Committee moved into Closed Session at 5:21 p.m. pursuant to Sub-section 8.1(b) of the City’s Procedural By-law and Section 239.2 of the Municipal Act as the subject matters pertain to a personal matter about an identifiable individual, including municipal or local board members respecting:

12.1 Corporate Organizational Changes

12.2 Licensing Standards Issue – Update

The Committee reconvened in Open Session.

(i) Licensing Standards Issue – Update (Item 12.2)

Direction provided in closed session.

(ii) Corporate Organizational Changes (Item 12.1) (CM13020)

Report CM13020 respecting Corporate Organizational Changes was referred to the December 6, 2013 meeting of the General Issues Committee.

PRIVATE & CONFIDENTIAL (December 6)

Private and Confidential Item 12.3 respecting Assessment Appeals by U.S. Steel was referred to the January 15, 2014 meeting of the General Issues Committee.

Council – December 11, 2013
The Committee moved into Closed Session at 4:26 p.m. pursuant to Sub-section 8.1(b) of the City’s Procedural By-law 10-053, and Sub-section 239.2 of the Ontario Municipal Act, 2001 as amended, as the subject matters pertain to a personal matter about an identifiable individual, including municipal or local board members respecting “Corporate Organizational Changes (CM13020) (Item 12.1) and “Non-Union/Union Terminations Case Review (No Copy) (Item 12.4).

The Committee reconvened in Open Session.

(i) Corporate Organizational Changes (CM13020) (City Wide) (Item 12.1)

Sub-sections (c), (d) and (e) of Report CM13020 respecting Corporate Organizational Changes were deleted in their entirety and replaced with the following in lieu thereof:

(c) That the transfer of the staff complement of the Clerk’s Division to the City Manager be approved;

(d) That the City Manager revisit at a future date the potential of aligning Legal, Municipal Law Enforcement and the Clerk’s Divisions once restructuring changes in recommendations (a) and (b) have been completed, evaluated and the results assessed;

(e) That the City Manager, City Solicitor and Senior Director of Parking and By-law Services explore opportunities to improve service delivery and efficiencies and report back to the General Issues Committee at a future date.

Sub-section (d) was further amended by deleting the word, “Clerk’s” preceding the word, “Divisions”.

The Amendment, as amended, CARRIED and the Main Motion, as amended, CARRIED.

See Item 27 for the disposition of this item.

(ii) Non-Union/Union Terminations Case Review (Item 12.4)

No action to be reported.

(m) ADJOURNMENT

December 4, 2013

Due to loss of quorum, the Committee recessed at 6:10 p.m. and reconvened on Friday, December 6, 2013, following the Rate Budget meeting, to consider the items as noted in sub-section (i).
December 6, 2013

There being no further business, the Committee adjourned at 5:44 p.m.

Respectfully submitted

Councillor B. Johnson
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk
GENERAL ISSUES COMMITTEE  
REPORT 13-022(a)  
9:30 a.m.  
Friday, December 6, 2013  
Council Chambers  
Hamilton City Hall  
71 Main Street West

Present:  
Deputy Mayor B. Johnson (Chair)  
Mayor R. Bratina; Councillors B. Clark, C. Collins, S. Duvall,  
J. Farr, L. Ferguson, B. McHattie, T. Jackson, S. Merulla,  
J. Partridge, R. Pasuta, M. Pearson, R. Powers,  
T. Whitehead,

Absent with Regrets:  Councillor B. Morelli – Illness

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 13-022(a) AND RESPECTFULLY RECOMMENDS:

1. Horizon Utilities Water and Wastewater 2013 Service Activity Report (FCS13081) (City Wide) (Item 3.1)  
   That Report FCS13081 respecting “Horizon Utilities Water and Waste-water 2013 Service Activity Report” be received.

2. 2014 Recommended Water, Wastewater and Stormwater Budget (FCS13082/PW13085) (City Wide) (Item 3.2)  
   (a) That the metered water consumption charges for residential properties in the City of Hamilton be imposed at the following rates, as of January 1, 2014:

<table>
<thead>
<tr>
<th>Monthly Water Consumption (m3)</th>
<th>Rate ($/m3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 10</td>
<td>0.65</td>
</tr>
<tr>
<td>10 +</td>
<td>1.29</td>
</tr>
</tbody>
</table>

Council – December 11, 2013
(b) That the metered water consumption charge for commercial, industrial, institutional, and multi-residential (bulk meter) properties in the City of Hamilton be imposed at the rate of $1.29 per cubic metre, as of January 1, 2014;

(c) That daily water fixed charges for properties in the City of Hamilton be imposed at the following rates, as of January 1, 2014:

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Daily Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 mm</td>
<td>$0.29</td>
</tr>
<tr>
<td>16 mm</td>
<td>$0.29</td>
</tr>
<tr>
<td>20 mm</td>
<td>$0.29</td>
</tr>
<tr>
<td>25 mm</td>
<td>$0.73</td>
</tr>
<tr>
<td>38 mm</td>
<td>$1.45</td>
</tr>
<tr>
<td>50 mm</td>
<td>$2.32</td>
</tr>
<tr>
<td>75 mm</td>
<td>$4.64</td>
</tr>
<tr>
<td>100 mm</td>
<td>$7.25</td>
</tr>
<tr>
<td>150 mm</td>
<td>$14.50</td>
</tr>
<tr>
<td>200 mm</td>
<td>$23.20</td>
</tr>
<tr>
<td>250 mm</td>
<td>$33.35</td>
</tr>
<tr>
<td>300 mm</td>
<td>$49.30</td>
</tr>
</tbody>
</table>

(d) That the wastewater/storm treatment charges for residential properties in the City of Hamilton be imposed at the following rates, effective January 1, 2014:

<table>
<thead>
<tr>
<th>Monthly Water Consumption (m3)</th>
<th>Rate ($/m3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 10</td>
<td>0.66</td>
</tr>
<tr>
<td>10 +</td>
<td>1.32</td>
</tr>
</tbody>
</table>

(e) That the wastewater/storm treatment charge for all commercial, industrial, institutional, and multi-residential (bulk meter) properties in the City of Hamilton be imposed at the rate of $1.32 per cubic metre, effective January 1, 2014;

(f) That daily wastewater/storm fixed charges for properties in the City of Hamilton be imposed at the following rates, effective January 1, 2014:

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Daily Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 mm</td>
<td>$0.29</td>
</tr>
<tr>
<td>16 mm</td>
<td>$0.29</td>
</tr>
<tr>
<td>20 mm</td>
<td>$0.29</td>
</tr>
<tr>
<td>25 mm</td>
<td>$0.73</td>
</tr>
<tr>
<td>38 mm</td>
<td>$1.45</td>
</tr>
<tr>
<td>50 mm</td>
<td>$2.32</td>
</tr>
</tbody>
</table>
(g) That the non-metered annual water rate be imposed at the flat rate of $461.62 per annum, effective January 1, 2014;

(h) That the non-metered annual wastewater/storm rate be imposed at the flat rate of $467.60 per annum, effective January 1, 2014;

(i) That the combined non-metered annual water and wastewater/storm rate be imposed at the flat rate of $929.22 per annum, effective January 1, 2014;

(j) That the Private Fire Line rates be imposed at the following rates, effective January 1, 2014:

<table>
<thead>
<tr>
<th>Connection Size (mm)</th>
<th>Monthly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>$ 3.00</td>
</tr>
<tr>
<td>38</td>
<td>$ 6.90</td>
</tr>
<tr>
<td>50</td>
<td>$ 12.00</td>
</tr>
<tr>
<td>75</td>
<td>$ 27.00</td>
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<td>100</td>
<td>$ 48.00</td>
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<td>150</td>
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<td>200</td>
<td>$ 192.00</td>
</tr>
<tr>
<td>250</td>
<td>$ 192.00</td>
</tr>
<tr>
<td>300</td>
<td>$ 192.00</td>
</tr>
</tbody>
</table>

(k) That the 2014 Water, Wastewater & Storm Proposed User Fees and Charges be imposed as per Appendix “G”, as amended, to FCS13082/PW13085, effective January 1, 2014;

(l) That the 2014 Water, Wastewater and Stormwater Management Rate Supported Operating Budget in the amount of $178,403,366 be approved as per Appendix “A” to FCS13082/PW13085;

(m) That the long-term financing plan for the Water, Wastewater and Stormwater programs and related rate increases required to meet sustainable financing, as identified in the 2014-2023 Water, Wastewater and Stormwater Management Rate Supported Operating Budget forecast (Appendix “A” to FCS13082/PW13085) be approved in principle;
(n) That the 2014 Water, Wastewater and Stormwater Management Rate Supported Capital Budget and Financing Plan in the amount of $154,401,000 be approved as per Appendix “H” to FCS13082/PW13085;

(o) That the 2014-2023 Water, Wastewater and Stormwater Management Rate Supported Capital Budget forecast and financing plan (Appendix “I” to FCS13082/PW13085) be approved in principle;

(p) That the City Solicitor be authorized and directed to prepare, for Council approval, all necessary by-laws respecting the 2014 water and wastewater/storm user fees, charges and rates set out in recommendations (a) through (k), as amended;

(q) That, in addition to any amendments required pursuant to subsection (p), the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 be amended to implement changes related to the Wastewater Abatement Program application process and to limit any approved retroactive rebates to the date the application is submitted to the City as described in Report FCS13082/PW13085.

3. 2014 Tax-Supported Capital Budget (FCS13096) (Item 3.1) (November 28 GIC Agenda)

(a) That the 2014 Tax Supported Capital Levy in the amount of $90,177,000, inclusive of the following amendments, be approved;

(i) Social Housing Building Assessments – 67314441302

(aa) That the funding source for the Social Housing Building Assessment project in the amount of $500,000 be changed to Social Housing Program Reserves to reduce the 2014 Tax Levy Impact;

(bb) That staff report back to the Emergency and Community Services Committee during the 2014 calendar year with a plan that seeks a long term solution to maintenance and repair costs.

(ii) Retail Commercial Land Inventory Update – 8141459900

That the $225,000 request for Retail Commercial Land Inventory Update be referred to a future year’s Capital budget process to reduce the 2014 Tax Levy Impact.
(iii) Streetscape Litter Containers – 5121490520
That the amount of $100,000 for the Streetscape Litter Containers be removed from the 2014 Capital Budget to reduce the 2014 Tax Levy Impact.

(iv) Public Art – James and Hunter Street – 7101058700
That the $150,000 in the Work-in-Progress funding for Public Art – James and Hunter Streets, be closed and the funds be reallocated to the 2014 Capital Budget to reduce the 2014 Tax Levy Impact and the project be referred to the 2015 Capital Budget process for consideration.

(v) MRF Roof Repair and Replacement – 5121390412
That the $125,000 available budget for the MRF Roof Repair and Replacement project be reallocated to the 2014 Capital Budget to reduce the 2014 Tax Levy Impact.

(vi) Waste Research and Development – 5121455137 and 5121255137
That the 2014 request in the amount of $100,000 be referred to the 2015 budget process, and that $70,000 from the 2012 Work-in-Progress - 5121255137 and $100,000 from the 2014 Project - 5121455137 for a total of $170,000 be reallocated to the 2014 Capital Budget to reduce the 2014 Tax Levy Impact.

(vii) Gage Park Tropical House – 4451451004
That the $365,000 for the Gage Park Tropical House be “Parked” to allow for an opportunity to consult with the Ward Councillor.

(viii) Green Cart Implementation – 5120594528
That the available balance of $1,200,000 in the Green Cart Implementation Work-in-progress project be reallocated to the 2014 Capital Budget to reduce the 2014 Tax Levy Impact.

(ix) SWMMP Planning and Approvals – 5121195525
That the available balance of $156,000 in the SWMMP Planning and Approvals Work-in-Progress project be reallocated to the 2014 Capital Budget to reduce the 2014 Tax Levy Impact.
(x) **CUP Lifecycle Retrofit – 3540841620**

That the CUP Lifecycle Retrofit Work-in-Progress project be closed and that remaining balance of $420,000 be reallocated to the 2014 Capital Budget to reduce the 2014 Tax Levy Impact.

(xi) **Eastport Drive Trail – 4400756700**

That the Eastport Drive Trail Work-in-Progress project be closed and that the remaining balance of $70,000 be reallocated to the 2014 Capital Budget to reduce the 2014 Tax Levy impact.

(xii) **2255 Barton Street East – Leasehold Improvements – 6501441100**

That the $90,000 2014 Capital budget request for Leasehold Improvements – 2255 Barton Street East, be “Parked”, and that staff be directed to bring a report to the General Issues Committee with options.

(xiii) **Public Art – 7101058705**

That the 2014 capital budget request be reduced from $171,000 to $71,000 in the 2014 Capital Budget to reduce the 2014 Tax Levy Impact and to allow staff in the Culture Division to catch up to past years' contributions.

(xiv) **Bike Lanes – 4041417124**

That the budget request be reduced from $300,000 to $200,000 in the 2014 Capital Budget to reduce the 2014 Tax Levy Impact and to allow staff an opportunity to keep pace with prior years' budget contributions.

(xv) **Traffic Management System – Linc; Video Detection and Intelligent Transportation; Traffic Signal Communication System**

(i) That the following items be “Parked” pending a report from staff to the Public Works Committee:

(aa) **Traffic Management System – Linc – 4041420110** ($75,000)

(bb) **Video Detection and Intelligent Transportation – 4041457411** ($600,000)
(ii) That the City Manager be directed to enter into discussions with Metrolinx to pursue funding opportunities, and that the results of those discussions be included in the report to be presented to the Public Works Committee.

(xvi) Public Health Time/Inventory Management – 6771457200

That the $70,000 required for the Public Health Time/Inventory Management be deleted from the 2014 Capital Budget to reduce the 2014 Tax Levy impact.

(xvii) Hamilton Police Service Projects

That the $430,000 submitted by Hamilton Police Service in 2014 Capital Budget projects be referred to 2014 Operating Budget process for discussion at the time the HPS presents their 2014 budget.

(xviii) Elfrida Urban Boundary Expansion – Background Studies

That the $500,000 allocated to the Elfrida Urban Boundary Expansion – Background Studies, be “Parked” pending a report to the Planning Committee outlining timelines for the works to be completed as well as the status of this matter at the O.M.B.

(b) That the 2014 Tax Capital Budget & Financing Plan in the amount of $287,818,000, as amended, attached hereto as Appendix “A”, be approved;

(c) That the Tax Supported Discretionary Net Capital Funding Forecast 2014 – 2023, as amended, and attached hereto as Appendix “B” which assumes a 0.0% levy increase for 2014 and 0.5% levy increase in each year from 2015 to 2023 be approved, in principle, and re-visited by Council each budget year;

(d) That the operating and FTE impacts of the 2014 capital budget, excluding “Parked” projects”, estimated to be $1,166,400, and 7.13 FTE’s, attached hereto as Appendix “C”, as amended, be incorporated into the 2015 Tax Supported base Operating Budget;

(e) That the Operating and FTE impacts of the “Parked” projects, totaling $535,500 and 6.00 FTE’s, attached hereto as appendix “C” as amended, only be incorporated into the 2015 Tax-Supported Base Operating Budget pending Council’s approval of the project(s);
(f) That staff investigate options to mitigate the financial impact identified in Recommendations (d) and (e) during the 2015 tax supported operating budget process.

4. **Spring Valley Arena, Ancaster – Funding for Renovation/Construction of Dressing Rooms (Item 4.1)**

That $400,000 of the $1 million of the unallocated funds in the 2014 discretionary capital budget presented at the October 18, 2013 Capital Budget Workshop General Issues Committee meeting be approved to renovate and construct the dressing rooms at Spring Valley Arena in Ancaster.

FOR THE INFORMATION OF COUNCIL:

(a) **CHANGES TO THE AGENDA (Item 1)**

**TYPOGRAPHICAL ERROR**


**ADDED CORRESPONDENCE**

3.2(a) Correspondence from Mr. Mark Giavedoni, Solicitor, on behalf of McMaster University, respecting the 2014 proposed budget for water, wastewater and stormwater fees

3.2(b) Correspondence from Mr. Mark Giavedoni, Solicitor on behalf of the Hamilton Wentworth District School Board, respecting the 2014 proposed budget for water, wastewater and stormwater fees

**REPORT FROM NOVEMBER 28 GIC MEETING**

3.1 2014 Tax-Supported Capital Budget (FCS13096) (Tabled by the General issues Committee on November 28, 2013)
NEW BUSINESS

4.1 Spring Valley Arena, Ancaster – Funding for Renovation/Construction of Dressing Rooms
(Referred to Capital Budget meeting by GIC on December 4, 2013)

The agenda was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) STAFF PRESENTATIONS (Item 3)

(i) Horizon Utilities Water and Wastewater 2013 Service Activity Report (FCS13081) (City Wide) (Item 3.1)

Eileen Campbell, Vice President of Customer Service at Horizon Utilities, appeared before the Committee. With the assistance of a PowerPoint presentation, Ms. Campbell spoke to the following:

- Highlight of successes as a result of the partnership with the City of Hamilton
- Rate restructuring partner
- Expanding customer service in 2014.

The presentation from Eileen Campbell, Vice President of Customer Service, respecting Horizon Utilities Water and Wastewater 2013 Service Activity Report was received.

(ii) 2014 Recommended Water, Wastewater and Stormwater Budget (FCS13082/PW13085) (City Wide) (Item 3.2)

Dan McKinnon, Director of Hamilton Water, and John Savoia, Senior Policy Advisor, provided a PowerPoint presentation with respect to the 2014 Recommended Water, Wastewater and Stormwater Budget.

Mr. McKinnon acknowledged Julia Wagner and Dave Alberton for their efforts in producing the Rate Book and the presentation being provided to the Committee.

Mr. McKinnon spoke to the following:

- Program overview
- Inventory of Assets
- Sectional Update
• Organizational chart and complement – 2013
• Staff Roles/Responsibilities – 2013 Accomplishments/2014 Goals
• Water and Wastewater Engineering
  • Ferguson Pumping Station
  • Windemere Basin
  • 2013 Key Accomplishments and Successes
  • 2014 Outlook
• Clean Harbour Program
  • Branding
  • Real Time Control
  • Primary Clarifiers/Chlorine Contact Tank
• Randle Reef
  • 2013 Key Accomplishments and Successes/2014 Outlook
• SERG
  • Infrastructure Enhancements/Future Initiatives
  • Stormwater
• Hamilton Water Priority Program
  • 3P Program – Program Flow Chart
  • 2013 Highlights/2014 Outlook
  • 3P Program Expenditure
  • Biosolids – Land Application Program – Summary
  • Water and Wastewater Planning and Capital
  • Unaccounted for Water
• Staff Complement
  • Hamilton Water – Staffing Trends
• Operating Budget
  • Proposed 2014 Operating Budgets
  • Assets Useful Life
  • Total Expenditures
  • Revenues and Reserves

Staff was directed to report back to the Public Works Committee on options and costs to fast track the remediation of illegal cross-connections due to the significant E-Coli levels in the Chedoke Creek downstream.

Mr Savoia provided revenue and consumption information and spoke to the following:

• Rate revenue trend
• Residential – ICI/Multi-residential consumption comparison
• Residential water consumption
• Comparison of average cost per household
• Rate increase mitigation
• How does Hamilton compare
• Municipal comparison combined rate increases
• 2014 Rate Increase Comparisons
• Financing Strategy
• Affordability – 2012 Water/WW as a % of Household Income
• ICI/Multi-res Consumption/Composition
• ICI Cost Comparison (2013 $)

The presentation from Dan McKinnon, Director of Hamilton Water, and John Savoia, Senior Policy Advisor, with respect to the 2014 Recommended Water, Wastewater and Stormwater Budget was received.

Mike Zegarac recognized the work of John Savoia for all of his work and recognized the scope of his knowledge relative to water, wastewater and stormwater. With the assistance of a PowerPoint presentation, Mr. Zegarac picked up on the positive messaging relative to the rate increase, and spoke to the following:

• 2014 Budget Summary
• 2014 Capital Program/Capital Funding
• 2014-2023 Capital by Program
• 2014-2023 Capital Funding
• Capital Financing Operating Impact
• Capital Budget Forecast
• 10-year Capital Forecast 2013 vs 2014
• Debt Forecast
• Debt Forecast 2013 vs 2014
• Projected Debt Charges
• Debt Charges as a % of Total Revenues
• Reserve Forecast
• Capital and Reserve Forecast
• Forecast Risks

A copy of the PowerPoint presentations provided on this issue is available for viewing on the City of Hamilton website.

The presentation from Mike Zegarac, respecting the 2014 Recommended Water, Wastewater and Stormwater Budget be received.

Appendix G-4, Reference #4(u) – 150mm Fire Rated Magnetic Flow Meter – 2014 Proposed Fee to Report FCS13081/PW13085 was amended by deleting "$110,397.40" and replacing it with "$10,397.40".

The Amendment CARRIED and the Main Motion, as amended, CARRIED.
ADDED CORRESPONDENCE

(i) Correspondence from Mr. Mark Giavedoni, Solicitor, on behalf of McMaster University, respecting the 2014 proposed budget for water, wastewater and stormwater fees (Item 3.2(a))

(ii) Correspondence from Mr. Mark Giavedoni, Solicitor on behalf of the Hamilton Wentworth District School Board, respecting the 2014 proposed budget for water, wastewater and stormwater fees (Item 3.2(b))

The correspondence from Mr. Mark Giavedoni, Solicitor, on behalf of McMaster University and the Hamilton Wentworth District School Board, respecting the 2014 proposed budget for water, wastewater and stormwater fees was received.

CAPITAL BUDGET

(i) 2014 Tax-Supported Capital Budget (FCS13096)

Report FCS13096 respecting the 2014 Tax-Supported Capital Budget, tabled by the Committee on November 28, 2013, was lifted.

Councillor C. Collins distributed a list of Recommended 2014 Capital Budget Reductions which was considered by the General Issues Committee. The disposition of these items is reflected in Item 3 of this Report.

The total realized savings to the 2014 Capital Budget as a result of the approved savings, in the amount of $3,386,000 was applied to reduce the 2014 Tax Levy Impact.

(ii) Traffic Signal LED Lighting Upgrade

Councillor Collins brought to the Committee’s attention an amount of $1,200,000 for the Traffic Signal LED Lighting Upgrade Project which utilizes Work-in-Progress funding transferred from the 2012 Annual Resurfacing Account.

MOTIONS

(i) Spring Valley Arena, Ancaster – Funding for Renovation/Construction of Dressing Rooms (Item 4.1)

See Item 4 for the disposition of this item.
The Motion CARRIED on the following recorded vote:

Yeas: Clark, Pearson, Ferguson, Powers, Partridge, Johnson, Whitehead, Duvall, Collins, McHattie

Total Yeas: 10

Nays: Farr

Total Nays: 1

Absent: Bratina, Pasuta, Jackson, Merulla, Morelli

Total Absent: 5

(f) ADJOURNMENT (Item 4)

There being no further business, the meeting adjourned at 2:52 p.m. CARRIED

Respectfully submitted

Councillor B. Johnson
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk
## Project Specific Revenues

<table>
<thead>
<tr>
<th>Gross Costs</th>
<th>External Subsidies</th>
<th>Net Costs</th>
<th>Dev. Charges</th>
<th>From Reserves</th>
<th>Internal Revenues</th>
<th>Funding Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Reserves</td>
<td>From External Revenues</td>
<td>Net Costs</td>
<td>Dev. Charges</td>
<td>From Reserves</td>
<td>Internal Revenues</td>
<td>Funding Required</td>
</tr>
<tr>
<td>Gas Tax</td>
<td>Future Fund</td>
<td>Operating</td>
<td>Levy Debt</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Projects Parked By GIC-Awaiting Further Information

<table>
<thead>
<tr>
<th>City Wide</th>
<th>Project Specific Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Wide</td>
<td>6501441100 2255 Barton St-Space Reduction &amp; Leasehold Improvements $90</td>
</tr>
<tr>
<td>City Wide</td>
<td>3761457401 Crime Mapping $260</td>
</tr>
<tr>
<td>City Wide</td>
<td>3761451402 Bomb Truck $180</td>
</tr>
<tr>
<td>City Wide</td>
<td>8121956605 Elfrida Urban Boundary Expansion - Background Studies $500</td>
</tr>
<tr>
<td>City Wide</td>
<td>7, 8</td>
</tr>
<tr>
<td>City Wide</td>
<td>4041420210 Traffic Signal Communications System Modernization Program $1,000</td>
</tr>
<tr>
<td>City Wide</td>
<td>4041457411 Video Detection and Intelligent Transportation System $600</td>
</tr>
</tbody>
</table>

**Sub-Total Housing Services**

| City Wide | 6301341301 Macassa Lodge- Replacements and Refurbishments $600 | - | - | - | - | - | 600 |
| City Wide | 6301441405 Wentworth Lodge - Resident Home Area Renovations $250 | - | - | - | - | - | 250 |
| City Wide | 6301451304 Macassa Lodge & Wentworth Lodge - Lift Replacement $45 | - | - | - | - | - | 45 |
| City Wide | 6301451403 Macassa Lodge - Replacement of Dietary Service Areas $570 | - | - | - | - | - | 570 |
| City Wide | 6301451404 Wentworth Lodge - Recirculating Lines / Wanderguard system $75 | - | - | - | - | - | 75 |
| City Wide | 6301451407 ML & WL - Tub & Shower Chair Replacement $183 | - | - | - | - | - | 183 |

**Sub-Total Long Term Care Homes**

| City Wide | 7041451101 Annual Paramedic Service Equipment Replacement $18 | - | - | - | - | - | 18 |
| City Wide | 7041451401 Stretcher Replacement $225 | - | - | - | - | - | 225 |
| City Wide | 7041451100 Annual Paramedic Service Vehicle Replacement $1,102 | - | - | - | - | - | 1,102 |

**Sub-Total Paramedic Services**

| City Wide | 7041451101 Annual Paramedic Service Equipment Replacement $18 | - | - | - | - | - | 18 |
| City Wide | 7041451401 Stretcher Replacement $225 | - | - | - | - | - | 225 |
| City Wide | 7041451100 Annual Paramedic Service Vehicle Replacement $1,102 | - | - | - | - | - | 1,102 |

**Sub-Total Paramedic Services**

| City Wide | 6,284 | - | - | - | - | - |

### Community & Emergency Services

| City Wide | 6731441302 Social Housing Capital Repairs and Regeneration $500 | - | - | - | - | - |

**Sub-Total Housing Services**

| City Wide | 6731441302 Social Housing Capital Repairs and Regeneration $500 | - | - | - | - | - |

### Hamilton Fire Department

| City Wide | 7401451403 Replacement and standardization of Dept. Working Uniforms $375 | - | - | - | - | - | 375 |
| City Wide | 7401451600 Annual Fire Equipment Replacement $886 | - | - | - | - | - | 886 |
| City Wide | 7401451401 Rehabilitation Vehicle $250 | - | - | - | - | - | 250 |
| City Wide | 7401451402 Command Unit Upgrade $100 | - | - | - | - | - | 100 |
| City Wide | 7401451601 Annual Fire Vehicle Replacement $1,105 | - | - | - | - | - | 1,105 |

**Sub-Total Hamilton Fire Department**

| City Wide | 7401451403 Replacement and standardization of Dept. Working Uniforms $375 | - | - | - | - | - | 375 |
| City Wide | 7401451600 Annual Fire Equipment Replacement $886 | - | - | - | - | - | 886 |
| City Wide | 7401451401 Rehabilitation Vehicle $250 | - | - | - | - | - | 250 |
| City Wide | 7401451402 Command Unit Upgrade $100 | - | - | - | - | - | 100 |
| City Wide | 7401451601 Annual Fire Vehicle Replacement $1,105 | - | - | - | - | - | 1,105 |

**Sub-Total Hamilton Fire Department**

| City Wide | 2,716 | - | - | - | - | - | 2,716 |

### Long Term Care Homes

| City Wide | 6301341301 Macassa Lodge - Replacements and Refurbishments $600 | - | - | - | - | - | 600 |
| City Wide | 6301441405 Wentworth Lodge - Resident Home Area Renovations $250 | - | - | - | - | - | 250 |
| City Wide | 6301451304 Macassa Lodge & Wentworth Lodge - Lift Replacement $45 | - | - | - | - | - | 45 |
| City Wide | 6301451403 Macassa Lodge - Replacement of Dietary Service Areas $570 | - | - | - | - | - | 570 |
| City Wide | 6301451404 Wentworth Lodge - Recirculating Lines / Wanderguard system $75 | - | - | - | - | - | 75 |
| City Wide | 6301451407 ML & WL - Tub & Shower Chair Replacement $183 | - | - | - | - | - | 183 |

**Sub-Total Long Term Care Homes**

| City Wide | 1,723 | - | - | - | - | - | 1,723 |

### Paramedic Services

| City Wide | 7041451101 Annual Paramedic Service Equipment Replacement $18 | - | - | - | - | - | 18 |
| City Wide | 7041451401 Stretcher Replacement $225 | - | - | - | - | - | 225 |
| City Wide | 7041451100 Annual Paramedic Service Vehicle Replacement $1,102 | - | - | - | - | - | 1,102 |

**Sub-Total Paramedic Services**

| City Wide | 1,345 | - | - | - | - | - | 1,345 |

## Total Community & Emergency Services

| City Wide | 6,284 | - | - | - | - | - | 6,284 |
## 2014 TAX CAPITAL BUDGET & FINANCING PLAN (0.0% LEVY INCREASE) ($ 000's)

### Public Health

#### Health Protection

<table>
<thead>
<tr>
<th>City Wide</th>
<th>Project Description</th>
<th>Gross Costs</th>
<th>External Costs</th>
<th>Net Costs</th>
<th>Dev. Charges</th>
<th>From Reserves</th>
<th>Internal Revenues</th>
<th>Funding Required</th>
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### Planning & Economic Development

#### Growth Management

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#### Parking By-Law Services

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#### Planning Services

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### Public Art

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<th>From Reserves</th>
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<th>Funding Required</th>
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## 2014 Tax Capital Budget & Financing Plan (0.0% Levy Increase) ($ 000's)

### Project Specific Revenues

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<th>Gross Costs</th>
<th>External Subsidies</th>
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<th>Reserves</th>
<th>Future Fund</th>
<th>Operating Debt</th>
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### Planning & Economic Development Cont.

#### Strategic Services

| 11, 12, 13, 14, 15 | 6140855800 Rural and Urban Official Plan - OMB Appeals | 200 | - | - | 200 | 200 | - | - | - | - |

#### Tourism & Culture

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<th>8</th>
<th>7101058703 Auchmar Protocol Centre</th>
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#### Sub-Total Tourism & Culture

| 1,874 | - | 1,874 | - | 100 | - | 1,774 | - | 1,774 |

#### Urban Renewal - Block Funded

| 2 | 4401056002 Gore Master Plan | 683 | - | - | 683 | - | 133 | 550 |
| City Wide | 8201403101 Implementation of the Comprehensive Way Finding and Strategy System | 250 | - | - | 250 | - | 250 | 250 |
| 1, 2, 3 | 8201238510 Hamilton Downtown Commercial Facade Property Improvement Grant Program | 400 | - | - | 400 | - | 400 | 400 |
| 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, 13 | 8201441800 Hamilton Heritage Property Improvement Grant Program | 250 | - | - | 250 | - | 250 | 250 |
| 2, 3, 4 | 8201451300 Implementation of Barton/Kenilworth Condominium Master Plan | 250 | - | - | 250 | - | 250 | 250 |
| 1, 2, 3, 4, 5, 6, 7, 8 | 8201451500 Design & Functional Plans for International Village BIA Gateway/Maker | 36 | - | - | 36 | - | 36 | 36 |

#### Sub-Total Urban Renewal - Block Funded

| 1,869 | - | 1,869 | - | 133 | 1,736 | - | 1,738 | - |

#### Urban Renewal-Improvement Projects

| City Wide | 8201203611 Community Downtowns and Business Improvement Areas (B.I.A.) | 224 | - | - | 224 | - | 224 | 224 |
| 9 | 8201403802 Implementation of Olde Stoney Creek Urban Design Plan | 400 | - | - | 400 | - | 400 | - |
| 1, 2, 3 | 8201203620 The "Gore" Building Improvement Grant Program | 250 | - | - | 250 | - | 250 | 250 |

#### Sub-Total Urban Renewal-Improvement Projects

| 874 | - | 874 | - | 400 | - | 474 | - | 474 | - |

#### Total Planning & Economic Development

| 10,538 | - | 10,538 | 4,504 | 1,456 | 388 | 4,190 | - | 4,190 | - |
### 2014 TAX CAPITAL BUDGET & FINANCING PLAN (0.0% LEVY INCREASE) ($000's)

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<tr>
<td><strong>Outside Boards &amp; Agencies</strong></td>
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<td><strong>City Housing Hamilton</strong></td>
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<td>Sub-Total City Housing Hamilton</td>
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<td><strong>H.C.A. &amp; Westfield Heritage Village</strong></td>
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<td>7 (4241409701) W7 - Hoive &amp; Upper Wellington - New Signal</td>
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**Sub-Total Area Rating Special Capital Reinvestment**

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### Corporate Projects

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**Sub-Total Corporate Projects**

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### Council Strategic Projects

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**Sub-Total Council Strategic Projects**

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### City Manager's Office

**City Manager**

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<th>City Wide</th>
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**Sub-Total City Manager**

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### Human Resources

| City Wide | 3201257301 | Automated Workflow & Approvals and Employee & Manager Self Service | 170 |

**Sub-Total Human Resources**

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**Total City Manager**

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### 2014 Tax Capital Budget & Financing Plan (0.0% Levy Increase) ($000's)

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<td><strong>Net Costs</strong></td>
<td><strong>Required</strong></td>
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<td><strong>Dev. Charges</strong></td>
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<td><strong>Internal</strong></td>
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<tr>
<td><strong>From Revenues</strong></td>
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#### Corporate Services

**City Clerk**

- 3521451201 Electronic Vote Equipment (New)
  - Gross Cost: 350
  - Subsidies: 0
  - External Revenues: 350
  - Internal Costs: 250
  - Operating Charges: 100
  - Sub-Total City Clerk: 350

**Finance**

- 2051257201 City of Hamilton Website Redevelopment
  - Gross Cost: 1,350
  - Subsidies: 0
  - External Revenues: 1,350
  - Internal Costs: 0
  - Operating Charges: 1,350
  - Sub-Total Finance: 1,350

**Information Technology (IT)**

- 3501357302 Common Address Database (on behalf of all Departments)
  - Gross Cost: 50
  - Subsidies: 0
  - External Revenues: 50
  - Internal Costs: 0
  - Operating Charges: 50
  - Sub-Total Information Technology (IT): 50

**Total Corporate Services**

- Gross Costs: 2,150
- External Subsidies: 0
- Internal Revenues: 360
- Operating Charges: 290
- Sub-Total Corporate Services: 2,150

#### Public Works Tax

**West Harbour & Waterfront Strategic Initiatives**

- 4401356800 West Harbour Development
  - Gross Cost: 7,895
  - Subsidies: 0
  - External Revenues: 7,895
  - Internal Costs: 2,818
  - Operating Charges: 1,419
  - Sub-Total West Harbour & Waterfront Strategic Initiatives: 11,610

#### Corporate Facilities

- 3541349003 Backflow Prevention for Corporate Facilities
  - Gross Cost: 645
  - Subsidies: 0
  - External Revenues: 645
  - Internal Costs: 645
  - Operating Charges: 645
- 3541351006 Building Automated Systems (BAS)
  - Gross Cost: 300
  - Subsidies: 0
  - External Revenues: 300
  - Internal Costs: 300
- 3541441910 Stoney Creek City Hall - RCMP Lease Capital Replacement
  - Gross Cost: 434
  - Subsidies: 0
  - External Revenues: 434
  - Internal Costs: 434
- 3541441409 Program - Facilities Code & Legislative Compliance
  - Gross Cost: 900
  - Subsidies: 0
  - External Revenues: 900
  - Internal Costs: 900
- 3541441412 Program - Roof Management
  - Gross Cost: 591
  - Subsidies: 0
  - External Revenues: 591
  - Internal Costs: 591
- 3541441452 Program - Facility Capital Maintenance
  - Gross Cost: 470
  - Subsidies: 0
  - External Revenues: 470
  - Internal Costs: 470
- 3541441631 Program - Facilities Security
  - Gross Cost: 120
  - Subsidies: 0
  - External Revenues: 120
  - Internal Costs: 120
- 3541445100 HVAC, Energy Efficiency Upgrades
  - Gross Cost: 425
  - Subsidies: 0
  - External Revenues: 425
  - Internal Costs: 425
- 3541455100 Program - Facilities Asset Management/Condition Assessments
  - Gross Cost: 93
  - Subsidies: 0
  - External Revenues: 93
  - Internal Costs: 93

**Total Corporate Facilities**

- Gross Costs: 3,458
- External Subsidies: 0
- Internal Revenues: 3,458
- Operating Charges: 3,458

---

*Appendix "A" to Item 3 of GIC Report 13-022(a) Page 6 of 14*
## 2014 Tax Capital Budget & Financing Plan (0.0% Levy Increase)

### ($000's)

<table>
<thead>
<tr>
<th>Project Specific Revenues</th>
<th>Financing Sources</th>
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### Corporate Facilities Cont.

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<th>Dev. Charges</th>
<th>Reserves</th>
<th>Internal Revenues</th>
<th>Funding Required</th>
<th>Federal</th>
<th>Reserves</th>
<th>Tax</th>
<th>Dividends</th>
<th>Levy</th>
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### Recreation Facilities

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### Fleet Services

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### 2014 TAX CAPITAL BUDGET & FINANCING PLAN (0.0% LEVY INCREASE)

($ 000's)

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<tr>
<th>Roads</th>
<th>Bridges &amp; Structures</th>
<th>Project Specific Revenues</th>
<th>Financing Sources</th>
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### Council Priority

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### Council Priority - Asset Preservation

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### 2014 TAX CAPITAL BUDGET & FINANCING PLAN (0.0% LEVY INCREASE) ($000's)

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#### Council Priority - Enhancement

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<th>Dev. Charges</th>
<th>From Reserves</th>
<th>Internal Revenues</th>
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<tbody>
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<td>King - Battlefield to Applewood / Mountain / Rosedale - Council Priority</td>
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#### Council Priority - Urbanization

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### Road Operations & Maintenance

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## 2014 TAX CAPITAL BUDGET & FINANCING PLAN (0.0% LEVY INCREASE)

($) 000's

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Sub-Total Roads

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200

96,875 | 250 | 96,725 | 22,300 | 4,820 | 21,780 | 47,725 | 27,350 | 7,229 | 12,346 | 200 |
### 2014 TAX CAPITAL BUDGET & FINANCING PLAN (0.0% LEVY INCREASE)

**($ 000's)**

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**Sub-Total Transit Services:**
- Total: 15,826
- External Subsidies: 100
- Internal Revenues: 15,726
- Funding Required: 12,026
- Federal Gas Tax: 3,700
- Dividends: 3,000
- Future Fund Operating Reserves: 700

#### Waste Management

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**Sub-Total Waste Management:**
- Total: 5,278
- External Subsidies: 5,278
- Internal Revenues: 1,100
- Funding Required: 4,178
- Federal Gas Tax: 3,262
- Dividends: 926

**Total Public Works Tax**
- 177,917
- External Subsidies: 1,710
- Internal Revenues: 176,207
- Funding Required: 26,840
- Federal Gas Tax: 28,840
- Dividends: 38,680
- Future Fund Operating Reserves: 32,073
- Levy: 76,644
- Debt: 30,950
- Total: 12,783
- Core Capital: 25,685
- Reserve: 7,126

**GRAND TOTAL**
- 287,818
- External Subsidies: 22,500
- Internal Revenues: 36,385
- Funding Required: 28,940
- Federal Gas Tax: 34,514
- Dividends: 38,650
- Future Fund Operating Reserves: 32,073
- Levy: 51,656
- Debt: 51,656
- Total: 95,891
- Core Capital: 16,628
- Reserve: 41,287
- Total: 7,128
## Sources of Funding (Net)

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### Assumptions:
- **5.0% Cost of Borrowing on External Debt**
- **0.0% Levy increase for 2014, 0.5% ($3.60 M) Levy Increase for Capital Annually 2015 - 2023**

## Expenditures (net)

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2014 CAPITAL BUDGET  
OPERATING BUDGET & FTE IMPACT FOR PROJECTS  
INCLUDED IN THE FINANCING PLAN

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<td>20.0</td>
<td>0.00</td>
</tr>
<tr>
<td>Total City Manager</td>
<td>20.0</td>
<td>0.00</td>
</tr>
</tbody>
</table>
### 2014 CAPITAL BUDGET
### OPERATING BUDGET & FTE IMPACT FOR PROJECTS
### INCLUDED IN THE FINANCING PLAN

<table>
<thead>
<tr>
<th>Public Works Tax Funded</th>
<th>2014 ($000's)</th>
<th>FTE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Forestry &amp; Horticulture</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4451449000 Horticultural Enhancements</td>
<td>125.5</td>
<td>1.66</td>
</tr>
<tr>
<td>4451441400 Mould Removal &amp; Restore the Boiler Room at the Gage Pk Depot</td>
<td>2.0</td>
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<tr>
<td><strong>Total</strong></td>
<td>127.5</td>
<td>1.66</td>
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<tr>
<td><strong>O &amp; M - Parks &amp; Cemeteries</strong></td>
<td></td>
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<tr>
<td>4401449002 Marina Pier and Dock Repair/Replacement Program</td>
<td>1.0</td>
<td>0.00</td>
</tr>
<tr>
<td>4401456001 Leashfree Dog Park Program</td>
<td>3.0</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>4.0</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Open Space Development</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4401056090 Johnson Tew Park</td>
<td>29.0</td>
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</tr>
<tr>
<td>4401056127 Churchill Park Master Plan Implementation Phase 1</td>
<td>15.0</td>
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<tr>
<td>4400756755 Joe Sam's Leisure Park</td>
<td>24.0</td>
<td>0.30</td>
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<tr>
<td>4401256593 Marimat Gardens (formerly University Gardens)</td>
<td>8.0</td>
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<tr>
<td>4401456101 Perth Park (Grange School)</td>
<td>13.0</td>
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<tr>
<td>4400856600 Olmstead Natural Open Space</td>
<td>9.0</td>
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<tr>
<td>4401356514 Bellagio Park (Summit Park Ph. 7) - Developer Build</td>
<td>13.0</td>
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<tr>
<td>4401380713 Summerlea West Park - Developer Build</td>
<td>15.0</td>
<td>0.18</td>
</tr>
<tr>
<td>4401056060 Open Space Replacement Strategy-East Mtn Trail Loop</td>
<td>6.0</td>
<td>0.00</td>
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<td>4401056020 Village Green Park</td>
<td>20.0</td>
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<td>4401256892 Crown Point East Park-Development</td>
<td>25.0</td>
<td>0.18</td>
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<tr>
<td>4401256520 Gage Park Redevelopment - Walkway lighting &amp; Paving</td>
<td>16.0</td>
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<tr>
<td>4401056002 Gore Master Plan (Open Space Development Blk)</td>
<td>50.0</td>
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<tr>
<td>4401356003 Kopperfield Park Sunshelter &amp; Pathway</td>
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<td>0.09</td>
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<tr>
<td>4401356006 Centennial Park Redevelopment</td>
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<td>4241309801 Buchanan Park</td>
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<td>4401456102 2555 Creekside</td>
<td>6.0</td>
<td>0.00</td>
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<tr>
<td>4401456104 Stinson School Parkette - Developer Build</td>
<td>2.0</td>
<td>0.00</td>
</tr>
<tr>
<td>4401456009 Mount Hope Splash Pad</td>
<td>6.0</td>
<td>0.09</td>
</tr>
<tr>
<td>4401456105 Fairgrounds Community Park Skate Ramps</td>
<td>3.0</td>
<td>0.07</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>274.0</td>
<td>2.14</td>
</tr>
</tbody>
</table>

| **Recreation Facilities**                        |               |     |
| 7101451002 Recreation Centres WIFI              | 15.0          | 0.25|
| **Total**                                        | 15.0          | 0.25|
## 2014 Capital Budget

### Operating Budget & FTE Impact for Projects Included in the Financing Plan

<table>
<thead>
<tr>
<th></th>
<th>2014 ($000's)</th>
<th>FTE #</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Roads</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4031420622 North End Traffic Management Plan (NETMP)</td>
<td>10.0</td>
<td>0.00</td>
</tr>
<tr>
<td>4031280288 Mountain Brow Road - Waterdown</td>
<td>21.0</td>
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<tr>
<td>4041414008 New Traffic Signal Installation Program</td>
<td>12.0</td>
<td>0.40</td>
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<tr>
<td>4031420425 Hamilton Wentworth District School Board - Upper Wentworth &amp; Fieldway Traffic Light</td>
<td>6.0</td>
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<tr>
<td></td>
<td>49.0</td>
<td>0.60</td>
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<td><strong>Transit Services</strong></td>
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<tr>
<td>5301384001 Rapid Transit - Quick Wins</td>
<td>200.0</td>
<td>0.00</td>
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<tr>
<td></td>
<td>200.0</td>
<td>0.00</td>
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<tr>
<td><strong>Waste Management</strong></td>
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<tr>
<td>5121449002 CCF Air Handling/Odour Control System Cooling Upgrade &amp; Regulatory Requirements</td>
<td>215.0</td>
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<tr>
<td></td>
<td>215.0</td>
<td>0.00</td>
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<tr>
<td><strong>West Harbour &amp; Waterfront Strategic Initiatives</strong></td>
<td></td>
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<tr>
<td>4401356801 Confederation Park - Park Redevelopment</td>
<td>149.0</td>
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<tr>
<td></td>
<td>149.0</td>
<td>1.88</td>
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<tr>
<td><strong>Total Public Works Tax Funded</strong></td>
<td>1,033.5</td>
<td>6.53</td>
</tr>
<tr>
<td><strong>Total before Parked Projects</strong></td>
<td>1,166.4</td>
<td>7.13</td>
</tr>
<tr>
<td><strong>Projects Parked by Council for Further Review</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>Police Services</strong></td>
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<tr>
<td>3761451402 Bomb Truck</td>
<td>2.5</td>
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<tr>
<td>3761457401 Crime Mapping</td>
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<tr>
<td></td>
<td>27.5</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Roads</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4041420110 Traffic Management System - Lincoln Alexander Parkway</td>
<td>160.0</td>
<td>2.00</td>
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<tr>
<td>4041420016 Traffic Signal Communications System Modernization Program</td>
<td>174.0</td>
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<tr>
<td>4041457411 Video Detection and Intelligent Transportation System</td>
<td>174.0</td>
<td>2.00</td>
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<tr>
<td></td>
<td>508.0</td>
<td>6.00</td>
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<tr>
<td><strong>Total Parked Projects</strong></td>
<td>535.5</td>
<td>6.00</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td>1,701.9</td>
<td>13.13</td>
</tr>
</tbody>
</table>
AUDIT, FINANCE & ADMINISTRATION COMMITTEE
REPORT 13-011
9:30 a.m.
Monday, December 9, 2013
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Councillors M. Pearson (Chair), R. Powers (Vice Chair), B. Clark, B. Johnson

Absent with Regrets: Councillor B. Morelli – Illness

Also Present: Councillors C. Collins and R. Pasuta

THE AUDIT, FINANCE & ADMINISTRATION COMMITTEE PRESENTS REPORT 13-011 AND RESPECTFULLY RECOMMENDS:

1. APPOINTMENT OF CHAIR, VICE CHAIR & COMMITTEE MEMBER (Item A)
   (a) That Councillor Russ Powers be appointed as Chair of the Audit, Finance & Administration Committee for 2014;
   (b) That Councillor Brad Clark be appointed as Vice Chair of the Audit, Finance & Administration Committee for 2014;
   (c) That Councillor Chad Collins be appointed to the Audit, Finance & Administration Committee for the balance of the 2010 – 2014 term of Council.

2. Fair Wage Policy and Fair Wage Schedule Complaints - 2013 Annual Report (FCS13073) (City Wide) (Item 5.1)
   That Report FCS13073, respecting Fair Wage Policy and Fair Wage Schedule Complaints - 2013 Annual Report, be received.

Council – December 11, 2013
3. **Annual Tax Arrears Update, as of December 31, 2012 (FCS13067) (City Wide) (Item 5.2)**

That Report FCS13067, respecting the Annual Tax Arrears Update, as of December 31, 2012, be received.

4. **Restructured Master Asset Vehicle Notes and Asset Backed Commercial Paper Update (FCS11006(c)) (City Wide) (Item 5.3)**

That Report FCS11006(c), respecting the Restructured Master Asset Vehicle Notes and Asset Backed Commercial Paper Update, be received.

5. **2012 Audited Financial Statements for City of Hamilton Business Improvement Areas (FCS13095) (City Wide) (Item 5.4)**

That Report FCS13095, respecting the 2012 Audited Financial Statements for City of Hamilton Business Improvement Areas, be received.

6. **LGBTQ Space Needs Follow Up (FCS11104(f)) (City Wide) (Item 5.5)**

That Report FCS11104(f), respecting the LGBTQ Space Needs Follow Up, be received.

7. **Monthly Status Report of Tenders and Requests for Proposals for August 31, 2013 to October 4, 2013 (FCS13016(h)) (City Wide) (Item 5.6)**

That Report FCS13016(h), respecting the Monthly Status Report of Tenders and Requests for Proposals for August 31, 2013 to October 4, 2013, be received.

8. **2013 Third Quarter Non-compliance with the Procurement Policy Report (FCS13015(b)) (City Wide) (Item 5.7)**

That Report FCS13015(b), respecting the 2013 Third Quarter Non-compliance with the Procurement Policy Report, be received.
9. Monthly Status Report of Tenders and Requests for Proposals for October 5, 2013 to November 1, 2013 (FCS13016(i)) (City Wide) (Item 5.8)

That Report FCS13016(i), respecting the Monthly Status Report of Tenders and Requests for Proposals for October 5, 2013 to November 1, 2013, be received.

10. 2013 Third Quarter Emergency and Non-competitive Procurements Report (FCS13014(b)) (City Wide) (Item 5.9)

That Report FCS13014(b), respecting the 2013 Third Quarter Emergency and Non-competitive Procurements Report, be received.

11. Multi-Year Accessibility Plan Status Update (FCS12102(a)) (City Wide) (Item 5.10)

That Report FCS12102(a), respecting the Multi-Year Accessibility Plan Status Update, be received.

12. 2012 City of Hamilton Municipal Performance Measurement Program (FCS13084) (City Wide) (Item 5.11)

That Report FCS13084, respecting the 2012 City of Hamilton Municipal Performance Measurement Program, be received.

13. CRTC – Fibre Optic Cable in Rural Areas (City Wide) (FCS13056) (Item 5.12)

That Report FCS13056, respecting CRTC - Fibre Optic Cable in Rural Areas, be referred to the Agricultural and Rural Affairs Sub-Committee.

14. Freedom of Information Quarterly Report (July 1 to September 30, 2013) (CL13001(b)) (City Wide) (Item 5.13)

That Report CL13001(b), respecting the Freedom of Information Quarterly Report, be received.

15. Update on DARTS Review (AUD13041) (City Wide) (Item 5.14)

That Report AUD13041, respecting the Update on DARTS Review, be received.
16. DARTS Review and the Evaluation of Value for Money Audit Program (AUD13039) (City Wide) (Item 5.15)

That Report AUD13039, respecting the DARTS Review and the Evaluation of Value for Money Audit Program, be received.

17. Follow-up of Audit Report 2012-03 – Construction Contracts Review (AUD13035) (City Wide) (Item 5.16)

That Report AUD13035, respecting the Follow-up of Audit Report 2012-03 – Construction Contracts Review, be received.

18. Employee Attendance Performance Measures – Q3 2013 (HUR13013) (City Wide) (Item 5.18)

(a) That Report HUR13013, respecting Employee Attendance Performance Measures – Q3 2013, be received.

(b) That staff be directed to report to the General Issues Committee, respecting a more aggressive strategy to reduce the number of WSIB and sick day claims, which measures have been successful and which ones have not.

(c) That all the appropriate Managers be directed to ensure their attendance at the General Issues Committee meeting when the report respecting the more aggressive strategy to reduce the number of WSIB and sick day claims comes forward for discussion.

19. Treasurer’s Apportionment of Land Taxes (FCS13001(g)) (Ward 15) (Item 5.19)

(a) That the 2012 land taxes in the amount of $1,980 for 113 Sadielou Boulevard, Flamborough (Roll #2518 303 420 04789 0000), be apportioned and split amongst the four newly created parcels, as set out in Appendix “A” to Report 13-011.

(b) That the 2012 land taxes in the amount of $1,980 for 90 Bousfield Rise, Flamborough (Roll #2518 303 420 04825 0000), be apportioned and split amongst the four newly created parcels, as set out in Appendix “A” to 13-011.
(c) That the 2012 land taxes in the amount of $1,980 for 102 Bousfield Rise, Flamborough, (Roll #2518 303 420 04830 0000) be apportioned and split amongst the four newly created parcels, as set out in Appendix “A” to Report 13-011.

(d) That the 2012 land taxes in the amount of $2,004 for 39 Bousfield Court, Flamborough, (Roll #2518 303 420 04850 0000) be apportioned and split amongst the three newly created parcels, as set out in Appendix “B” to Report 13-011.

20. 2014 Interim Tax Levy and Temporary Borrowing By-Laws (FCS13087) (City Wide) (Item 5.20)

(a) That Appendix “A” attached to Report FCS13087, being a By-law to Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues for 2014, be passed;

(b) That Appendix “B” attached to Report FCS13087, being a By-law to Authorize an Interim Tax Levy for 2014, be passed.

21. Tax Appeals under Sections 357 and 358 of the Municipal Act (2001) FCS13027(f) (City Wide) (Item 5.21)

(a) That Appendix “C” attached to Report 13-011, respecting the Tax Appeals processed under Section 357 of the Municipal Act, 2001, in the amount of $82,449, be approved;

(b) That Appendix “D” attached to Report 13-011, respecting the Tax Appeals due to a Gross or Manifest Clerical Error, pursuant to Section 358 of the Municipal Act, 2001, in the amount of $71,657, be approved.

22. 2012 Annual Energy Report on Commodity Price Hedging (FCS13046(a)/PW13034(a)) (City Wide) (Item 8.1)

(a) That the General Manager, Finance & Corporate Services or approved designate, be authorized and directed to retain Aegent Energy Advisors Inc., for on-going natural gas advisory services on a monthly retainer of $3,035 for a period of three (3) years with a mutual option to renew for an additional two (2) years, at the same monthly rate, to be funded from the Energy Reserve account (No. 112272);
(b) That the General Manager, Finance & Corporate Services or approved designate, be authorized and directed to retain En-Pro International Inc., for on-going petroleum management advisory services on a monthly retainer of $2,250 for a period of three (3) years with a mutual option to renew for an additional two (2) years, at the same or lower monthly amount, to be funded from the Energy Reserve account (No. 112272);

(c) That the General Manager, Finance & Corporate Services or approved designate, be authorized and directed to enter into an Energy Management Tool Services Agreement, with the Association of Municipalities of Ontario, Local Authority Services, for a term of five (5) years, with an option to renew for an additional term of two (2) years, at an average annual fee of $31,680, with the initial year being higher and remaining years slightly lower, in a form satisfactory to the City Solicitor, and to be funded from the Energy Reserve account (No. 112272).

23. Armoured Car Services – Authorization to Negotiate (FCS13078) (City Wide) (Item 8.2)

That the Acting General Manager of Finance & Corporate Services, or their designate, be authorized and directed to negotiate a five year contract with Brink’s Canada Limited to provide armoured car services to the City of Hamilton.

24. Governance Review Sub-Committee Report 13-002, October 22, 2013 (Item 8.3)

(a) Correspondence from Laura Ryan respecting her Resignation from the Accountability and Transparency Sub-Committee (Item 4.1)

(i) That the letter of resignation submitted by Laura Ryan, from the Accountability and Transparency Sub-Committee, be received;

(ii) That a letter be sent to Laura Ryan thanking her for her service on the Accountability and Transparency Sub-Committee.

(b) Dissolving of the Accountability and Transparency Sub-Committee

(i) That the Accountability and Transparency Sub-Committee be dissolved;
(ii) That any future issues relating to Accountability and Transparency be forwarded to the Governance Review Sub-Committee for consideration.

(c) City of Hamilton LGBTQ Advisory Committee – Secondary Logo (Item 4.4)

That the secondary logo, attached as Appendix “E” to Report 13-011, be approved for use by the City of Hamilton LGBTQ Advisory Committee.

(d) Housekeeping Procedural By-law Amendments (Item 4.5)

(a) That the Housekeeping Procedural By-law Amendments, attached as Appendix “F” to Report 13-011, be approved.

(b) That the By-law to Amend Procedural By-law 10-053, Governing the Proceedings of Council and Committees of Council, be passed.

25. Status of Women Committee, Report SWC13-001 – Transfer from Reserve (Item 8.4)

That $4,500 be transferred from the Status of Women Advisory Committee’s Volunteer Reserve account to fund the development of an Elect More Women Education Workshop on the Committee’s 2013 work plan.

26. HMRF/HWRF Pension Administration Sub-Committee Report 13-001, November 12, 2013 (Item 8.5)

(a) Quarterly Report – Performance Review and Investment Manager Evaluation – Master Trust, September 30, 2012 (Item 4.1)


(b) Master Trust Pension Investment Performance, December 31, 2012 (FCS12070(a)) (City Wide) (Item 4.2)

That Report FCS12010(a), respecting the Master Trust Pension Investment Performance, December 31, 2012, be received.
(c) **Master Trust Pension Investment Performance, June 30, 2013 (FCS13083) (City Wide) (Item 4.3)**

That Report FCS13083, respecting the Master Trust Pension Investment Performance, June 30, 2013, be received.

(d) **Resignation of Mr. Wilf Heene from the HMRF/HWRF Pension Administration Sub-Committee (Added Item 5.1)**

That the resignation of Mr. Wilf Heene, from the HMRF/HWRF Pension Administration Sub-Committee, be received.

(e) **Appointment of a New Member of the HWRF Pension Group to the HMRF/HWRF Pension Administration Sub-Committee (Added 5.2)**

That Mr. Harvey Hicks, be appointed to the HMRF/HWRF Pension Administration Committee.

27. **Procurement Sub-Committee Report 13-001, November 25, 2013 (Item 8.6)**

(a) **2013 Procurement Policy Review and Proposed Amendments (FCS13097) (City Wide) (Item 6.1)**

(i) That the City of Hamilton Procurement Policy, attached hereto as Appendix “G” to Report 13-011, be approved;

(ii) That the By-law to Adopt and Maintain a Procurement Policy for the City of Hamilton, be enacted.

28. **Retention of Live Streamed Recordings of Council and Standing Committees (FCS13069) (City Wide) (Item 8.7)**

(a) That Schedule “A” of By-law 11-040 “Retention Periods for Records”, be amended to reflect the retention status of Council meeting video recordings as “temporarily suspended”; to not be deleted after the Term of Council, pending the Web Redevelopment review;

(b) That the By-law to amend Schedule “A” of By-law 11-040, Retention Periods for Records, be passed.
29. **2014 Advance Payments to External Boards and Agencies (FCS13099) (City Wide) (Item 8.8)**

   (a) That, effective January 1, 2014, an advancement of funds be provided to the external Boards and Agencies in the specified amount and on the specific dates, as shown on the attached Appendix “H” to Report 13-011;

   (b) That any outstanding arrears due to the City of Hamilton by any external Boards or Agencies (as shown on the attached Appendix “H” to Report 13-011) be first applied against the approved grant funding, including advances, until the debt is satisfied, prior to that Agency or Board receiving the balance of any approved payment.

30. **Hamilton Street Railway Pension Plan Text – Revised and Restated as of January 1, 2009 (FCS13085) (City Wide) (Item 8.9)**

   That the Treasurer be authorized to file the Hamilton Street Railway Pension Plan (1994), revised and restated as at January 1, 2009 (attached as Appendix ‘B’ to Report FSC13085), with the applicable authorities.

31. **Hamilton Street Railway Pension Plan, Pension Benefits Guarantee Fund Exemption (FCS13086) (City Wide) (Item 8.10)**

   That the Mayor and City Treasurer correspond with the Minister of Finance to request the Hamilton Street Railway (HSR) Pension Plan (1994) be included as an exempt plan under Section 47(1) of Regulation 909 to the Pension Benefit Act (PBA) RSO 1990, retroactive to January 1, 2009, as per the letter attached as Appendix “I” to Report 13-011.

32. **2013 City of Hamilton External Audit Plan (FCS13088) (City Wide) (Item 8.11)**

   That the 2013 City of Hamilton Audit Planning Report prepared by KPMG, attached as Appendix “J” to Report 13-011, be approved.

33. **2014 Budget Requests - Volunteer Advisory Committees (FCS13093) (City Wide) (Item 8.12)**

   That the Volunteer Advisory Committee 2014 base budget submissions (attached as Appendices “A” to “F” to Report FCS13093), be approved as follows and
34. **Rosedale Tennis Club Loan Request (FCS13100/CS13057) (City Wide) (Item 8.13)**

   (a) That the City of Hamilton provide an interest free loan to the Rosedale Tennis Club in an amount not to exceed $180,000 for the replacement of the tennis bubble at Gage Park, in accordance with the City’s External Loan Guidelines to be repaid in full within 15 years from the date of the loan advance;

   (b) That the loan be repaid with annual payments on the anniversary dates of the loan advance, as reflected in the repayment schedule attached hereto as Appendix “B” to Report FCS13100/CS13057;

   (c) That a Long Term Receivable account be established to record the Loan Receivable on the City’s books;

   (d) That the City Solicitor and the Acting General Manager, Finance and Corporate Services be authorized and directed to draft the loan agreement for execution by the Mayor and City Clerk.


   (a) That the Management Action Plans, as detailed in Appendix “K” of Report 13-011, be approved; and,

   (b) That the Acting General Manager, Finance & Corporate Services be directed to instruct the appropriate staff to have the Management Action Plans (as indicated in attached Appendix “K” to Report 13-011) implemented.
36. Audit Report 2013-08 – Public Works - Transit Overtime (AUD13037) (City Wide) (Item 8.15)

(a) That the Management Action Plans, as detailed in Appendix “L” of Report 13-011, be approved; and,

(b) That the General Manager of Public Works be directed to instruct the appropriate staff to have the Management Action Plans (attached as Appendix “L” to Report 13-011) implemented.

37. Audit Report 2013-09 – Community & Emergency Services - Hamilton Fire Department – Overtime (AUD13038) (City Wide) (Item 8.16)

(a) That the Management Action Plans, as detailed in Appendix “M” of Report 13-011, be approved; and

(b) That the Acting General Manager of Community and Emergency Services be directed to instruct the appropriate staff to have the Management Action Plans (attached as Appendix “M” to Report 13-011) implemented.

38. 2014 Internal Audit Work Plan (AUD13040) (City Wide) (Item 8.17)

That Appendix “N” attached to Report 13-011, respecting the 2014 Internal Audit Work Plan, be approved.

39. Provision of Information Technology Services to Global Spectrum (CM11013(f)) (City Wide) (Item 8.18)

That Section 3.8 – Information Technology Services (IT) of the Management Agreement between the City of Hamilton and Global Spectrum Facilities Management L.P., which was approved by Council on February 13, 2013, be extended for a three month period; from January 1, 2014 to March 31, 2014 as it expires on December 31, 2013, to allow staff to negotiate with Global Spectrum Facilities Management L.P. for the use of the City of Hamilton’s IT Services for a period beyond the Transition Year, specifically as it relates to Section 3.8 Information Technology Services (IT) only.
40. Corporate Culture, Values & Ethics for City Employees (CM13019) (City Wide) (Item 8.19)
   
   (a) That Internal Audit Report 2013-02 Corporate Ethics Review and recommendations attached as Appendix “A” to Report CM13019 be received;

   (b) That the City Manager and Senior Management Team be directed to implement the Ethics Audit Management Action Plan, attached as Appendix “0” to Report 13-011.

41. Tax Rebates for Eligible Charities and Similar Organizations (Item 9.1)
   
   (a) That the City of Hamilton amend its existing Policy on Tax Rebates for Eligible Charities and Similar Organizations to allow for a 100% tax rebate to non-profit educational institutions, which are accredited by the Ministry of Education for Ontario, rent their property and would otherwise be tax exempt if they owned their property; and,

   (b) That the Treasurer be authorized and directed to write-off all outstanding taxes owing by the Hamilton Academy of Performing Arts, in the amount of $85,382.96.

42. Resignations from LGBTQ Advisory Committee (Item 11.2)
   
   That the resignation submitted by David Gunton from the LGBTQ Advisory Committee, be received.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

   There were no changes to the agenda.

   The agenda for the December 9, 2013 Audit, Finance & Administration Committee meeting was approved, as presented.
(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Brenda Johnson declared an interest to Item 5.9, Report FCS13014(b) respecting 2013 Third Quarter Emergency and Non-Competitive Procurement Reports (FCS13014(b), as her husband works for Coca Cola.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) October 8, 2013 (Item 3.1)

The Minutes of the October 8, 2013 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Gerry Campbell, Ironworkers Local 736, respecting a request to have the wages of the Ironworkers and Rodworkers added to the Wage Schedule of the Fair Wage Policy (Item 4.1)

The delegation request from Gerry Campbell, Ironworkers Local 736, respecting a request to have the wages of the Ironworkers and Rodworkers added to the Wage Schedule of the Fair Wage Policy, was approved.

(ii) John O’Toole, respecting a Denied Risk Management Claim for Damage to his Vehicle (Item 4.2)

The delegation request from John O’Toole, respecting a denied Risk Management Claim for Damage to his Vehicle, was approved.

(e) Minutes of Various Advisory Committees (Items 5.17(a) to 5.17(e))

The following Advisory Committee Minutes were received:

(a) Aboriginal Advisory Committee, June 6, 2013
(b) Hamilton Mundialization Committee, June 19, 2013
(c) Status of Women Committee, June 27, 2013
(d) Status of Women Committee, September 26, 2013
(e) Committee Against Racism, September 24, 2013

(f) Employee Attendance Performance Measures – Q3 2013 (HUR13013) (City Wide) (Item 5.18)

Staff was directed to report back to the Audit, Finance & Administration Committee semi-annually, rather than quarterly, respecting Employee Attendance Performance Measures.

(g) Provision of Information Technology Services to Global Spectrum (CM11013(f)) (City Wide) (Item 8.18)

Staff was directed to report back to the Audit, Finance & Administration Committee on the outcome of those negotiations, prior to the end of the three month period.

(h) Corporate Culture, Values & Ethics for City Employees (CM13019) (City Wide) (Item 8.19)

Staff was directed to report back to the Audit, Finance & Administration Committee on an annual basis, respecting the Ethics Audit Management Action Plan, attached as Appendix “O” to Report 13-011.

(i) Harassment and Discrimination Prevention Policies (HUR13014) (City Wide) (Item 8.20)

Staff was directed to amend the Personal Harassment Prevention Policy, the Harassment and Discrimination Prevention Policy and the Procedure for Resolving Harassment and Discrimination Issues, by:

   (i) Adding further wording under the Policy Statement portion of each policy advising that the City of Hamilton has adopted a Zero Tolerance policy with respect to sexual harassment or any other form of harassment;

   (ii) Amending the Compliance Section of each policy by adding the words “with cause (without severance)” after the word “employment”; and,
(ii) Amending the Manager/Supervisor section by deleting the word “immediate” and adding the words “within 24 hours” after the word action, to read as follows:

- take action **within 24 hours**, in the event of a real or potential threat to personal safety; and/or

Report HUR13014, respecting Harassment and Discrimination Prevention Policies, as amended, was tabled to the January 20, 2014 Audit, Finance & Administration Committee meeting.

(j) **Workplace Violence Prevention Policy (HUR13015) (City Wide) (Item 8.21)**

Staff was directed to amend the Workplace Violence Prevention Policy by:

(i) Adding further wording under the Policy Statement portion advising that the City of Hamilton has adopted a Zero Tolerance policy with respect to violence in the workplace; and,

(ii) Amending the Compliance Section of each policy by adding the words “with cause (without severance)” after the words “up to and including dismissal”.

Report HUR13015, respecting the Workplace Violence Prevention Policy, was tabled, as amended, to the January 20, 2014 Audit, Finance & Administration Committee meeting.

(k) **MOTIONS (Item 9)**

Councillor Powers introduced the following motion:

(i) **Tax Rebates for Eligible Charities and Similar Organizations (Item 9.1)**

WHEREAS, Section 361 of the Municipal Act requires municipalities to have a tax rebate program for eligible charities for the purpose of giving them relief from taxes or amounts paid on account of taxes on eligible property they occupy;

AND WHEREAS, the amount of tax rebate must be at least 40%;

Council – December 11, 2013
AND WHEREAS, a charity is eligible if it is a registered charity as defined in sub-section 248(1) of the Income Tax Act (Canada);

AND WHEREAS, a property is eligible if it is in one of the commercial or industrial property classes;

AND WHEREAS, municipalities have the option to provide rebates to organizations that are similar to eligible charities, provide for rebates on properties in any property class, provide for rebates that are greater than 40% (to a maximum of 100%), and may provide for different rebate amounts for different eligible charities or similar organizations;

AND WHEREAS the City of Hamilton currently provides a 40% tax rebate for eligible charities and similar organizations;

AND WHEREAS, non-profit educational institutions, which own property, are currently exempt from property taxes, while non-profit educational institutions that rent property are currently eligible for the 40% tax rebate under the Charity Tax Rebate program;

AND WHEREAS, City of Hamilton Council supports the fact that non-profit educational institutions accredited by the Ministry of Education for Ontario should be treated equally with respect to property taxes;

AND WHEREAS, the Hamilton Academy of Performing Arts is a non-profit educational institution accredited by the Ministry of Education for Ontario;

AND WHEREAS, the Hamilton Academy of Performing Arts rents property and, as such, is currently not exempt from property taxes similar to other non-profit educational institutions that own property.

THEREFORE BE IT RESOLVED:

(a) That the City of Hamilton amend its existing Policy on Tax Rebates for Eligible Charities and Similar Organizations to allow for a 100% tax rebate to non-profit educational institutions, which are accredited by the Ministry of Education for Ontario, rent their property and would otherwise be tax exempt if they owned their property; and,

(b) That the Treasurer be authorized and directed to write-off all outstanding taxes owing by the Hamilton Academy of Performing Arts, in the amount of $85,382.96.

For disposition of this matter, refer to Item 41 above.

Council – December 11, 2013
(I) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Amendments to the Outstanding Business List (Item 11.1)

1. That the following Items be considered complete and removed from the Audit, Finance & Administration Committee’s Outstanding Business List:

   (aa) Item “P” – LGBTQ Space Requirements (Item 5.5 on this agenda)

   (bb) Item “R” – 2012 Annual Energy Report on Commodity Price Hedging (Item 8.1 on this agenda)

   (cc) Item “S” – Inclusion of Hospital Growth Infrastructure under the Development Charges Act (Addressed at the October 8, 2013 meeting – FCS13044(a)).

   (dd) Item “T” – Retention of Live Streamed Recordings (Item 8.7 on this agenda)

   (ee) Item “AA” – Rosedale Tennis Club Request for $180,000 Loan (Item 8.13 on this agenda)

2. That the following proposed new due dates, be approved:

   (aa) Item “J” – Committee Against Racism – Resource Centre & Telephone Help Line
       Current Due Date: November 25, 2013
       Proposed New Due Date: March 24, 2014

   (bb) Item “L” – Stop Gap Ramp Initiative
       Current Due Date: November 25, 2013
       Proposed New Due Date: September 8, 2014

   (cc) Item “W” – City-Wide Cash Handling Guidelines
       Current Due Date: December 9, 2013
       Proposed New Due Date: January 20, 2014

   (dd) Item “Y” – Performance Audit Report 2013-13 – Employer Paid Parking (Value for Money Audit)
       Current Due Date: December 9, 2013
       Proposed New Due Date: February 24, 2014
(m) ADJOURNMENT (Item 13)

There being no further business, the Audit, Finance & Administration Committee, was adjourned at 12:31 p.m.

Respectfully submitted,

Councillor M. Pearson, Chair
Audit, Finance & Administration Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk
APPORPTIONMENT OF TAXES

That the original land taxes recorded against:

(a) Roll #2518 303 420 04789 0000 – (113 Sadielou Blvd., Flamborough) in the amount of $1,980 be split amongst the four newly created lots listed below:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADDRESS</th>
<th>ROLL NUMBER</th>
<th>APPORTIONED ASSESSMENT</th>
<th>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>113 Sadielou Blvd.</td>
<td>2518 303 420 04789 0000</td>
<td>41,335</td>
<td>$ 499</td>
</tr>
<tr>
<td>2012</td>
<td>111 Sadielou Blvd.</td>
<td>2518 303 420 04791 0000</td>
<td>40,666</td>
<td>491</td>
</tr>
<tr>
<td>2012</td>
<td>109 Sadielou Blvd.</td>
<td>2518 303 420 04792 0000</td>
<td>40,666</td>
<td>491</td>
</tr>
<tr>
<td>2012</td>
<td>107 Sadielou Blvd.</td>
<td>2518 303 420 04793 0000</td>
<td>41,333</td>
<td>499</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>164,000</strong></td>
<td><strong>$ 1,980</strong></td>
</tr>
</tbody>
</table>

(b) Roll #2518 303 420 04825 0000 – (90 Bousfield Rise, Flamborough) in the amount of $1,980 be split amongst the four newly created lots listed below:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADDRESS</th>
<th>ROLL NUMBER</th>
<th>APPORTIONED ASSESSMENT</th>
<th>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>90 Bousfield Rise</td>
<td>2518 303 420 04825 0000</td>
<td>41,335</td>
<td>$ 499</td>
</tr>
<tr>
<td>2012</td>
<td>92 Bousfield Rise</td>
<td>2518 303 420 04827 0000</td>
<td>40,666</td>
<td>491</td>
</tr>
<tr>
<td>2012</td>
<td>94 Bousfield Rise</td>
<td>2518 303 420 04828 0000</td>
<td>40,666</td>
<td>491</td>
</tr>
<tr>
<td>2012</td>
<td>96 Bousfield Rise</td>
<td>2518 303 420 04829 0000</td>
<td>41,333</td>
<td>499</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>164,000</strong></td>
<td><strong>$ 1,980</strong></td>
</tr>
</tbody>
</table>

(c) Roll #2518 303 420 04830 0000 – (102 Bousfield Rise, Flamborough) in the amount of $1,980 be split amongst the four newly created lots listed below:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADDRESS</th>
<th>ROLL NUMBER</th>
<th>APPORTIONED ASSESSMENT</th>
<th>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>102 Bousfield Rise</td>
<td>2518 303 420 04830 0000</td>
<td>41,335</td>
<td>$ 499</td>
</tr>
<tr>
<td>2012</td>
<td>104 Bousfield Rise</td>
<td>2518 303 420 04832 0000</td>
<td>40,666</td>
<td>491</td>
</tr>
<tr>
<td>2012</td>
<td>106 Bousfield Rise</td>
<td>2518 303 420 04833 0000</td>
<td>40,666</td>
<td>491</td>
</tr>
<tr>
<td>2012</td>
<td>108 Bousfield Rise</td>
<td>2518 303 420 04834 0000</td>
<td>41,333</td>
<td>499</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>164,000</strong></td>
<td><strong>$ 1,980</strong></td>
</tr>
</tbody>
</table>
(d) Roll #2518 303 420 04850 0000 – (39 Bousfield Court, Flamborough) in the amount of $2,004 be split amongst the three newly created lots listed below:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADDRESS</th>
<th>ROLL NUMBER</th>
<th>APPORTIONED ASSESSMENT</th>
<th>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>39 Bousefield Court</td>
<td>2518 303 420 04850 0000</td>
<td>57,050</td>
<td>$ 688</td>
</tr>
<tr>
<td>2012</td>
<td>43 Bousefield Court</td>
<td>2518 303 420 04852 0000</td>
<td>54,475</td>
<td>658</td>
</tr>
<tr>
<td>2012</td>
<td>45 Bousefield Court</td>
<td>2518 303 420 04853 0000</td>
<td>54,475</td>
<td>658</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>166,000</strong></td>
<td><strong>$ 2,004</strong></td>
</tr>
</tbody>
</table>
Map identifying 90 Bousfield Rise, Flamborough;
Map identifying 113 Sadielou Boulevard, Flamborough;
Map identifying 102 Bousfield Rise, Flamborough;
## Section "357" Appeals of the Municipal Act, 2001

<table>
<thead>
<tr>
<th>Appeal No.</th>
<th>Property Address</th>
<th>Roll Number</th>
<th>Explanation</th>
<th>YEAR</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>357-13-081</td>
<td>208 Barton St</td>
<td>00328501600000</td>
<td>Demolition of house</td>
<td>2013</td>
<td>-1,523.39</td>
</tr>
<tr>
<td>357-13-100</td>
<td>171 Britannia Ave</td>
<td>00328513400000</td>
<td>Tax Class Conversion now all residential owner retired</td>
<td>2013</td>
<td>-445.27</td>
</tr>
<tr>
<td>357-13-053</td>
<td>132 Margaret St</td>
<td>00331032600000</td>
<td>Demolition of house</td>
<td>2013</td>
<td>-1,111.64</td>
</tr>
<tr>
<td>357-13-096</td>
<td>30 Ben Tirran Cres</td>
<td>00331052826000</td>
<td>Demolition of inground pool</td>
<td>2013</td>
<td>-103.75</td>
</tr>
<tr>
<td>357-13-058</td>
<td>42 Passmore St</td>
<td>00334517600000</td>
<td>Demolition of buildings</td>
<td>2013</td>
<td>-677.30</td>
</tr>
<tr>
<td>357-13-127</td>
<td>124 King St W</td>
<td>00338015200000</td>
<td>Demolition of buildings on site</td>
<td>2013</td>
<td>-10,355.92</td>
</tr>
<tr>
<td>357-13-083</td>
<td>2 Lawrence Ave</td>
<td>00339012600000</td>
<td>Demolition of inground pool</td>
<td>2013</td>
<td>-111.15</td>
</tr>
<tr>
<td>357-13118</td>
<td>275-273 Upper Centennial Pkwy</td>
<td>00365002600000</td>
<td>Demolition of all structure tax class now CXN $0 credit</td>
<td>2013</td>
<td>0.00</td>
</tr>
<tr>
<td>357-13-102</td>
<td>32 Leckie Ave</td>
<td>00385019000000</td>
<td>Demolition of house and shed</td>
<td>2013</td>
<td>-461.24</td>
</tr>
<tr>
<td>357-13-004</td>
<td>1925 Rymal Rd E</td>
<td>00385081600000</td>
<td>Exempt part of Karst Caves</td>
<td>2013</td>
<td>-2,607.01</td>
</tr>
<tr>
<td>357-12-092</td>
<td>11 Strathcona Ave N</td>
<td>01010350900000</td>
<td>Tax Class Conversion denied - still a variety store</td>
<td>2012</td>
<td>0.00</td>
</tr>
<tr>
<td>357-12-091</td>
<td>560 King St W</td>
<td>01010353060000</td>
<td>Tax Class Conversion Industrial to Commercial</td>
<td>2012</td>
<td>-1,795.07</td>
</tr>
<tr>
<td>357-12-064</td>
<td>44 Victoria Ave S</td>
<td>03020205000000</td>
<td>Major Renovations denied no building permits issued</td>
<td>2012</td>
<td>0.00</td>
</tr>
<tr>
<td>357-13-084</td>
<td>781-785 King St E</td>
<td>03023253880000</td>
<td>Gross or Manifest Error fire occurred in 06 still damaged</td>
<td>2013</td>
<td>-2,245.30</td>
</tr>
<tr>
<td>357-12-072</td>
<td>150 Sanford Ave N</td>
<td>03023306800000</td>
<td>Major Renovations denied no building permits issued</td>
<td>2012</td>
<td>0.00</td>
</tr>
<tr>
<td>357-13-015</td>
<td>601 Burlington St E</td>
<td>03027024900000</td>
<td>Tax Class Conversion revert back to PILT</td>
<td>2013</td>
<td>6,671.47</td>
</tr>
<tr>
<td>357-13-015</td>
<td>601 Burlington St E</td>
<td>03124900280000</td>
<td>Tax Class Conversion tenant vacated</td>
<td>2013</td>
<td>-6,850.83</td>
</tr>
<tr>
<td>357-13-112</td>
<td>302 Dunsmure Rd</td>
<td>04028250130000</td>
<td>Demolition of garage</td>
<td>2013</td>
<td>-51.30</td>
</tr>
<tr>
<td>357-13-114</td>
<td>14 Kenilworth Ave n</td>
<td>04030607900000</td>
<td>Demolition of house and detached garage</td>
<td>2013</td>
<td>-369.20</td>
</tr>
<tr>
<td>357-13-078</td>
<td>47 London St N</td>
<td>04031102480000</td>
<td>Fire in May house just a shell owners states going to be demolished</td>
<td>2013</td>
<td>-218.58</td>
</tr>
<tr>
<td>357-13-032</td>
<td>116 Province St N</td>
<td>04031156220000</td>
<td>Exempt city purchased March 15</td>
<td>2013</td>
<td>-1,418.50</td>
</tr>
<tr>
<td>357-13-068</td>
<td>55 Queenston Rd</td>
<td>05038100430000</td>
<td>Exempt - city property</td>
<td>2013</td>
<td>-19,326.01</td>
</tr>
<tr>
<td>357-12-230</td>
<td>804B Beach Blvd</td>
<td>05051204930000</td>
<td>Tax Class Conversion denied already adjusted</td>
<td>2012</td>
<td>0.00</td>
</tr>
<tr>
<td>357-13-098</td>
<td>10 Woodside Dr</td>
<td>06055103460000</td>
<td>Tax Class Conversion business removed to another location now all RTN</td>
<td>2013</td>
<td>-603.68</td>
</tr>
<tr>
<td>357-13-106</td>
<td>63 West 4h St</td>
<td>08092103980000</td>
<td>Fire in January house under repair</td>
<td>2013</td>
<td>-1,253.70</td>
</tr>
<tr>
<td>357-12-260</td>
<td>387 Rymal Rd E</td>
<td>08110108153000</td>
<td>Major Renovations denied no building permits issued</td>
<td>2012</td>
<td>0.00</td>
</tr>
<tr>
<td>357-13-133</td>
<td>204 Woodview Cres</td>
<td>14023019200000</td>
<td>Demolition of buildings</td>
<td>2013</td>
<td>-2,528.92</td>
</tr>
<tr>
<td>357-13-134</td>
<td>131 Lowden Ave</td>
<td>14025036200000</td>
<td>Demolition of house</td>
<td>2013</td>
<td>-2,204.29</td>
</tr>
<tr>
<td>357-13-125</td>
<td>253 Fair St</td>
<td>14028019614000</td>
<td>Exempt deed over to the City in a subdivision agreement</td>
<td>2013</td>
<td>-29.70</td>
</tr>
<tr>
<td>357-13-108</td>
<td>33 Cameron Dr</td>
<td>14035038600000</td>
<td>Demolition of buildings</td>
<td>2013</td>
<td>-212.41</td>
</tr>
<tr>
<td>357-12-216</td>
<td>0 Cayley st</td>
<td>26020034960000</td>
<td>Exempt small strip of land deeded over to the Town of Dundas in 98</td>
<td>2012</td>
<td>-106.61</td>
</tr>
<tr>
<td>357-13-070</td>
<td>9 Delsey St</td>
<td>26022035800000</td>
<td>Demolition of inground pool</td>
<td>2013</td>
<td>-190.49</td>
</tr>
<tr>
<td>Appeal No.</td>
<td>Property Address</td>
<td>Roll Number</td>
<td>Explanation</td>
<td>YEAR</td>
<td>Amount</td>
</tr>
<tr>
<td>------------</td>
<td>--------------------------</td>
<td>-------------------</td>
<td>---------------------------------------------------------------</td>
<td>------</td>
<td>----------</td>
</tr>
<tr>
<td>357-13-071</td>
<td>1428 Highway 5 W</td>
<td>3012403200000000</td>
<td>Demolition of house and shed</td>
<td>2013</td>
<td>-1,002.27</td>
</tr>
<tr>
<td>357-13-072</td>
<td>1305 10th Con Rd W</td>
<td>3019107380000000</td>
<td>Tax Class Conversion business has closed</td>
<td>2013</td>
<td>-5,297.36</td>
</tr>
<tr>
<td>357-13-034</td>
<td>5 Haines Ave</td>
<td>3022105940000000</td>
<td>Major Renovations to house</td>
<td>2013</td>
<td>-1,086.60</td>
</tr>
<tr>
<td>357-13-034</td>
<td>5 Haines Ave</td>
<td>3022105940000000</td>
<td>Fire in May making house unlivable</td>
<td>2012</td>
<td>-1,050.76</td>
</tr>
<tr>
<td>357-13-095</td>
<td>1391 Brock Rd</td>
<td>3027100530000000</td>
<td>Tax Class Conversion now all residential</td>
<td>2013</td>
<td>-1,571.75</td>
</tr>
<tr>
<td>357-13-099</td>
<td>1470 Brock Rd</td>
<td>3027102140000000</td>
<td>Tax Class Conversion now all residential owner retired</td>
<td>2013</td>
<td>-1,112.63</td>
</tr>
<tr>
<td>357-11-257</td>
<td>392 Dundas St E</td>
<td>3033100280000000</td>
<td>Exempt lands deeded over to the City when plan M1157 was registered</td>
<td>2011</td>
<td>-17,384.95</td>
</tr>
<tr>
<td>357-13-074</td>
<td>273 Parkside Dr</td>
<td>3034102860000000</td>
<td>Demolition of house</td>
<td>2013</td>
<td>-1,064.08</td>
</tr>
<tr>
<td>357-13-132</td>
<td>332 Progrleston Rd</td>
<td>3038101460000000</td>
<td>Demolition of old house during an ice storm now all farm land</td>
<td>2013</td>
<td>-1,456.70</td>
</tr>
<tr>
<td>357-13-050</td>
<td>71 11th Con Rd E</td>
<td>3039308280200000</td>
<td>Fire structure beyond repair</td>
<td>2013</td>
<td>-978.18</td>
</tr>
<tr>
<td>357-12-233</td>
<td>1260 Highway 56</td>
<td>9012304120000000</td>
<td>Tax Class Conversion already processed on amended notice of assessment</td>
<td>2012</td>
<td>0.00</td>
</tr>
<tr>
<td>357-13-110</td>
<td>2367 Fletcher Rd</td>
<td>9013403600000000</td>
<td>Demolition denied- inground pool was never assessed</td>
<td>2013</td>
<td>0.00</td>
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<tr>
<td>357-13-077</td>
<td>125 Glancaster Rd</td>
<td>9021100100000000</td>
<td>Demolition of house and garage</td>
<td>2013</td>
<td>-314.10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>-82,449.17</strong></td>
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Appendix "D" to Item 21 of AFA Report 13-011
Page 1 of 1

City of Hamilton
Corporate Services Department
Taxation Division
Section "358" Appeals of the Municipal Act, 2001
Realty Tax Applications for overcharges

<table>
<thead>
<tr>
<th>Appeal No.</th>
<th>Property Address</th>
<th>Roll Number</th>
<th>Reason</th>
<th>Explanation</th>
<th>Year</th>
<th>Amount</th>
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<tr>
<td>358-13-036</td>
<td>208 Barton St</td>
<td>003285016000000</td>
<td>B</td>
<td>residential structure demolished in 2011 still on the roll</td>
<td>2012</td>
<td>-1537.41</td>
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<tr>
<td>358-13-047</td>
<td>10 Woodside Dr</td>
<td>060551034600000</td>
<td>B</td>
<td>owners business moved to new location he did not realize was to report the change</td>
<td>2012</td>
<td>-558.16</td>
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<tr>
<td>358-13-048</td>
<td>10 Woodside Dr</td>
<td>060551034600000</td>
<td>B</td>
<td>appeal denied there was no error or omission from the roll</td>
<td>2011</td>
<td>-562.82</td>
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<tr>
<td>358-13-038</td>
<td>0 Arcade Cres</td>
<td>080911002600000</td>
<td>B1</td>
<td>appeal denied owner stating major renovations no building permit issued</td>
<td>2012</td>
<td>0.00</td>
</tr>
<tr>
<td>358-13-039</td>
<td>0 Arcade Cres</td>
<td>080911002600000</td>
<td>B1</td>
<td>appeal denied owner stating major renovations no building permit issued</td>
<td>2011</td>
<td>0.00</td>
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<tr>
<td>358-12-093</td>
<td>387 Rymal Rd W</td>
<td>081101081530000</td>
<td>B1</td>
<td>remove the value of the old structure from date of purchase</td>
<td>2012</td>
<td>-2329.90</td>
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<tr>
<td>358-12-094</td>
<td>387 Rymal Rd W</td>
<td>081101081530000</td>
<td>B1</td>
<td>original house demolished in 2007 never removed from the roll</td>
<td>2012</td>
<td>-2423.89</td>
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<tr>
<td>358-13-059</td>
<td>0 Cayley St</td>
<td>260200349600000</td>
<td>E</td>
<td>a small strip of land deeded over to the Municipality</td>
<td>2011</td>
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<td>358-13-047</td>
<td>367 Highway 5 W</td>
<td>302330116000000</td>
<td>B</td>
<td>an error in the spit of the tax classes discovered, having the value readdressed at the same time</td>
<td>2012</td>
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<td>358-13-047</td>
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<td>business ceased in 07 when Mr. passed away his wife unaware she should report the closure</td>
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<td>-1572.35</td>
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Total: -71,656.60
CITY OF HAMILTON

BY-LAW NO. 10-053

A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND COMMITTEES OF COUNCIL

(PROCEDURAL BY-LAW)

INDEX

<table>
<thead>
<tr>
<th>TITLE</th>
<th>SECTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definitions</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Application</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Council Meetings</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>First Council Meeting</td>
<td>3.1</td>
<td>4</td>
</tr>
<tr>
<td>Regular Meeting Times</td>
<td>3.2</td>
<td>4</td>
</tr>
<tr>
<td>Location of Meetings</td>
<td>3.3</td>
<td>5</td>
</tr>
<tr>
<td>Special Meetings of Council</td>
<td>3.4</td>
<td>5</td>
</tr>
<tr>
<td>Meetings of Council for Emergencies</td>
<td>3.5</td>
<td>5</td>
</tr>
<tr>
<td>Quorum</td>
<td>3.6</td>
<td>6</td>
</tr>
<tr>
<td>Remedy for Lack of Quorum – Municipal Conflict of Interest Act</td>
<td>3.7</td>
<td>6</td>
</tr>
<tr>
<td>Delegations</td>
<td>3.8</td>
<td>6</td>
</tr>
<tr>
<td>Order of Business</td>
<td>3.9</td>
<td>6</td>
</tr>
<tr>
<td>Rules of Debate</td>
<td>3.10</td>
<td>7</td>
</tr>
<tr>
<td>Relinquishing the Chair</td>
<td>3.10 (8)</td>
<td>8</td>
</tr>
<tr>
<td>Voting Procedures</td>
<td>3.11</td>
<td>8</td>
</tr>
<tr>
<td>Notice of Motion</td>
<td>3.11 (10)</td>
<td>9</td>
</tr>
<tr>
<td>Dispensing with Notice</td>
<td>3.11 (11)</td>
<td>9</td>
</tr>
<tr>
<td>Motion to Withdraw</td>
<td>3.11 (12)</td>
<td>9</td>
</tr>
<tr>
<td>Motion to Amend</td>
<td>3.11 (13)</td>
<td>10</td>
</tr>
<tr>
<td>Motion to Table</td>
<td>3.11 (14)</td>
<td>10</td>
</tr>
<tr>
<td>Motion to Refer</td>
<td>3.11 (15)</td>
<td>10</td>
</tr>
<tr>
<td>Motion to Adjourn</td>
<td>3.11 (16)</td>
<td>10</td>
</tr>
<tr>
<td>Motion to Call the Question</td>
<td>3.11 (17)</td>
<td>11</td>
</tr>
<tr>
<td>Motion to Reconsider</td>
<td>3.11 (18)</td>
<td>11</td>
</tr>
<tr>
<td>Motion Beyond Jurisdiction of Council</td>
<td>3.11 (21)</td>
<td>12</td>
</tr>
<tr>
<td>Bills and By-laws</td>
<td>3.12</td>
<td>12</td>
</tr>
<tr>
<td>Editorial and Other Changes</td>
<td>3.13</td>
<td>13</td>
</tr>
<tr>
<td><strong>Procedural By-law</strong></td>
<td><strong>Office Consolidation</strong></td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------</td>
<td>-------------------------</td>
<td></td>
</tr>
<tr>
<td>Shareholder and Board of Director Meetings</td>
<td>3.14 14</td>
<td></td>
</tr>
<tr>
<td><strong>General Issues Committee</strong></td>
<td>4 14</td>
<td></td>
</tr>
<tr>
<td><strong>Standing Committee Meetings</strong></td>
<td>5 14</td>
<td></td>
</tr>
<tr>
<td>Standing Committees</td>
<td>5.1 14</td>
<td></td>
</tr>
<tr>
<td>Appointment of Standing Committee Chairs and Vice Chairs</td>
<td>5.2 15</td>
<td></td>
</tr>
<tr>
<td>Standing Committee Membership</td>
<td>5.3 15</td>
<td></td>
</tr>
<tr>
<td>Quorum</td>
<td>5.4 15</td>
<td></td>
</tr>
<tr>
<td>Regular Meeting Times of Standing Committees</td>
<td>5.5 15</td>
<td></td>
</tr>
<tr>
<td>Committee Reports</td>
<td>5.6 16</td>
<td></td>
</tr>
<tr>
<td>Rules of Procedure</td>
<td>5.7 17</td>
<td></td>
</tr>
<tr>
<td>Duties of Standing Committees - (See Appendices)</td>
<td>5.8 17</td>
<td></td>
</tr>
<tr>
<td>Provisional Governance Committee</td>
<td>5.9 17</td>
<td></td>
</tr>
<tr>
<td>Order of Business</td>
<td>5.10 18</td>
<td></td>
</tr>
<tr>
<td>Delegations</td>
<td>5.11 18</td>
<td></td>
</tr>
<tr>
<td>Public Hearings</td>
<td>5.12 19</td>
<td></td>
</tr>
<tr>
<td>General</td>
<td>5.12 19</td>
<td></td>
</tr>
<tr>
<td>Procedure</td>
<td>5.12 20</td>
<td></td>
</tr>
<tr>
<td>Written Information</td>
<td>5.12 20</td>
<td></td>
</tr>
<tr>
<td><strong>Establishment of Advisory Committees or Task Forces</strong></td>
<td>6 20</td>
<td></td>
</tr>
<tr>
<td><strong>Conduct of Members – Order and Decorum</strong></td>
<td>7 21</td>
<td></td>
</tr>
<tr>
<td><strong>Meetings Closed to the Public</strong></td>
<td>8 22</td>
<td></td>
</tr>
<tr>
<td><strong>Role of Clerk</strong></td>
<td>9 23</td>
<td></td>
</tr>
<tr>
<td><strong>General</strong></td>
<td>10 24</td>
<td></td>
</tr>
<tr>
<td><strong>Appendices</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Issues Committee</td>
<td>Appendix A 25</td>
<td></td>
</tr>
<tr>
<td>Board of Health</td>
<td>Appendix B 27</td>
<td></td>
</tr>
<tr>
<td>Public Works Committee</td>
<td>Appendix C 28</td>
<td></td>
</tr>
<tr>
<td>Planning Committee</td>
<td>Appendix D 29</td>
<td></td>
</tr>
<tr>
<td>Emergency &amp; Community Services Committee</td>
<td>Appendix E 31</td>
<td></td>
</tr>
<tr>
<td>Audit, Finance &amp; Administration Committee</td>
<td>Appendix F 32</td>
<td></td>
</tr>
<tr>
<td>Roles of Council, Mayor and Committee Chair</td>
<td>Appendix G 34</td>
<td></td>
</tr>
<tr>
<td>Code of Conduct for Members of Council</td>
<td>Appendix H 37</td>
<td></td>
</tr>
<tr>
<td>Criteria for the Creation of Advisory Committees or Task Forces</td>
<td>Appendix I 49</td>
<td></td>
</tr>
</tbody>
</table>
CITY OF HAMILTON

BY-LAW NO. 10-053

A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND COMMITTEES OF COUNCIL

WHEREAS section 238 of the Municipal Act, 2001 requires that Council of the City of Hamilton adopt, by By-law, procedures governing the calling, place, and proceedings of meetings;

NOW THEREFORE, the Council of the City of Hamilton enacts as follows:

SECTION 1 - DEFINITIONS

1.1 In this By-law,

“Act” means the Municipal Act, 2001;

“amend” means to alter or vary the terms of a main motion without materially changing its purpose, and amendment has a corresponding meaning;

“Bill” means a proposed form of By-law;

“By-law” means a By-law, in a form approved by Council, passed for the purpose of giving general effect to a previous decision or proceedings of Council;

“City” means the geographical area of the City of Hamilton or the municipal corporation as the context requires;

“Chair” means the member presiding at any meeting of Council or Committee;

“challenge” means to appeal a ruling of the Chair;

“Clerk” means the City Clerk, or his or her designate;

“Closed Meeting” means a meeting, or part of a meeting, of Council or a Committee, which is closed to the public as permitted by the Act, also referred to as an “in-camera meeting”;

“Committee” means a Standing Committee, Licensing Tribunal, Selection Committee or an Advisory Committee or Task Force established by Council from time to time;

“Committee of the Whole” means all Members of Council present, sitting in committee of the whole;
“Council” means the City Council;

“defer/table” means to delay consideration of a matter by Council or a Committee until a specified time or event;

“Deputy Mayor” means a Member of Council who is appointed from amongst Council on a scheduled basis: (10-230)

(a) to assist the Mayor; and
(b) to act from time to time in the place of the Mayor, exercising:

(i) all the rights, powers and authority of the Mayor when the Mayor is absent from the City or the office of Mayor is vacant; and

(ii) subject to paragraph (i), those rights, powers and authority of the Mayor that:

1. the Mayor is unable to exercise for the time being due to illness, incapacity or other reason, including acting in the place of the Mayor at any Council or Committee meeting when the Mayor is absent; or,

2. the Mayor refuses to exercise;

“emergency” means a situation or impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or not;

“ex-officio” means by virtue of the office or position and the Mayor is an ex officio member of all Standing Committees who, when attending a Standing committee meeting, shall have full voting privileges and shall be counted for the purposes of the Standing Committee’s quorum as such quorum is set out in Section 5.4 of this By-law;

“majority” for the purposes of voting, means more than half the total of members of Council or Committee present and not prohibited by statute from voting;

“Mayor” means the Head of the Council and in this By-law means the Deputy Mayor when the Deputy Mayor is acting in place and stead of the Mayor;

“meeting” means any regular or special meeting of Council or Committee;

“Member of Council” means a member of Council, including the Mayor;
“motion” means a proposal by a member for the consideration of Council or a Committee that is moved by a member and seconded by another member;

“notice of motion” means a notice of motion received by the Clerk in writing, moved by a member for inclusion on a future agenda of a meeting of Council or Committee;

“point of order” means a question by a member with respect to any departure from the Procedural By-law or in the practised conduct of Council or Committee business;

“point of privilege” means a question by a member with respect to the rights of a member individually or Council or a Committee collectively hold, that ensure Council’s or a Committee’s ability to function freely;

“quorum” means the number of members required to be present at a meeting to validate the transactions of its business;

“recess” means a short intermission in a meeting’s proceedings which does not close the meeting, and after which business will immediately be resumed at exactly the point where it was stopped;

“refer” means to defer a matter seeking its consideration by any individual or body, including a Committee;

“recorded vote” means a written record of the name and vote of each member of Council or a Committee who votes on a question and of each member present who does not vote;

“rules of procedure” means the rules and procedures set out in this By-law, for the calling, place and proceedings of the meetings of Council and its Committees;

“Senior Management Team” means the City Manager and General Managers appointed by Council and the Medical Officer of Health appointed by the Board of Health;

“Standing Committee” means a Committee established by Council, comprised entirely of Members of Council, to carry out duties on an ongoing basis, as specified by Council;

“table” means to introduce an item for discussion at a meeting

“website” means the official City internet website.
SECTION 2 - APPLICATION

2.1 The rules of procedure shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in Council and unless specifically provided, with necessary modifications, apply to all Committees.

2.2 All matters relating to the proceedings of Council and Committees for which rules have not been provided for in this By-law and its Appendices shall be decided, as far as is reasonably practicable, with reference to the parliamentary rules as contained in the most recent edition of Bourinot's Rules of Order.

SECTION 3 – COUNCIL MEETINGS

3.1 First Council Meeting

The First Meeting of Council shall be held on the first Wednesday of December in an election year at 7:00 p.m.

The Proceedings of the First Meeting of Council shall include:
(a) Ceremonial - special address by guests;
(b) Filing of Declarations of Office in accordance with the provisions of the Act;
(c) Council appointments to Standing Committees, Boards and Agencies; and
(d) Confirming By-law.

3.2 Regular Meeting Times

(1) Unless otherwise decided by Council, regular meetings of Council shall be held:
   (a) every second and fourth Wednesday of each month, commencing at 7:00 p.m., unless such day is a public or civic holiday, in which case Council shall set an alternate day and time; or
   (b) in accordance with the schedule approved by Council.

(2) Advance notice of meetings for the public's information may be found by accessing the City’s website at www.hamilton.ca (Select Public Meetings and Consultations.)
3.3 Location of Meetings

Meetings of Council shall be held in the Council Chambers at City Hall in the City of Hamilton or at such other place within the City of Hamilton as Council may from time to time determine.

3.4 Special Meetings of Council

(1) In addition to regular meetings, the Mayor may at any time summon a special meeting of Council by giving written direction to the Clerk stating the date, time, and purpose of the special meeting.

(2) The Clerk shall also summon a special meeting of Council when requested to do so in writing by a majority of Members of Council.

(3) The Clerk shall give each Member of Council, or his or her designated staff, notice of a special meeting of Council at least 48 hours before the time appointed for such meeting by:
   (a) delivering a written notice personally;
   (b) delivering such notice at his or her residence or place of business; or
   (c) facsimile transmission or electronic mail to such residence or place of business.

(4) The written notice to be given under subsection (3) shall state the nature of the business to be considered at the special meeting of Council and no other business other than that which is stated in the notice shall be considered at such meeting except with at least two-thirds of the Members of Council present and voting in the affirmative.

3.5 Meetings of Council for Emergencies

(1) Despite any other provisions of this By-law, a meeting of Council for an emergency may be called by the Mayor, without written notice, to deal with an emergency, provided that an attempt has been made by the Clerk to notify Members of Council about the meeting as soon as possible and in the most expedient manner available.

(2) The only business to be dealt with at a meeting of Council for an emergency shall be business dealing directly with the emergency.

(3) The lack of receipt of a notice of, or an agenda for, a meeting of Council for an emergency by any Member of Council shall not affect the validity of the meeting or any action taken at such meeting.
3.6 Quorum

(1) As soon as there is a quorum after the time set for the meeting, the Mayor shall take the chair and call the meeting to order.

(2) A majority of Members of Council is necessary to constitute a quorum of Council.

(3) In case the Mayor does not attend within 15 minutes of the time a quorum is to be present for a meeting of the Council, the Clerk shall call the Members of Council to order and an acting Chair shall be appointed from amongst the Members of Council present and he or she will preside until the arrival of the Mayor.

(4) If a quorum is not achieved within 30 minutes after the time appointed for a meeting of Council, the Clerk shall record the names of the Members of Council present and the meeting shall stand adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of this By-law.

(5) If a quorum cannot be maintained during a meeting, the Clerk will advise the Chair that quorum is lost and the decision to continue the meeting will rest with the Chair. During the absence of quorum, no decisions may be approved.

3.7 Remedy for Lack of Quorum – Municipal Conflict of Interest Act

Where the number of Members of Council who, by reason of provisions of the Municipal Conflict of Interest Act, are disabled from participating in a meeting is such that at that meeting the remaining Members of Council are not of sufficient number to constitute a quorum, then, the remaining number of Members of Council shall be deemed to constitute a quorum, provided such number is not less than 2.

3.8 Delegations

Delegations are not permitted at meetings of Council.

3.9 Order of Business

The Order of Business for the regular meetings of Council, unless changed by Council in the course of the meeting, shall be as follows:

(a) Approval of Agenda
(b) Declarations of Interest
(c) Ceremonial Activities
(d) Approval of Minutes of Previous Meeting
(e) Communications
(f) Committee Reports
(g) Motions
(h) Notice of Motions
(i) Statement by Members (non-debatable)
(j) Private and Confidential
(k) By-laws and Confirming By-law
(l) Adjournment

3.10 Rules of Debate

(1) No Member of Council shall be deemed to have precedence or seniority over any other Member of Council.

(2) Before speaking to a question or motion, a Member of Council shall be recognized by the Mayor and be placed on the speakers' list.

(3) When a Member of Council is speaking, no other Member of Council shall pass between that Member of Council and the Mayor or interrupt that Member of Council except to raise a point of order or privilege.

(4) If a Member of Council disagrees with the announcement of the Mayor that a question is Carried or Lost, he or she may immediately after the declaration by the Mayor, object to the Mayor’s declaration and require that a recorded vote be taken.

(5) A Member of Council may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member of Council who is speaking.

(6) The following matters may be introduced orally without written notice and without leave:
   
   (a) a point of order
   (b) a point of privilege
   (c) a motion to adjourn
   (d) a motion to call the question
   (e) a motion to go into committee of the whole
   (f) a motion to recess.

(7) The following motions may be introduced without notice and without leave, but shall be in writing and signed by the Mover and Seconder:
(8) **Relinquishing the Chair**

The Mayor may designate another Member of Council as acting Chair during any part of a meeting of the Council and while presiding, such Member of Council shall have all the powers of the Mayor with respect to chairing the meeting and shall be entitled to vote as a Member of Council.

### 3.11 Voting Procedures

1. Every Member of Council present at a meeting of Council or Committee when a question is put shall vote unless prohibited by statute, in which case, the Clerk shall record the name of the Member of Council and the reason that he or she is prohibited from voting.

2. When a vote is taken and a tie results, a question is deemed to be lost.

3. If any Member of Council at a meeting of Council does not vote when a question is put and a recorded vote is taken, he or she shall be deemed to have voted in the negative except where prohibited from voting by statute.

4. When a recorded vote is requested by a Member of Council immediately before or after a question is put, the Clerk shall record the name and vote of every Member of Council on the question.

5. When the Mayor calls for a vote on a question, each Member of Council shall occupy his or her seat and shall remain in his or her seat until the result of the vote has been declared by the Mayor, and during such time no Member of Council shall walk across the room or speak to any other Member of Council or make any noise or disturbance.

6. After a question is put by the Mayor, no Member of Council shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

7. No vote shall be taken by ballot or by any other method of secret voting and every vote so taken is of no effect, except where permitted by statute.

8. Despite subsection (7), a meeting may be closed to the public during a vote if:
(a) the vote relates to an issue permitting the meeting to be closed to the public in accordance with section 8 (Closed Meetings) of this By-law; and

(b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City or persons retained by or under a contract with the City.

(9) The Mayor shall, upon request of a Member of Council, divide a question and the vote upon each proposal shall be taken separately.

(10) Notice of Motion

(a) Notice of all new motions, except motions listed in subsections 3.10(6) and 3.10(7), shall be given in writing:
   (i) at a meeting of Council, but shall not be debated until the next regular meeting of Council; or
   (ii) delivered to the Clerk at any time prior to noon of the last business day preceding the date of the meeting at which the notice of motion is to be introduced.

(b) Where a Member of Council's notice of motion has been called by the Mayor at the subsequent meeting and not proceeded with, it shall be dropped from the agenda unless Council decides otherwise.

(c) Where Council has determined not to drop a notice of motion from the agenda, and at the second meeting such notice of motion is called by the Mayor and not proceeded with, it shall be deemed to have been withdrawn.

(11) Dispensing with Notice

A motion may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of the majority of the Members of Council present and voting.

(12) Motion to Withdraw

After a motion is read or stated by the Mayor it shall be deemed to be in possession of Council, but may, by the majority vote of Council, be withdrawn at any time before decision or amendment.

Comment [49]: Amend to read: After a motion is moved and seconded it shall be deemed to be in possession of Council, but may, by the majority vote of Council, be withdrawn at any time before decision or amendment.

(13) Motion to Amend

A motion to amend:
(a) shall be presented in writing, duly moved and seconded;
(14) **Motion to Defer/Table**

A motion to defer/table a question:

(a) shall be duly moved and seconded

(b) is debatable

(c) when discussion of the item is to resume, requires a motion to lift from the table

(15) **Motion to Refer**

(a) A motion to refer the question:

(i) shall include the name of the individual or body to whom the question is to be referred.

(ii) may include instructions respecting the terms upon which the question is to be referred.

(b) A motion to refer a question is not debatable except where instructions are included, in which case, only the instructions shall be debatable.

(c) A motion to refer a question may be amended in accordance with subsection 3.11(13).

(d) When a motion to refer a question to Council is defeated by a Standing Committee, the Chair of the Standing Committee shall call the question on the matter. 

(10-230)

(16) **Motion to Adjourn**

A motion to adjourn a Council meeting shall always be in order except:

(a) when a Member of Council is speaking or during the taking of a vote;

(b) immediately following the affirmative resolution of a motion that a vote on the question now be taken;

(c) when a Member of Council has already indicated to the Mayor, that he or she desires to speak on the question;
(d) when resolved in the negative, cannot be made again until Council has conducted further proceedings.

(17) **Motion to Call the Question**

A motion to call the question shall be in order except when a Member of Council is speaking or before the first-time speakers’ list is exhausted.

(18) **Motion to Reconsider** *(16-230)*

(a) At any regular Council Meeting, after a matter has been decided by Council, a Member of Council who voted in the majority, may present a Notice of Motion to reconsider the matter. The Chair may ask the Member of Council to confirm that he or she voted with the majority on the issue in question. Such Notice of Motion shall be referred to the next available meeting of Council and shall be included on the agenda under "Motions".

(b) No decided matter shall be reconsidered more than once during the term of Council.

(c) A motion to reconsider a decided matter shall require the approval of at least two-thirds of Council present.

(d) Actions of Council that cannot be reversed or suspended cannot be reconsidered.

(e) No motion to reconsider may, itself, be the subject of a motion to reconsider.

(f) Debate on a motion to reconsider shall be confined to reasons for or against the reconsideration.

(g) Sub-sections (a) to (f) do not apply when a motion pertains to a decision of a previous Council.

(19) The following motions are procedurally in order in the following sequence:

(a) to adjourn

(b) to recess

(c) to request information

(d) to call the question

(e) to defer/table (to introduce an item for discussion at a meeting)

(f) to refer

(g) to amend

(20) The following motions are not debatable:

(a) a motion to adjourn
(b) a motion to refer (except on the advisability or appropriateness of referring the question), close, limit or extend debate
(c) a motion to lay on the table (except on the appropriateness of laying the question on the table)
(d) a motion to suspend the rules
(e) a point of privilege
(f) a motion to lift from the table

(21) **Motions Beyond Jurisdiction of Council**

A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.

### 3.12 Bills and By-laws

(1) All Bills coming before Council shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any statute or regulation and shall be complete with the exception of the number and date.

(2) All Bills coming before Council shall receive one reading, unless otherwise requiring more than one reading, pursuant to a Provincial or Federal statute or regulation.

(3) Every Bill shall be introduced upon motion by a Member of Council, and any number of Bills may be introduced together in one motion, but Council may at the request of a Member of Council, deal separately with any Bill. If Council deals separately with a Bill:
   (a) all amendments or debate on the content of the Bill shall be held in committee of the whole;
   (b) Council will move into committee of the whole for discussion on any Bill following a successful verbal motion to go into committee of the whole;
   (c) all amendments made in committee of the whole shall be reported by the Mayor to Council, which shall receive the same forthwith, and after the report has been received, a vote on the motion to pass the Bill shall be taken;
   (d) every By-law passed by Council shall be numbered and dated and shall be sealed with the seal of the municipality and signed by the Mayor and Clerk.

(4) No Bill or By-law may be defeated on the floor of Council without reconsideration of the original motion which gave rise to the consideration of the Bill or By-law.
3.13 Editorial and Other Changes

(1) The Clerk may make the following changes to By-laws or resolutions to:

(a) Correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.

(b) Alter the style or presentation of text or graphics to improve electronic or print presentation.

(c) Replace a description of a date or time with the actual date or time.

(d) If a provision provides that it is contingent on the occurrence of a future event and the event occurs, remove text referring to the contingency and make any other changes that are required as a result.

(e) When the name, title, location or address of a body, office, person, place or thing has been altered, change any reference to the name, title, location or address to reflect any alteration in name, title, location or address.

(f) Correct errors in the numbering of provisions or other portions of a By-law and make any changes in cross-references that are required as a result.

(g) If a provision of a transitional nature is contained in a By-law, make any changes that are required as a result.

(h) Make a correction, if it is patent both that an error has been made and what the correction should be.

(2) The Clerk may provide notice of the changes made under paragraphs (1)(a) to (c) inclusive in the manner that he or she considers appropriate.

(a) The Clerk shall provide notice of the changes made under paragraphs (1)(d) to (h) inclusive in the manner that he or she considers appropriate.

(b) In determining whether to provide notice under subsection 2(a), the Clerk shall consider:

(i) the nature of the change; and

(ii) the extent to which notice, and the information provided in it, would provide assistance in understanding the relevant legislative history.

(d) In providing notice under subsection 2(a) or 2(b), the Clerk shall state the change or the nature of the change.

(3) No legal significance shall be inferred from the timing of the exercise of a power under this section.
Regardless of when a change is made to a By-law under this section, the change may be read into the By-law as of the date it was enacted if it is appropriate to do so.

3.14 Shareholder and Board of Director Meetings

Where Council acts as the Shareholder or the Board of Directors, or both, of a corporation:

(a) Council shall meet as the Shareholder or the Board of Directors as necessary to complete such business as would normally be completed by the Shareholder or Board of Directors and as required by the corporation’s by-laws and resolutions and any laws that govern the corporation; and

(b) the Mayor and Clerk are authorized, upon approval by Council, to sign any necessary resolutions.

SECTION 4 - GENERAL ISSUES COMMITTEE

4.1 Council may, by resolution:

(a) move into General Issues Committee to consider, including debate, Committee reports on the Council meeting agenda; and

(b) move out of General Issues to report to Council.

SECTION 5 – STANDING COMMITTEES MEETINGS

5.1 Standing Committees

The Standing Committees reporting to Council shall be as follows:

(a) General Issue Committee
(b) Board of Health
(c) Public Works Committee
(d) Planning Committee
(e) Emergency & Community Services Committee
(f) Audit, Finance & Administration Committee

5.2 Appointment of Standing Committee Chairs and Vice Chairs

(1) Each Standing Committee shall recommend to Council the appointment of a Chair, Vice-Chair and, where applicable, 2nd Vice-Chair for the required term.

(a) The term of the Chair, Vice-Chair and 2nd Vice-Chair shall be for a calendar year, or part of a calendar year in an election year.
(b) No Member of Council may serve as Chair, Vice-Chair or 2nd Vice-Chair of the same Standing Committee for more than one year in a Council term.

(c) The role of the Chair of the General Issues Committee shall be rotated amongst the Deputy Mayors. (10-230)

(2) Despite paragraphs (1)(a) and (b), the Mayor shall stand as Chair for the term of Council for the following Committees:

(a) Board of Health

5.3 Standing Committee Membership

(1) General Issues Committee and Board of Health shall be comprised of all Members of Council. (10-230)

(2) The Public Works Committee and Planning Committee shall be comprised of a minimum of 8 Members of Council. (10-230)

(3) The Emergency & Community Services Committee shall be comprised of a minimum of 5 and a maximum of 8 members of Council and the Audit, Finance & Administration Committee shall be comprised of a minimum of 5 and maximum of 7 members of Council. (11-074)

(4) Each Member of Council shall sit on a minimum of 2 Standing Committees.

(5) Membership on Standing Committees shall be for the duration of the term of Council.

5.4 Quorum

The quorum for all Standing Committees shall be a half of the membership rounded up to the nearest whole number. (10-230)
5.5 Regular Meeting Times of Standing Committees

(1) Unless otherwise decided by Council, regular meetings of the Standing Committees shall be as follows:

(a)(i) General Issues Committee shall meet on the second Monday of every month commencing at 9:30 a.m.;

(ii) Board of Health shall meet on the fourth Monday of every month commencing at 9:30 a.m.;

(iii) Public Works Committee shall meet on the first and third Monday of every month commencing at 9:30 a.m.;

(iv) Planning Committee shall meet on the first and third Tuesday of every month commencing at 9:30 a.m.;

(v) Emergency & Community Services Committee shall meet on the first and third Wednesday of every month commencing at 1:30 p.m.;

(vi) Audit, Finance & Administration Committee shall meet on the first and third Wednesday of every month commencing at 9:30 a.m.; unless such a day is a public or civic holiday, in which case an alternate date and time will be selected; or

(b) in accordance with the schedule approved by Council.

(2) In addition to regular meetings, a special meeting of a Standing Committee may be scheduled, when required, at locations and times to permit convenient access for members of the public most affected by such a matter.

(3) Advance notice of meetings for the public’s information may be found by accessing the City’s website at www.hamilton.ca (Select Public Meetings and Consultations.)

5.6 Committee Reports

(1) Each Standing Committee shall make recommendations to Council.

(2) A minimum of 48 hours shall pass before a Standing Committee Report is presented to Council.

At the request of the Ward Councillor, every effort will be made for reports to be released at an earlier date to provide adequate opportunity for review.
(3) Despite subsection (2), this rule may be suspended by the affirmative vote of two-thirds of the Members of Council present and voting.

5.7 Rules of Procedure

(1) The rules governing the procedure of the Council and conduct of Members of Council at Council meetings shall be observed in Standing Committees, so far as they are applicable.

(2) No member of Council shall speak more than once, until every member of a Standing Committee, followed by every Member of Council who is not a member of the Standing Committee, has spoken, and then only to provide information or seek clarification from the Chair, other Members of Council or staff. A Member of Council who is not a member of a Standing Committee may speak before members of the Standing Committee when the subject matter directly affects is or her Ward.

(3) A Member of Council may place an item on a future agenda of a Standing Committee meeting by delivering a Notice of Motion (see Section 3.11(10)) to the Chair of the Standing Committee and to the Committee Legislative Assistant.

(4) A member of Council who is not a member of a Standing Committee is entitled to attend such Standing Committee meetings and to participate, provided that the Member of Council shall:

(a) not be counted for quorum purposes, and;
(b) not move any motion or vote on any matter.

5.8 Duties of Standing Committees

The duties of the Standing Committees shall be as set out in Appendices A to F inclusive.

5.9 Provisional Governance Committee

(1) The Provisional Governance Committee may carry out the duties and responsibilities of the Council only at such times when, to the satisfaction of at least 5 members of Council attending a properly scheduled meeting of Council, at least 8 members of Council are not able to attend such meeting due to death, illness or circumstances attributable to an emergency which has been declared by the Mayor or his or her designate in accordance with the City’s Emergency Plan.

(2) The Provisional Governance Committee shall be comprised of eight Members of Council, and shall elect its own Chair from amongst the attending Members.

(3) The Provisional Governance Committee shall have all the powers and duties that may legally be delegated to the Committee pursuant to the Act, or any
other applicable Provincial or Federal legislation, subject to the following conditions and restrictions:

(a) the delegation shall be effective only during the times specified; and
(b) the Committee shall conduct its meetings in accordance with this By-law, providing that the quorum for the constitution of a valid meeting of the Committee shall be 5 Members of Council.

5.10 Order of Business

The general Order of Business for the regular meetings of Standing Committees, unless changed by the Standing Committee in the course of the meeting, shall be as follows: (10-230)

(a) Changes to the Agenda
(b) Declarations of Interest
(c) Approval of Minutes of Previous Meeting
(d) Delegation Requests
(e) Consent Items
(f) Public Hearings/Delegations
(g) Staff Presentations
(h) Discussion Items
(i) Motions
(j) Notice of Motions
(k) General Information/Other Business
(l) Private and Confidential
(m) Adjournment
5.11 Delegations

(1) Persons who wish to attend as a delegation to address a Standing Committee on a matter that:

(a) is not listed on a Standing Committee agenda, may make a request in writing to be listed as a delegation, such request to be received by the Clerk, no later than 12 noon on the day before the Standing Committee meeting. If the Standing Committee is meeting on a Monday, the deadline will be 12 noon on Friday.

(b) is listed on the agenda for a Standing Committee meeting, may make a request in writing to be listed as a delegation, such request to be received by the Clerk no later than 4:30 p.m. the day before the Standing Committee meeting. If the Standing Committee is meeting on a Monday, the deadline will be 12 noon on Friday.

(c) provided that a person may attend as a delegation in the absence of a request under paragraphs (a) or (b) where prescribed by applicable legislation or allowed by the Standing Committee. (10-230)

The request forms are available at www.hamilton.ca (Select Request to Speak to a Committee)

(2) A request to attend as a delegation shall include the person’s name, address, telephone number, reasons for the delegation, and if applicable the name, address and telephone number of any person, corporations or organizations which he or she represents.

(3) Upon receipt of a request to attend as a delegation, the Clerk shall list the delegation request on the next appropriate agenda for the relevant Standing Committee and the decision whether or not to entertain the delegation will be made by the Standing Committee.

(4) A delegation granted permission to appear before the Standing Committee is encouraged to provide the Clerk with a brief of his or her presentation, which in turn will be provided by the Clerk to the Members of the Standing Committee in advance of the meeting.

(5) When a person is listed as a delegation on a Standing Committee agenda and such person, without notification to the Clerk, does not attend said meeting, that person must make a new request to be considered as a delegation and must re-apply in accordance with subsections (1) and (2).

(6) A delegation shall be limited to a presentation of not more than five minutes, except as otherwise prescribed for a public meeting by applicable legislation.

**Delegations can be two or more people; however, the presentation is still limited to five minutes. (10-230)"
(7) A delegation making a request to address a Standing Committee in accordance with applicable legislation shall be heard without the request being received in writing and in advance, if not required by such legislation.

5.12 Public Hearings

General

(1) Public Hearings shall be held at Standing Committee meetings, as required by applicable legislation, or by Council, or when considered desirable by staff.

(2) Appropriate advertising shall be undertaken as required by applicable legislation, by-law, or according to City policy, to advise interested persons.

Procedure

(3) A delegation shall be in accordance with section 5.11.

(4) Public Hearings shall commence with:

   (a) an introduction of the subject matter by the Chair or by staff;
   
   (b) the staff presentation, if any and if not waived by the members of the Standing Committee;
   
   (c) the signing in of all delegations on a sheet, provided by staff, with their name, address, including postal code, phone number and e-mail address (optional).

Written information

(5) A delegation may provide additional written material regarding the subject matter, for the public record. Where a delegation wishes copies of the information to be provided to all members of a Standing Committee, either 1 copy of the material shall be provided to the Clerk at least 2 weeks ahead of the meeting date, for inclusion in the agenda or 25 copies shall be provided to the Clerk for distribution at the meeting.

SECTION 6 – ESTABLISHMENT OF ADVISORY COMMITTEES OR TASK FORCES

6.1 Council may from time to time, as needed, establish Advisory Committees or Task Forces in response to specific matters requiring immediate or long term attention.
6.2 When Council or a Standing Committee approves of the formation of the Advisory Committee or Task Force the following procedures, if applicable, will be followed:

(a) the Clerk may invite citizens to serve as members and such invitations shall include the Advisory Committee or Task Force’s mandate including any membership expertise requirements and the time needed to complete the mandate;

(b) applications received for membership shall be forwarded by the Clerk to the Selection Committee;

(c) the Selection Committee shall consider balanced geographical representation in selecting the members;

(d) the rules of procedure shall be observed so far as they are applicable;

(e) all minutes and reports shall be submitted to the Standing Committee to which the Advisory Committee or Task Force reports; and

(f) staff may act as resource persons in a non-voting capacity.

6.3 When an Advisory Committee or Task Force has completed its mandate, the Standing Committee to which the Advisory Committee or Task Force reports shall dissolve it by motion.

SECTION 7 - CONDUCT OF MEMBERS - ORDER AND DECORUM

7.1 No member of Council or a Committee shall:

(a) speak disrespectfully of any vote of Council or a Committee;

(b) use offensive words or unparliamentary language in or against Council or a Committee or against any member, or any officer or employee of the City;

(c) disobey the rules of Council or a Committee or a decision of the Mayor or a Chair of a Committee on questions of order or practice or upon the interpretation of the rules and should a member persist in such disobedience after having been called to order by the Mayor or a Chair of a Committee, the Mayor or a Chair may forthwith order him or her to vacate the place the meeting is being held. If the member apologizes, he or she may, by vote of a majority of the members, be permitted to take his or her seat;

(d) speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, ethnic origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability;

(e) in the case of Council only, bring food or beverages, water excepted, into the place the meeting is being held;
(f) speak on any matter other than the matter being debated; or
(g) speak on a matter longer than a 5 minute period, without leave of Council or a Committee, except as otherwise prescribed by applicable legislation.

7.2 No person except members of Council or a Committee, the Clerk, and officials authorized by the Clerk:

(a) shall be allowed on the floor of the place a meeting is being held while Council or a Committee is sitting;
(b) shall, before or during a meeting of the Council or a Committee, place on the desks of members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Clerk.

7.3 No person shall display signs or placards, applaud participants in debate or engage in conversation or other behaviour which may disrupt the proceedings of Council or a Committee.

7.4 Electronic devices at Meetings:

(a) Every person shall have cellular telephones, pagers, blackberries, portable computers and any similar electronic devices switched to a non-audible function during Council and Committee meetings.
(b) Staff from the Office of the City Clerk are exempted from subsection (a) when using electronic devices for record-keeping purposes.

SECTION 8 – MEETINGS CLOSED TO THE PUBLIC

For the purposes of this section, “Committee” means any advisory or other committee, subcommittee or similar entity of which at least 50% of the members are also members of Council.

8.1 No meeting of Council or a Committee or part thereof shall be closed to the public unless the subject matter being considered is:

(a) the security of the property of the City;
(b) personal matters about an identifiable individual, including City employees;
(c) a proposed or pending acquisition or disposition of land for City purposes;
(d) labour relations or employee negotiations;
(e) litigation or potential litigation, including matters before administrative tribunals, affecting the City;
(f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; or

(g) a matter in respect of which Council or a Committee may hold a closed meeting under an Act other than the Municipal Act, 2001.

8.2 A meeting of Council shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if Council is designated as head of the institution for the purposes of that Act;

8.3 A meeting of Council or a Committee may be closed to the public if:

(a) it is held for the purposes of educating or training members; and

(b) at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council or the Committee.

8.4 Before holding a meeting or part of a meeting that is to be closed to the public, a Council or Committee shall state specifically by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting.

SECTION 9 - ROLE OF CLERK

9.1 The Clerk shall distribute the regular agendas of Council and Standing Committee meetings to members of Council and Senior Management Team at least 5 days prior to the scheduled meetings.

9.2 The Clerk shall make the regular agendas of Council and Standing Committee meetings, available to the media and general public, at least 24 hours following the distribution set out in subsection 9.1.

9.3 The Clerk may make the regular agendas of Council and Standing Committee meetings available on the City website.

9.4 The Clerk shall advise the Mayor or Chair when items are required to be added to or removed from an agenda.

9.5 The Clerk shall submit for confirmation the minutes of the previous regular Council or Standing Committee meeting. Upon approval of the majority of the members of Council or Standing Committee, the Mayor or Chair and Clerk shall sign the minutes as confirmed or as amended.

9.6 The Clerk shall advise the Mayor or Chair, if in his or her opinion, a matter or portion of a matter being discussed in a meeting that is closed to the public is not procedurally appropriate in accordance with section 239 of the Act and section 8 of this By-law.
9.7 All matters not covered by this By-law shall be decided by the Mayor or Chair. The Mayor or Chair may call upon the Clerk to provide advice regarding procedure. The Clerk shall provide this advice following which the Mayor or Chair will announce his or her ruling.

9.8 The Clerk shall assume the role of the Mayor or Chair as the chair of Council or a Standing Committee, when a ruling of the Mayor or Chair is challenged by a Member of Council on a decision. The Clerk shall take a vote of the challenge for Members of Council in favour or opposed to the ruling. The ruling fails when there is a majority vote in favour to the challenge.
SECTION 10 – GENERAL

10.1 This By-law shall not be amended or repealed except by a majority vote of all Members of Council.

10.2 No amendments or repeal of this By-law shall be considered at any meeting of Council unless notice of Council’s intention to amend or repeal is provided to the public.

10.3 General guidelines describing the respective roles and responsibilities of Council, the Mayor and the Chair of a Committee are set out in Appendix G to this By-law.

10.4 A Code of Conduct, setting out general standards for acceptable conduct by Members of Council in the performance of their public duties, is set out in Appendix H to this By-law.

10.5 This By-law comes into force on ___________________________, 2013.

10.6 The short title of this By-law is the Procedural By-law or the Council Procedural By-law.

10.7 By-law No. 03-301, governing the rules and procedures of Council of the City of Hamilton is repealed.

PASSED this day of 2013.

_________________________  ___________________________
Bob Bratina                    Rose Caterini
Mayor                          City Clerk
Appendix A

GENERAL ISSUES COMMITTEE (10-230)

Composition: General Issues Committee shall be comprised of all 16 members of Council:
- Mayor
- Chair of General Issues Committee to be rotated amongst the Deputy Mayors
- All Members of Council

Mandate:
General: To report and make recommendations to Council on matters relating to:
- Council Strategic Plan
- Corporate Strategic Plan
- MPMP, OMBI
- Annual Operating and Capital Budgets
- Economic Development matters
- Portfolio Management Strategy – Real Estate Acquisitions/Disposals
- Hamilton International Airport matters
- G.R.I.D.S.
- Vision 20/20
- Department Work Programs: Planning and Economic Development
- Legal Services – litigation matters
- Human Resources – labour negotiations
- Boards and Agencies
- Hamilton Utilities Corporation
- Culture and Tourism Division - One Year Trial Period
- Arts Advisory Committee (12-072)
- any and all other matters which Council chooses to refer to the General Issues Committee for consideration

Specific duties shall include:
- To review and monitor the City’s and Council’s Strategic Plan
- To review corporate and program objectives and performance measures and make recommendations to Council
- To consider and recommend to Council on matters relating to budgets, budget monitoring, re-assessment and related tax policies
• To consider and recommend to Council on matters relating to Business Development, the Small Business Enterprise Centre, Incentive Loans/Grants programs and approvals, BIA initiatives, the Hamilton Incubator of Technology and Tourism

• To consider and recommend to Council on matters relating to G.R.I.D.S.

• To receive briefings on legal matters involving the City and give direction to the City Solicitor on litigation matters

• To receive information on labour negotiations and provide direction to the Director of Labour Relations

• To consider and make recommendations to Council on matters regarding Boards and Agencies

• To meet as Shareholders and/or Board of Directors of a corporation when required

• To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee

Comment [425]: Delete section – Shareholders do not report as General Issues Committee
Appendix D

PLANNING COMMITTEE (10-230)

Composition: The Planning Committee shall be comprised of a minimum of 9 Members of Council.

Mandate:

General: To report and make recommendations to Council on matters relating to:
- Long Range Planning, land use management, development planning and engineering, and downtown planning and implementation
- Parking Operations and Enforcement, School Crossing Guards
- By-law Enforcement, Municipal Licensing, Lottery Licensing, Building Code issues
- Culture and Tourism, museums and heritage preservation matters *(12-072)*
- Hamilton Historical Board (12-072)

Specific duties shall include:
- To consider and recommend to Council on:
  - the administration and enforcement of the Ontario Building Code, Zoning By-laws, the Property Standards By-laws, Licensing By-law, Animal Control By-law, Sign By-law and other relevant By-laws
  - all matters related to the Planning Act, the Ontario Heritage Act, the Municipal Act, 2001, the Niagara Escarpment Act and other applicable legislation regarding planning, development engineering, by-law enforcement and licensing and downtown planning issues
  - the City’s Official Plan and Zoning By-laws and amendments thereto, pursuant to the Planning Act, and to conduct such related public meetings as may be required
  - applications for subdivision and condominium approval pursuant to the Planning Act and Condominium Act, as applicable
  - matters such as community planning, urban design guidelines, heritage policy and related housing policy and programs in accordance with the directions contained in the Official Plan
  - matters relating to Parking Operations and Enforcement
- To advise and assist Council in any matters arising from the work of the Committee of Adjustment in considering applications for consent and minor variance under the Planning Act, including possible City participation at any Ontario Municipal Board Hearings to consider the appeal of Committee of Adjustment decisions

Comment [426]: Delete words “Culture and Tourism” as they report to GIC
- To consider recommendations of any Sub-Committees and/or Task Forces established by Committee and Council which report directly to the Planning Committee
- To receive delegations for the public and conduct public hearings as required by statute and Council, specific to the mandate of this committee on matters under the Standing Committee
PLEASE NOTE AS THERE ARE NO AMENDMENTS TO THE FOLLOWING APPENDICES THEY HAVE NOT BEEN INCLUDED WITH THIS OFFICE CONSOLIDATION AT THIS TIME:

<table>
<thead>
<tr>
<th>Appendix</th>
<th>Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board of Health</td>
<td>Appendix B</td>
</tr>
<tr>
<td>Public Works Committee</td>
<td>Appendix C</td>
</tr>
<tr>
<td>Emergency &amp; Community Services Committee</td>
<td>Appendix E</td>
</tr>
<tr>
<td>Audit, Finance &amp; Administration Committee</td>
<td>Appendix F</td>
</tr>
<tr>
<td>Roles of Council, Mayor and Committee Chair</td>
<td>Appendix G</td>
</tr>
<tr>
<td>Code of Conduct for Members of Council</td>
<td>Appendix H</td>
</tr>
<tr>
<td>Criteria for the Creation of Advisory Committees or Task Forces</td>
<td>Appendix I</td>
</tr>
</tbody>
</table>
Procurement Policy

City of Hamilton

By-Law No. 13-

Procurement Section • Financial Services
Corporate Services

Procurement Policy for the City of Hamilton
Approved By City Council On: December X, 2013
TABLE OF CONTENTS

Section                                      Page

Procurement Mission and Vision                X

1 Procurement Goals & Objectives              X

2 Responsibilities & Prohibitions of Procuring Goods and/or Services  X

3 Definitions and Interpretation              X

4 Procurement Policy                          X
   1 Vendor Eligibility                        X
   2 Approval Authority                        X
   3 Specifications                            X
   4 Prequalification of Vendors               X
   5 Determining the Procurement Process       X
      5.1 Low Dollar Value Procurements         X
      5.2 Request for Quotations                X
      5.3 Request for Tenders                   X
      5.4 Request for Proposals                 X
   6 Unsolicited Proposals                     X
   7 Construction Contracts                    X
   8 Vendor Performance Evaluation             X
   9 Consulting and Professional Services      X
   10 Emergency Procurements                   X
   11 Non-competitive Procurements             X
   12 Cooperative Procurements                 X
   13 Authority to Execute Contracts           X
   14 Standardization                          X
   15 Participation of Elected City Officials in Procurement Process X
   16 Disposal of Surplus Goods                X
   17 Conflicts of Interest                    X
   18 Vendor Complaint Resolution              X
   19 Non-compliance with Procurement Policy   X
   20 Review of the Procurement Policy         X
   21 Anti-Sweatshop Procurement               X
   22 In-House Bid Submissions                 X

Schedule A Statement of Ethics for Public Procurement  X

Schedule B Exemptions                        X

Procurement Policy for the City of Hamilton
Approved By City Council On:  December X, 2013
PROCUREMENT MISSION AND VISION

Mission

To ensure that the procurement function meets the current and future needs of the corporation, provides an economical and efficient service and is considered a value-added partner in the securing of Goods and/or Services for the corporation.

Vision

A team of resourceful skilled professionals, working in partnership with their customers to procure the best Goods and/or Services in the most efficient manner.
PROCUREMENT GOALS & OBJECTIVES

SECTION 1

(1) Procure the necessary quality and quantity of Goods and/or Services in an efficient, timely and cost effective manner, while maintaining the controls necessary for a public agency, in accordance with the Procurement Policy as approved by Council.

(2) Encourage an open and competitive bidding process for the acquisition and disposal of Goods and/or Services, and the objective and equitable treatment of all vendors.

(3) Ensure the best value of an acquisition is obtained. This may include, but not be limited to, the determination of the total cost of performing the intended function over the lifetime of the task, acquisition cost, installation, disposal value, disposal cost, training cost, maintenance cost, quality of performance and environmental impact.

(4) Procure Goods and/or Services with due regard to the preservation of the natural environment and to encourage the use of “environmentally friendly” products and services, as supported by Vision 2020 goals and strategies.
RESPONSIBILITIES & PROHIBITIONS OF PROCURING GOODS AND/OR SERVICES

SECTION 2

(1) General Responsibilities

(a) All City of Hamilton elected officials and staff delegated with the authority to procure shall comply with the Procurement Policy for the City of Hamilton. Without limiting the foregoing, such elected officials and staff shall follow the Statement of Ethics for Public Procurement attached as Schedule A to the Procurement Policy, the City's Code of Conduct for Employees Policy and Policy # 17 – Conflicts of Interest.

(b) Procurement activities shall be subject to all applicable City of Hamilton policies and by-laws, any specific provisions of the Municipal Act, 2001 and all other relevant Federal and Provincial legislation, as may be in effect from time to time.

(2) Procurement Section Responsibilities

The City's General Manager of Finance and Corporate Services shall operate a Centralized Procurement unit on behalf of the City of Hamilton in accordance with the requirements of the Procurement Policy. In carrying out this responsibility the General Manager of Finance and Corporate Services may appoint certain City staff to act on behalf of the City in entering into Contracts with third parties. The General Manager of Finance and Corporate Services may limit the authority to procure of that City staff, as deemed appropriate. The Procurement Section will therefore have the following specific responsibilities:

(a) Be responsible for the administration of the Procurement Policy and will continually review the procurement of Goods and/or Services to ensure the City is receiving the best value.

(b) Ensure that procurement transactions are conducted ethically and professionally in accordance with Schedule A – Statement of Ethics for Public Procurement.

(c) Advise on the practicability of Specifications to ensure a maximum number of competitive Bids.

(d) Notify vendors who have expressed an interest in doing business with the City of the availability of the procurement documents.

(e) Prepare necessary procurement documents and process Purchase Orders.

(f) Advise and assist in the preparation of Contracts when requested.

(g) Provide training and documentation on how to use the procurement module to users of the City's financial software application. Make available copies of the Procurement Policy and Procurement Procedures and Guidelines to all relevant City staff.

(h) Maintain records of procurement transactions as required.

Procurement Policy for the City of Hamilton

Approved By City Council On: December X, 2013
(3) General Manager Responsibilities

(a) Ensure all purchases are performed in accordance with the Procurement Policy and make required reports to the Council or any other interested party explaining why purchases are not in compliance with the Procurement Policy. The Procurement Section will offer advice and assistance in assuring that the Procurement Policy is adhered to upon request.

(b) Delegate Approval Authority to the appropriate levels and maintain the responsibility for such actions including answering questions raised by such delegation.

(c) Ensure appropriate action is taken on internal Audit Services recommendations.

(4) Internal Audit Responsibilities

Internal Audit Services shall conduct selected audits to ascertain adherence to the Procurement Policy. The Procurement Section and Council shall receive a copy of the audit results.

(5) Prohibitions

The following activities are prohibited, unless specifically approved by Council:

(a) Any attempt to evade or circumvent the requirements of the Procurement Policy including, but not limited to, the division of purchases to avoid the requirements of the Procurement Policy by any method, which includes purchases made using procurement cards.

(b) Purchase by the City of any Goods and/or Services for personal use by or on behalf of any member of Council, employees of the City and their immediate families.

(c) The acceptance of gifts, benefits, money, discounts, favours or other assistance by any member of Council, employees of the City, and their families contrary to the City of Hamilton Code of Conduct for Members of Council (Appendix H to the City's Procedural By-law No. 10-053, as amended, repealed or replaced from time to time), the City’s Code of Conduct for Employees Policy or such other similar policy currently in force. The image and integrity of the employee and the City of Hamilton must be preserved at all times.

(d) Purchase by the City from any member of Council or employee of the City, their family members or from any other source, that would result in a conflict of interest, unless that interest has been declared pursuant to the Municipal Conflict of Interest Act or pursuant to the City’s Code of Conduct for Employees Policy or such other similar policy currently in force.

(6) Exemptions

Those items listed in Schedule B - Exemptions, are exempt from the requirements of the Procurement Policy, save and except for Policy # 2 - Approval Authority.
DEFINITIONS AND INTERPRETATION

SECTION 3

Words and phrases used in the Procurement Policy for the City of Hamilton have the following meanings, unless expressly stated otherwise:

“Acquisition Method” means the process by which Goods or Services are procured.

“Approval Authority” means the authority to approve and award procurements, as well as any assignment or corporate change requests related to such procurements, up to the procurement values for the respective body or person(s) set out in Policy # 2 - Approval Authority.

“Approved Products Listing” means the listing of approved Goods for use with road, watermain, sewer, lighting and traffic signal work as maintained by the City’s Standard and Approved Products Committee.

“Authorized Delegate” means the person who has been delegated by Council an Approval Authority and includes any other person further sub-delegated such Approval Authority in accordance with the Procurement Policy.

“Bid” means an offer or submission from a vendor in response to a Request for Quotations, Request for Tenders, Request for Proposals, Request for Rostered Candidates or Request for Prequalifications issued by the City.

“Centralized Procurement” refers to the activities conducted by the Procurement Section of the City’s Corporate Services Department, which facilitates the purchase of all Goods and/or Services in accordance with the requirements of the Procurement Policy.

“Child” means any person under the age of 15, unless local minimum age law stipulates a higher age for work or mandatory schooling, or under the age of 14 if minimum age law is set at that age in accordance with exceptions set out for developing countries under International Labour Organization (“ILO”) Convention 138.

“City” means the City of Hamilton.

“City Event” means an event organized and hosted by the City.

“City Manager” means the City Manager of the City of Hamilton.

“Client Department” means the City department initiating the acquisition of the Goods and/or Services.

“Consulting and Professional Services” means services rendered by members of a recognized profession or possessing a special skill. Such services are generally acquired to obtain information, advice, training or direct assistance.

“Contract” means a legal agreement between two or more parties, usually written, or a Purchase Order.
“Cooperative Procurement” means coordination of City purchases with purchases of other government bodies, public authorities, conservation authorities, municipalities, academia, schools and hospitals (MASH) sector.

“Council” means the Council of the City of Hamilton.

“Designate” means a person authorized to act on the behalf of an Authorized Delegate on a temporary basis.

“Emergency” means a situation, or the threat of an impending situation, which may affect the environment, life, safety, health and/or welfare of the general public, or the property of the residents of the City, or to prevent serious damage, disruption of work, or to restore or to maintain essential service to a minimum level.

“Energy Commodities” means electricity, Green Power, natural gas, methane and all other petroleum based fuel products such as: diesel, bio-diesel, unleaded, fuel oil, propane and any other bulk commodity primarily used by the City for the purpose of heating and cooling of buildings and other structures, electricity generation, cogeneration and the fuelling of City fleets, as determined by the City’s Manager of Energy Initiatives.

“General Manager” means the head of a City department or Designate, and includes the Medical Officer of Health and the City Manager.

“Goods” includes supplies, equipment, materials, products, structures and fixtures to be delivered, installed or constructed.

“Green Power" means electricity generated from renewable energy sources, such as certified water power, solar, biogas, biomass and wind. Other terms for Green Power include: Green Power certificates, tradable renewable certificates or "Green Tags". These attributes, embodied in a certificate, may be bought and sold either bundled or unbundled with commodity electricity.

“Low Dollar Value Procurements” means the process of procuring Goods and/or Services with an estimated annual procurement cost of up to but not including $10,000.

“Lowest Compliant Bid” means a Bid with the lowest price meeting all requirements of a RFQ, RFP or RFT, subject to any rights or privileges reserved by the City contained in the respective procurement document, or unless otherwise approved by Council.

“Mixed Revenue Contracts” means a combination of various types of Revenue Generating Contracts.

“Procurement Manager” means the Procurement Manager for the City of Hamilton or a person authorized to act on behalf of the Procurement Manager on a temporary basis.

“Procurement Policy” means the procurement policies approved by Council, as amended from time to time.

“Procurement Procedures and Guidelines” means the procurement procedures and guidelines approved by the City’s Director of Financial Services & Corporate Controller, as amended from time to time.
“Profit Sharing Contracts” means contracts whereby the City receives a portion of revenues, sales or profits earned by a third party under contract with the City.

“Purchase Order” means a written offer to procure Goods and/or Services or a written acceptance of an offer, in a form acceptable to the City Solicitor.

“Purchase Requisition” means an internal online request by a Client Department to the Procurement Section for procurement of Goods and/or Services.

“Request for Information” or “RFI” means a process where information is requested from vendors regarding their interest in, or the feasibility and availability of, specific Goods and/or Services in the marketplace and to determine if there are enough vendors to justify a Request for Proposals or Request for Tenders.

“Request for Prequalifications” means a process where information is requested from vendors to determine whether or not the vendor has the capability in all respects to perform the contract requirements. The Request for Prequalification process is initiated before a RFP or RFT is issued and only prequalified vendors are eligible to submit a Bid on such procurements.

“Request for Proposals” or “RFP” means a formal request for prices and details on Goods and/or Services from vendors, where the Goods and/or Services may not be able to be fully defined or specified or when alternate methods are being sought to perform a certain function or service, at the time of the request.

“Request for Quotations” or “RFQ” means an informal request for prices on Goods and/or Services with an estimated procurement cost between $10,000 and up to but not including $100,000, and where comprehensive technical Specifications can be developed. Request for Quotations may be processed by the Client Department.

“Request for Roster Candidates” or “RFRC” means a procurement document issued by the City requesting pricing and details with respect to category specific consulting services from vendors, with the intent of creating an approved list of vendors known as rostered candidates, and whereby work assignments under a specific cost limit will be offered by the City to said rostered candidates on an as-needed basis over a two-year period.

“Request for Tenders” or “RFT” means a formal request for prices on Goods and/or Services from vendors, where the Goods and/or Services are able to be fully defined or specified at the time of the request.

“Revenue Generating Contracts” means a legal agreement between the City and a third party that yields a financial return for the City. Revenue Generating Contracts include, but are not limited to:

(a) Service Revenue Contracts; and

(b) Profit Sharing Contracts; and

(c) Mixed Revenue Contracts; and
(d) advertising Contracts.

“Services” means all professional, consulting, construction or maintenance services, as well as any other services described in a Contract or in a RFQ, RFT or RFP.

“Service Revenue Contracts” means the sale of Goods and Services by the City to a third party.

“Specifications” means the detailed description of, and written requirements and standards for, Goods and/or Services contained in a RFQ, RFP or RFT to the extent known or available to the Client Department, and also includes any drawings, designs and models.

“Sponsorship” means a financial contribution or in-kind contribution of goods or services provided to the City in return for recognition, and includes advertising sold in support of a City Event.

“Standardization” is a management decision-making process that examines a specific common need or requirement and then selects a Good and/or Service that best fills that need to become the standard.

“Sweatshop” means a facility where individuals manufacture, assemble or produce consumer goods in working conditions that constitute Sweatshop Conditions.

"Sweatshop Conditions" means working conditions that include any of the following:

(a) employees are not provided with working conditions that: meet or exceed the International Labour Organization (“ILO”) Conventions' standards governing forced labour (ILO Convention 29 – Forced Labour Convention, 1930) and (ILO Convention 105 - Abolition of Forced Labour Convention, 1957), child labour (ILO Convention 138 – Convention concerning Minimum Age for Admission to Employment – the “Minimum Age Convention, 1973” and United Nations Convention On The Rights Of The Child – November 20, 1989, Article 32), payment of wages (ILO Convention 95 - Protection of Wages Convention, 1949), hours of work, occupational health, occupational safety, and non-discrimination (ILO Convention 111 – Discrimination {Employment and Occupation, 1958}); and are in compliance with all applicable federal, state, provincial and local laws of the locality of manufacture; and

(b) employees are compensated by their employer at an hourly rate below the poverty threshold; and

(c) employees are subject to forced labour practices, whether in the form of involuntary prison labour, indentured labour, bonded labour or otherwise; and

(d) employees are under the age of 18 are exposed to situations, in or outside the workplace, that are hazardous, unsafe or unhealthy; and

(e) employees are not provided with a minimum of one day off for every seven-day period; and

(f) employees are subject to physical, sexual, psychological abuse or harassment, verbal abuse, or any other form of abuse, including corporal punishment; and

Procurement Policy for the City of Hamilton

Approved By City Council On: December X, 2013
(g) employees are not provided with a safe and hygienic workplace, including access to clean toilet facilities and safe drinking water.

"Time-Sensitive" means a situation for which the timing to complete the procurement is paramount, but the time available to follow normal procedures is insufficient.
POLICY # 1 - Vendor Eligibility

SECTION 4.1

(1) The City will make reasonable efforts to maintain an electronic vendor database of those vendors who have expressed an interest in doing business with the City and who have completed an online registration form.

(2) Without limiting or restricting any other right or privilege of the City and regardless of whether or not a Bid otherwise satisfies the requirements of a Request for Prequalifications, RFP or RFT, the City may reject any Bid from a vendor where,

(a) 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 but not limited to 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 pursuant to a Request for Prequalifications:

(i) the vendor being involved in litigation with the City;

(ii) act(s) or omission(s) resulting in a claim by the City under any security submitted by the vendor on a RFP or RFT, including but not limited to a bid bond, a performance bond, or warranty bond;

(iii) the failure of the vendor to pay, in full, all outstanding payments (and, where applicable, interest and costs) owing to the City by such vendor, after the City has made demand for payment of same;

(iv) the vendor’s refusal to follow reasonable directions of the City or to cure a default under any Contract with the City as and when required by the City;

(v) the vendor’s refusal to enter into a Contract with the City after the vendor’s Bid has been accepted by the City;

(vi) documented poor performance of a vendor as per Policy # 8 – Vendor Performance Evaluation, including the vendor’s refusal to perform or to complete performance of a Contract with the City;

(vii) the vendor having unlawfully or unreasonably threatened, intimidated, harassed, or otherwise interfered with an attempt by any other prospective vendor to bid for a City Contract or to perform any Contract awarded by the City to that vendor;

(viii) the vendor having discussed or communicated, directly or indirectly, with any other vendor or their agent or representative about the preparation of the vendor’s Bid including, but not limited to, any connection, comparison of figures or arrangements with, or knowledge of any other vendor making a Bid for the same work;

(ix) the vendor having unlawfully or unreasonably threatened, intimidated, harassed, assaulted or committed battery against, or otherwise interfered with an official, employee, representative, agent or independent consultant or contractor of the City in the performance of his or her duties or in any way attempted to influence such persons;

Procurement Policy for the City of Hamilton
Approved By City Council On: December X, 2013
Appendix “G” to Item 27 of AF&A Report 13-011
Page 13 of 52

(x) the vendor has on one or more occasions, in the performance of a Contract with the City, deliberately, with wilful blindness or negligently, save and except an inadvertent error corrected to the satisfaction of the City within a reasonable time, as determined by the City,

1. over-billed, double-billed and/or retained a known over-payment, or has failed to notify the City of an over-payment or duplicate payment;
2. billed for items not supplied;
3. billed for items of one grade, while supplying items of an inferior grade;
4. made a misrepresentation as to the quality or origin of Goods, their functionality or suitability for a purpose, or their performance characteristics;
5. submitted false or misleading information to the City;
6. acted in conflict with the City’s interests;
7. misappropriated any property or right of the City, in any form; or
8. committed any other form of sharp or deceptive practice;

(xi) any other act or omission by the vendor that the City deems to impair the commercial relationship between the City and the vendor.

(b) in the opinion of City there are reasonable grounds to believe that it would not be in the best interests of the City to enter into a Contract with the vendor, including but not limited to:

(i) the conviction of that vendor or any person with whom that vendor is not at arm’s length within the meaning of the *Income Tax Act* (Canada) of an offence under any taxation statute in Canada;

(ii) the conviction or finding of liability of that vendor under the *Criminal Code* or other legislation or law, whether in Canada or elsewhere and whether of a civil, quasi-criminal or criminal nature, of moral turpitude including but not limited to fraud, theft, extortion, threatening, influence peddling and fraudulent misrepresentation;

(iii) the conviction or finding of liability of that vendor under any environmental legislation, whether of Canada or elsewhere, where the circumstances of that conviction evidence a gross disregard on the part of that vendor for the environmental well-being of the communities in which it carries on business;

(iv) the conviction or finding of liability of that vendor relating to product liability or occupational health or safety, whether of Canada or elsewhere, where the circumstances of that conviction evidence a gross disregard on the part of that vendor for the health and safety of its workers or customers;

(v) the conviction or finding of liability of that vendor under the financial securities legislation whether of Canada or elsewhere, where the circumstances of that conviction evidence a gross disregard on the part of that vendor for its stakeholders.

Procurement Policy for the City of Hamilton

Approved By City Council On: December X, 2013
(3) For the purposes of subsections (2), (4), (5), (6)(d), (7) and (8) of this Policy #1, a reference to a vendor shall also include: an officer, a director, a majority or controlling shareholder, or a member of the vendor, if a corporation; a partner of the vendor, if a partnership; any corporation to which the vendor is an affiliate of or successor to, or an officer, a director or a majority or controlling shareholder of such corporation; and any person with whom that the vendor is not at arm’s length within the meaning of the Income Tax Act (Canada).

(4) In the circumstances described in subsections (2) and (8), the City may, in addition or in the alternative to rejecting a Bid from a vendor, ban a vendor from competing for or being awarded any City Contract for a period of up to ten years.

(5) Without limiting or restricting any other right or privilege of the City, the City may refuse to enter into a Contract with a vendor where any of the circumstances described in (2)(a), (2)(b) or (8) of this Policy #1 have occurred within the five year period preceding the date on which the refusal to enter into the Contract is approved by Council. In addition or in the alternative to refusing to enter into the Contract, the City may ban a vendor from competing for or being awarded any City Contract for a period of up to ten years.

(6) Where the Contract is awarded to a vendor who has made an unauthorized amendment to the City’s pre-printed forms (e.g. Form of Proposal or Form of Tender) or other documents submitted as part of the vendor’s Bid, then within a reasonable time of the City discovering that unauthorized amendment, the City may,

(a) permit the vendor to withdraw an unauthorized amendment to the City’s Form of Proposal or Form of Tender, at no cost to the City; or

(b) cancel or terminate the Contract without any compensation whatsoever to the vendor by giving written notice to that effect to the vendor; or

(c) recover from such vendor any amounts the City paid to the vendor and all costs, expenses, damages and losses incurred or accrued by the City as a result of the unauthorized amendment; or

(d) ban such vendor from competing for or being awarded any City Contract for a period of up to ten years where, in the opinion of Council, the change was made by the vendor as part of a deliberate attempt to deceive and such deception has resulted in an impairment of the commercial relationship between the City and such vendor, or any combination of the foregoing.

(7) Where a vendor has the Lowest Compliant Bid to a RFT or RFP or has the successful Bid in accordance with the evaluation methodology set out in a RFP, which Bid has been rejected due to the vendor’s failure to initial a legible change such as an erasure, strike out, white out, cross out or overwriting, within one business day of the City’s request, the vendor shall also be banned from competing for or being awarded any City Contract for a period of one year. Only the ban, and not the rejection of the Bid, may be challenged by the vendor in accordance with Policy #18 – Vendor Complaint Resolution.

(8) No Lobbying and Single Point of Contact

(a) A vendor and its representatives shall not,

(i) make any public comment, respond to questions in a public forum, or carry out any activities to publicly promote or advertise their qualifications, their
service or product, or their interest in a RFQ/RFP/RFT/RFRC/Request for Prequalifications.

(ii) communicate with the City regarding a RFQ/RFP/RFT/RFRC/Request for Prequalifications except through the Procurement Manager or designate identified in the RFQ/RFP/RFT/RFRC/Request for Prequalifications, who shall be the single point of contact for that procurement document.

Having a single point of contact for the RFQ/RFP/RFT/RFRC/Request for Prequalifications is intended to allow all other persons involved with the RFQ/RFP/RFT/RFRC/Request for Prequalifications on behalf of the City to avoid any perception of a conflict of interest and to conduct the procurement set out in the RFQ/RFP/RFT/RFRC/Request for Prequalifications in as fair and objective a manner as possible.

(iii) make any attempt to contact, directly or indirectly, any of the following persons, with respect to a RFQ/RFP/RFT/RFRC/Request for Prequalifications,
1. any member of an evaluation team;
2. any member of a costing team;
3. any expert, independent consultant or other advisor assisting the City;
4. any elected City official;
5. any staff of the City of Hamilton or its advisors; or
6. any other persons connected in any way with the procurement document.

(b) The only exception to the above for a vendor or its representatives as set out at Policy # 18 – Vendor Complaint Resolution if the vendor has a complaint related to the evaluation of its Bid and/or recommendation of award with respect the procurement document.

(c) A vendor who has been awarded a Contract shall not engage in any contact or activities in an attempt to influence any elected City official or City staff with respect to the purchase of additional enhancements, requirements, options, or modules. A vendor may communicate with the City and City staff for the purposes of administration of the Contract during the term of the Contract.

The determination of what constitutes an attempt to influence shall be at the sole discretion of the City, acting reasonably, and is not subject to challenge under Policy # 18 - Vendor Complaint Resolution.
POLICY # 2 - Approval Authority

SECTION 4.2

(1) Any person delegated Approval Authority pursuant to this Policy # 2 shall ensure that an approved budget exists for the proposed procurement and that such procurement does not violate any City policies or any applicable law. Any such procurement shall also satisfy any applicable audit requirements of the City.

(2) The following body and persons shall have the respective Approval Authority as set out below:

(a) **Council** must approve budgetary funding for any procurement of a value of $250,000 or greater.

(b) **City Manager** must approve any procurement of a value of $100,000 up to but not including $250,000. The City Manager may sub-delegate such Approval Authority to his/her staff, who are referred to as an Authorized Delegate in the table below, at the procurement values he/she deems appropriate. Staff who have been further delegated Approval Authority from the City Manager to approve procurements **shall have no authority to** delegate this Approval Authority to any other person. The City Manager may also exercise the Approval Authority of a General Manager.

(c) **General Managers** are authorized to approve procurements of a value up to but not including $100,000, save and except in an Emergency wherein Policy # 10 shall apply. **Only** General Managers may sub-delegate such Approval Authority to their staff, who are referred to as an Authorized Delegate in the table below, at the procurement values they deem appropriate. Staff who have been further delegated Approval Authority from their General Manager to approve procurements **shall have no authority to** delegate this Approval Authority to any other person.
(d) **Approval Authorities for various Procurement Policies.**

<table>
<thead>
<tr>
<th>ESTIMATED PROCUREMENT VALUE ($, Canadian Funds, exclusive of applicable taxes)</th>
<th>APPROVAL AUTHORITY</th>
<th>PROCUREMENT POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to but not including $10,000</td>
<td>General Manager or Authorized Delegate</td>
<td>Policy # 5.1 – Low Dollar Value Procurements</td>
</tr>
<tr>
<td>$10,000 or greater</td>
<td>General Manager</td>
<td>Policy # 10 – Emergency Procurements</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Policy # 7 – Construction Contracts</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Policy # 11 – Non-competitive Purchasing, not including single source procurements of $250,000 or greater.</td>
</tr>
<tr>
<td>$10,000 – $99,999</td>
<td>General Manager or Authorized Delegate</td>
<td>Policy # 5.2 – Request for Quotations</td>
</tr>
<tr>
<td>$10,000 – $99,999</td>
<td>General Manager or Authorized Delegate unless any of the conditions in subsection (3) of this Policy #2 apply, then Council approval is required.</td>
<td>Policy # 5.4 – Request for Proposals</td>
</tr>
<tr>
<td>$100,000 – $249,999</td>
<td>City Manager or Authorized Delegate unless any of the conditions in subsection (3) of this Policy #2 apply, then Council approval is required.</td>
<td>Policy # 5.3 – Request for Tenders</td>
</tr>
<tr>
<td></td>
<td>For linear construction Contracts issued in conjunction with the Public Works Department, the General Manager of Public Works or Authorized Delegate unless any of the conditions in subsection (3) of this Policy #2 apply, then Council approval is required.</td>
<td>Policy # 5.4 – Request for Proposals</td>
</tr>
</tbody>
</table>

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**Procurement Policy for the City of Hamilton**

Approved By City Council On: December X, 2013
<table>
<thead>
<tr>
<th>ESTIMATED PROCUREMENT VALUE ($, Canadian Funds, exclusive of applicable taxes)</th>
<th>APPROVAL AUTHORITY</th>
</tr>
</thead>
</table>
| $250,000 or greater                             | Council – previously approved budget for the procurement.  
For linear construction Contracts issued in conjunction with the Public Works Department, the General Manager of Public Works or Authorized Delegate unless any of the conditions in subsection (3) of this Policy # 2 apply, then Council approval is required. For all other Contracts, the City Manager or Authorized Delegates unless any of the conditions in subsections (3) and (4) of this Policy # 2 apply, then Council approval is required. | Policy # 5.3 – Request for Tenders  
Policy # 5.4 – Request for Proposals |
| $250,000 or greater                             | Council          | Policy # 11 – Non-competitive Procurements (single source) |

Procurement Policy for the City of Hamilton
Approved By City Council On: December X, 2013
(3) The Client Department in conjunction with the Procurement Section shall submit a report to Council and the appropriate standing committee recommending award of a RFT or RFP if **ANY** of the following conditions apply:

(a) the value of the Bid being recommended for award and any contingency allowance are in excess of the Council approved budget including any contingency allowance, or

(b) for capital projects, when the final cost of the proposed project exceeds the amount provided in the Council approved capital budget for that project by more than 10 percent or $250,000, whichever is less, or

(c) for RFTs, the award is not being made for the Lowest Compliant Bid, or

(d) for RFPs, the award is not being made in accordance with evaluation methodology set out in the RFP, or

(e) where in the opinion of the City Manager, the Client Department’s award recommendation is not in the best interest of the City, or

(f) there are Provincial or Federal government requirements for Council approval.

(4) The Client Department shall submit a report to Council and the appropriate standing committee recommending a single source procurement of $250,000 or greater in accordance with Policy #11 – Non-competitive Procurements.

(5) Council may delegate further Approval Authority as it considers necessary from time to time, including but not limited to, any extended time periods during which Council does not meet.

(6) The City’s Director of Financial Services & Corporate Controller shall prepare a quarterly status report to Council on Request for Tenders and Request for Proposals which shall identify those procurements:

(a) which have been issued, but not yet closed,

(b) which have closed and are under review, and

(c) which have been awarded or cancelled,

since the previous status report.

(7) The issuance and approval of award of a Revenue Generating Contract of any value requires the approval of the General Manager of the Client Department. It will be at the discretion of the General Manager of the Client Department whether to also seek Council approval on the issuance and/or approval of award of a Revenue Generating Contract.

(8) Acceptance of a Sponsorship of any value requires the approval of the General Manager of the Client Department. It will be at the discretion of the General Manager of the Client Department whether to also seek Council approval on the City’s acceptance of a Sponsorship.
POLICY # 3 - Specifications

SECTION 4.3

(1) The following requirements shall be followed in the preparation of the Specifications:

   (a) Specifications are to be detailed but not brand specific, unless standardized in accordance with Policy # 14 – Standardization to maintain a competitive procurement process.

   (b) Where the Specification requirements of the Client Department will result in a single source purchase, the Client Department shall follow Policy # 11 – Non-competitive Procurements.

   (c) Where the Specifications relate to matters that are addressed under the Corporate Energy Policy, they shall be approved by the City’s Manager of Energy Initiatives to ensure that they meet the requirements of said policy.

   (d) Client Departments shall advise the Information Technology Division of procurements that relate to new software purchases and shall comply with the Corporate Computer and Technology Acceptable Use Policy and Security Policies. Specifications shall be approved by Director of Information Technology or Authorized Delegate to ensure that they meet the requirements of said policies.

   (e) Vendors or potential vendors shall not be requested to expend time, money or effort on design or in developing Specifications or otherwise to help define a requirement beyond the normal level of service expected from vendors. Where such services are required,

      (i) the Procurement Manager must be advised;

      (ii) the contracted vendor will be considered a consultant and will not be allowed to make an offer of the supply of the Goods and/or Services;

      (iii) a fee shall be paid, the amount of which shall be determined and agreed upon by the vendor before the services commence; and

      (iv) the detailed Specifications shall become the property of the City, and can be used in obtaining Bids.

   (f) Notwithstanding any assistance in the preparation of the Specifications by a consultant, the Specifications shall be and remain the property of the City.

   (g) Where it is not possible to prepare precise Specifications to issue a Request for Tenders, a Request for Proposals shall be issued. The Client Department, in cooperation with the Procurement Section, shall prepare evaluation criteria and weightings for the criteria. The RFP shall clearly distinguish those requirements that are deemed mandatory and non-mandatory and shall clearly outline how these items will be evaluated.

   (h) When preparing the Specifications, the Client Department shall be knowledgeable of the Ontarians with Disabilities Act, 2001, the Accessibility for Ontarians with Disabilities Act, 2005 and their regulations thereunder, as amended, re-enacted or replaced from time to time, and the City’s Barrier Free Design Guidelines 2006 or the most recent version and apply those requirements with respect to procuring Goods and/or Services and in the development of the Specifications.
(i) When preparing the Specifications, the Client Department shall consider the amount of packaging that would be associated with the procurement of a Good. If the required level of packaging is felt to be too excessive, then the Specifications for those Goods will require the vendor to be responsible for and bear the cost for the removal and disposal of the packaging materials.

(2) The preparation of the Specifications for Request for Quotations, Request for Proposals or Request for Tenders shall be the responsibility of the Client Department. Specifications shall be approved by the Client Department Authorized Delegate and shall be forwarded directly to the Procurement Section with approval attached.

(3) The Procurement Section shall have the authority to review and recommend improvements to the Specifications when deemed necessary. The Client Department shall cooperate with the Procurement Section in the finalization of the Specifications. Should the Procurement Section and the Client Department not be able to reach agreement on Specifications within the allotted timeline, the General Managers of the Client Department and of Finance and Corporate Services Department will attempt to resolve the matter.

(4) The City may issue a Request for Information or RFI through Centralized Procurement. A RFI can be used to determine if there is sufficient vendor interest to justify proceeding with a competitive procurement process and/or to gain additional information on the Good and/or Service from the vendor community. Any resulting competitive procurement process will be issued in accordance with Policy # 5 – Determining the Procurement Process.
POLICY # 4 - Prequalification of Vendors

SECTION 4.4

(1) The purpose for prequalification of vendors is to ensure that each vendor intending to perform work on a City Contract can demonstrate its ability to provide the necessary expertise and resources to satisfactorily complete the work required.

(2) Prequalification of vendors shall be issued through Centralized Procurement and will only be considered in the following circumstances:
   (a) the work will require substantial project management by the City if the vendor is not appropriately experienced and could result in a substantial cost to the City;
   (b) the Goods and/or Services to be purchased must meet national safety standards;
   (c) the work involves complex, multi-disciplinary activities, specialized expertise, equipment, materials, or financial requirements;
   (d) there could be a substantial impact on City operations if the work is not satisfactorily performed the first time;
   (e) where time requirements necessitate efficient use of time and expertise;
   (f) any other circumstances deemed appropriate by the Procurement Manager.

(3) Prequalification requires vendors to provide such information as requested by the City to determine that the vendor has the capability in all respects to perform the contract requirements. This information may include such things as:
   (a) previous experience on similar work (firm and staff assigned);
   (b) capacity to fulfill the contract requirements; and
   (c) the facilities and/or equipment to perform the work.

(4) Vendor submissions will be evaluated, ranked, and a list of prequalified vendors will be established.
POLICY # 5 - Determining the Procurement Process

SECTION 4.5

(1) Sales taxes, excise taxes, value added taxes, duties and shipping shall be excluded in determining the procurement limit of Authorized Delegates and the type of procurement process to be followed.

(2) The dollar values identified in this Procurement Policy represent the annual estimated procurement value for a Good and/or Service to be procured. The annual estimated procurement value is the cumulative value of a particular Good and/or Service in one calendar year. For multi-year Contracts, the estimated total procurement value over the term of the Contract shall be used as the basis for determining which procurement process applies.

(3) It should be the intent of the Client Department to procure Goods and/or Services of like nature as a combined effort.

(4) Where Provincial and/or Federal Governments impose unique requirements in order to qualify for funding, the City’s procurement documents will be amended to include those provisions.

(5) Where there is an incumbent vendor on a corporate City Contract which is of a highly sensitive nature due to the risk associated with financial loss, confidentiality or the handling of sensitive information, a report shall be forwarded to the applicable standing committee of Council and Council to seek direction on the type of procurement process to be followed for the acquisition of the Good and/or Service.

(6) Where the estimated gross revenue for a Revenue Generating Contract is $10,000 or greater, the Revenue Generating Contract shall follow the RFP or RFT process through Centralized Procurement.

Service Revenue Contracts of any value shall be exempt from the public procurement processes outlined in the Procurement Policy, save and except Policy # 2 – Approval Authority and Policy # 13 – Authority to Execute Contracts. Mixed Revenue Contracts are not exempt.

In the event that a Revenue Generating Contract falls under more than one City Policy, both Policies must be adhered to unless that Contract and/or the other City Policy is specifically exempted from the Procurement Policy.
POLICY # 5.1 - Low Dollar Value Procurements
(up to but not including $10,000)

SECTION 4.5.1

(1) All Low Dollar Value Procurements shall utilize all applicable City Contracts and shall otherwise be in accordance with the Procurement Policy.

(2) The General Managers may delegate Approval Authority to their staff for Low Dollar Value Procurements. This procurement function has been de-centralized and therefore, it is the responsibility of the respective General Manager to ensure that the Procurement Policy is adhered to.

(3) Neither a RFQ, RFP nor RFT is required for Low Dollar Value Procurements.
POLICY # 5.2 - Request for Quotations
($10,000 – up to but not including $100,000)

SECTION 4.5.2

(1) All Request for Quotations shall utilize all applicable City Contracts and shall otherwise be in accordance with the Procurement Policy.

(2) For procurements where there are no applicable City Contracts, a Request for Quotations process is used by the Client Department in the following manner:

(a) a minimum of three compliant Bids shall be obtained by any method of written communication unless otherwise approved by the Procurement Section;

(b) in seeking the vendors for Request for Quotations, staff shall also use the electronic vendor database;

(c) Bids must be received from a minimum of three separate vendors;

(d) a “No Bid” response shall not be considered a valid Bid;

(e) all vendors shall receive the same Request for Quotations written information;

(f) the Request for Quotations shall be awarded to the Lowest Compliant Bid; and

(g) all written Bids shall be retained in the Client Department files in accordance with City By-law No. 11-040 (To Establish Retention Periods for Records of the City of Hamilton), as amended, re-enacted or replaced from time to time.

The Procurement Manager may waive the requirement for three Bids, but will only do so where the Client Department has demonstrated to the satisfaction of the Procurement Manager that a minimum of three Bids cannot be obtained.

(3) Staff are encouraged to seek more than the minimum three written Bids to ensure a more competitive process and to utilize any Request for Quotations template provided by the Procurement Section.

(4) In the event that two or more identical Bids are received and are the Lowest Compliant Bids, best and final offers will be solicited from each of these vendors in order to break the tie. If this effort is unsuccessful, then a draw will be held to determine the successful vendor.

(5) The Procurement Section shall assist when requested by the Client Department, or when deemed necessary, with the Request for Quotations process.

(6) An authorized online Purchase Requisition shall be utilized to initiate a Purchase Order and/or formal Contract process.

(7) When a Client Department would like to issue a RFP in lieu of a Request for Quotations, the RFP shall be issued by Centralized Procurement in the same manner as for Requests for Proposals in Policy # 5.4 of the Procurement Policy.

Procurement Policy for the City of Hamilton
Approved By City Council On: December X, 2013
POLICY # 5.3 - Request for Tenders ($100,000 and greater)

SECTION 4.5.3

(1) Client Departments shall utilize all applicable City Contracts and shall otherwise be in accordance with the Procurement Policy.

(2) for Tenders shall be awarded based on the Lowest Compliant Bid. In the event that two or more identical Bids are received and are the Lowest Compliant Bids, best and final offers will be solicited from each of these vendors in order to break the tie. If this For procurements where there are no applicable City Contracts,

(a) the Request for Tenders process is to be used for Goods and/or Services with an estimated procurement value of $100,000 or greater and where comprehensive technical Specifications can be developed;

(b) the Request for Tenders process shall be carried out by Centralized Procurement;

(c) all Requests for Tenders shall be issued and awarded in accordance with the tendering procedures as determined by the City's Director of Financial Services & Corporate Controller;

(d) the Request effort is unsuccessful, then a draw will be held to determine the successful vendor.

(3) When no compliant Bids are received in response to a Request for Tenders, and

(a) where time permits in the opinion of the General Manager of the Client Department, the Request for Tenders shall be re-issued with the appropriate revisions; or

(b) where only one Bid has been received, the Procurement Manager in conjunction with the Client Department may proceed to negotiate the changes required to achieve an acceptable Bid, provided that such changes will not alter the general nature of the procurement described in the Request for Tenders; or

(c) where time does not permit the re-issuance of the Request for Tenders in the opinion of the General Manager of the Client Department, and the Request for Tenders is not otherwise being revised, all vendors who submitted a Bid or secured the original Request for Tenders shall be given the opportunity to submit a new Bid. The Procurement Section will communicate to each vendor who previously submitted a Bid, any deficiencies that resulted in its Bid being deemed non-compliant. This process may utilize a post-closing addendum; or

(d) where time does not permit the re-issuance of the Request for Tenders, and the Request for Tenders is being revised, all vendors who submitted a Bid or secured the Request for Tenders, shall be given the opportunity to submit a new Bid. The Procurement Section will communicate to each vendor who previously submitted a Bid, any deficiencies that resulted in its Bid being deemed non-compliant. This process may utilize a post-closing addendum. The General Manager of the Client Department shall approve this process prior to implementation.

(4) Where one or more Bids have been received and are in excess of budgeted funds, the General Manager of the Client Department in consultation with the Procurement Manager may enter into negotiations with the vendor submitting the Lowest Compliant Bid, where it is

Procurement Policy for the City of Hamilton
Approved By City Council On: December X, 2013
agreed that the changes required to achieve an acceptable Bid will not change the general nature of the requirement described in the RFT.

(5) The Goods and/or Services shall be procured through a Purchase Order, Contract process and/or any other process as approved by the Director of Financial Services & Corporate Controller. Where a formal Contract is necessary, such Contract shall be in a form satisfactory to the City Solicitor.

(6) Where a Time-Sensitive situation occurs, the Procurement Manager may authorize the Client Department to utilize the Policy # 5.2 - Request for Quotations in lieu of the Request for Tenders process.
POLICY # 5.4 - Request for Proposals ($10,000 and greater)

SECTION 4.5.4

(1) The Client Departments shall utilize all applicable City Contracts and shall otherwise be in accordance with the Procurement Policy.

(2) For procurements where there are no applicable City Contracts,

(a) the Request for Proposals process is to be used for Goods and/or Services with an estimated procurement value of $10,000 or greater and where comprehensive technical Specifications cannot be fully defined or specified, or when alternate methods are being sought to perform a certain function or service, at the time of the request;

(b) the Request for Proposals process must be implemented through Centralized Procurement;

(c) the Request for Proposals shall be issued and awarded in accordance with the RFP procedures as determined by the City’s Director of Financial Services & Corporate Controller;

(d) the Request for Proposals shall clearly set out the evaluation criteria and weightings upon which an award of the Request for Proposals may be made. The evaluation methodologies that may be employed, unless specific Council approval is obtained for a particular procurement, are:

(i) FIXED PRICE. The City establishes a fixed dollar value for the award, and the Bids consist of only a technical Bid for that fixed dollar value. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. The award shall be made to the highest scoring vendor; or

(ii) PRICE PER POINT. The evaluation of the RFP will utilize a two step evaluation process. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. For those technical Bids that successfully meet the benchmark score stipulated in RFP, the City will open the price Bid received. The City will then calculate the price per point for each Bid meeting the technical benchmark score and the award will be made to the vendor with the lowest price per point; or

(iii) COMBINATION OF TECHNICAL AND PRICE SCORES. The RFP will utilize a two step evaluation process. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. For those technical Bids that successfully meet the benchmark score stipulated in RFP, the City will open the price Bid received and score the price based on a predetermined calculation set out in the RFP. The price weighting must be a minimum of 25 percent of the technical weighting. Only the General Manager of the Client Department may approve a price weighting of less than 25 percent of the technical weighting. A total evaluation score will be determined by adding the technical score and the price score. The award shall be made to the highest scoring vendor; or
(iv) **LOWEST PRICED BID MEETING TECHNICAL BENCHMARK SCORE.** The RFP will utilize a two step evaluation process. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. For those technical Bids that successfully meet the benchmark score stipulated in the RFP, the City will open the price Bid received. The award shall be made to the vendor who has successfully met the technical benchmark score and has the lowest priced Bid.

(3) the Procurement Section will facilitate the RFP evaluation process. An evaluation committee will be formed with a minimum of three evaluators and be comprised of at least one representative from the Client Department. The evaluators shall review all compliant Bids against the established criteria, reach consensus on the final rating results, and ensure that the final rating results with supporting documents are kept in the procurement file. The Procurement Section representative shall not participate in the scoring of the Bid;

(4) all Bids that meet the required terms, conditions and Specifications outlined in the Request for Proposals document shall be evaluated based on the evaluation criteria and weightings, subject to any rights or privileges reserved by the City;

(5) any award shall be made in accordance with the evaluation criteria and weightings contained in the Request for Proposals document, subject to any rights or privileges reserved by the City or as otherwise approved by Council; and

(6) When no compliant Bids are received in response to a Request for Proposals, and

(a) where time permits in the opinion of the General Manager of the Client Department, the Request for Proposals shall be re-issued with the appropriate revisions; or

(b) only one Bid has been received or has successfully passed the technical proposal requirements, the Procurement Manager in conjunction with the Client Department may proceed to negotiate the changes required to achieve an acceptable Bid, provided that such changes will not alter the general nature of the requirement described in the Request for Proposals; or

(c) where time does not permit the re-issuance of the Request for Proposals in the opinion of the General Manager of the Client Department, the Request for Proposals is not otherwise being revised, and the non-compliance is associated with the pricing portion of the two step evaluation process, all vendors who have successfully passed the technical proposal requirements of the Request for Proposals shall be given the opportunity to submit a new price Bid only. The Procurement Section will communicate to each of these vendors, any Bid deficiencies that resulted in its Bid being deemed non-compliant. This process may utilize a post-closing addendum.

(7) Where one or more Bids have been received and are in excess of budgeted funds, the General Manager of the Client Department in consultation with the Procurement Manager may enter into negotiations with the vendor submitting being recommended for award, where it is agreed that the changes required to achieve an acceptable Bid will not change the general nature of the requirement described in the RFP.

(8) Except where another process is approved by the Director of Financial Services & Corporate Procurement Policy for the City of Hamilton

Approved By City Council On: December X, 2013
Controller, the Goods and/or Services shall be procured through a Purchase Order and/or Contract process. Where a formal Contract is necessary, such Contract shall be in a form satisfactory to the City Solicitor.
POLICY # 6 - Unsolicited Proposals

SECTION 4.6

(1) If it is determined that there is a legitimate need for the Goods and/or Services offered by way of an unsolicited proposal, then an acquisition process shall be conducted in accordance with the Procurement Policy.
POLICY # 7 - Construction Contracts

SECTION 4.7

(1) Where the procurement of Goods and/or Services involves construction, such construction Contracts must also meet the requirements of the Procurement Policy. However, construction Contracts of $100,000 or greater also require both a Purchase Order and a written legal agreement, in a form satisfactory to the City Solicitor.

(2) Construction Contracts are subject to the City’s Fair Wage Policy and Fair Wage Schedule. The Fair Wage Policy and Fair Wage Schedule can be accessed on the City of Hamilton website under the Procurement Section.

(3) For an approved construction Contract in which an unexpected circumstance arises during construction resulting in additional work, the General Manager of the Client Department shall authorize the payment for such work and approve any required purchase acquisition documents, including a completed Construction Contracts Form. The Construction Contracts Form shall detail what additional work was required to address the unexpected circumstance. Such additional work shall not expand the scope of the work but shall be necessary in order to deliver the original approved work.
POLICY # 8 - Vendor Performance Evaluation

SECTION 4.8

(1) At the completion of every Contract for Goods and/or Services of $100,000 or greater, the Client Department shall complete a Vendor Performance Evaluation Form. The General Manager of the Client Department shall ensure this performance evaluation is completed for these Contracts. Such evaluation shall be completed and a copy will be forwarded to the Procurement Section.

(2) In the event of poor performance or non-performance of a vendor at any time during the term of any City Contract, the General Manager of the Client Department shall complete and forward a copy of the Vendor Performance – Incident Reporting Form as soon as reasonably possible after the occurrence.

(3) Documented poor performance or non-performance on any City Contract will be used to determine the eligibility of a vendor to continue to provide Goods and/or Services to the City on a current Contract and to determine their ability to participate on future City Contracts. Any vendor may be excluded from a bidding process due to documented poor or non-performance, where in the opinion of the City, the commercial relationship between the City and such vendor has been detrimentally affected.

(4) The City’s Public Works Department shall be responsible for the vendor performance evaluation process with respect to linear construction Contracts issued by that department under Policy # 7 – Construction Contracts in a format which includes feedback from area residents and elected officials.

(5) In the event of a vendor’s breach of a multi-year City Contract, the Procurement Manager in consultation with the Client Department shall have the discretion to either:

(a) re-issue the RFQ, RFT or RFP; or

(b) negotiate and enter into a new Contract for the remaining years of the Contract with the second lowest bidder of the original RFT or RFP, whichever is in the best interests of the City.
POLICY # 9 - Consulting and Professional Services

SECTION 4.9

(1) Unless otherwise provided, Consulting and Professional Services shall be acquired in accordance with the Procurement Policy.

(2) A Consulting and Professional Services roster will be established every two years through a formal Request for Rostered Candidates process. Work assignments presented to vendors on an approved list (rostered candidates) will be distributed on a rotational basis as well as a “best fit” basis and having an estimated procurement cost of less than $100,000. The General Manager of the Client Department shall award such works by direct appointment through the applicable roster captain. The applicable roster captain shall ensure that there is a reasonably equitable distribution of the works, based on the total dollar value of the work. This method allows the City to employ a number of different consultants while matching the particular talents of a consultant to the project needs.

(a) The General Manager of the Client Departments and the Procurement Manager, shall approve the appointment of rostered candidates and any acceptable subsequent change in any rostered candidate for their respective roster categories in accordance with the Request for Rostered Candidate document.

(b) The General Managers of the Client Departments shall be responsible to prepare a joint annual information report to Council on all assignments awarded including consultants used and a breakdown of the total cost utilized by each roster category.
POLICY # 10 – Emergency Procurements

SECTION 4.10

(1) Where in the opinion of the General Manager of the Client Department, an Emergency exists, Goods and/or Services shall be acquired by the most expedient and economical means. The Procurement Section will provide cooperative assistance when requested to expedite any procurement documents necessary to deal with the Emergency. The General Manager of the Client Department shall provide the reasons for his or her opinion that an Emergency exists and shall approve any purchase acquisition document issued under such conditions. For amounts exceeding $250,000, the General Manager shall issue an information update to the City Manager and to Council.

(2) Subsequent to the resolution of the Emergency, all transactions require a Purchase Requisition to be entered to complete the procurement process. The Client Department shall complete the Emergency Procurement Form and forward it to the Procurement Manager for informational purposes.
POLICY # 11 - Non-competitive Procurements

SECTION 4.11

(1) Subject to Policy # 2 - Approval Authority, the General Manager of the Client Department will approve the Non-competitive Procurement Form, justifying the need to use this Policy # 11 prior to City staff entering into any discussions with any vendor regarding the purchase of the Goods and/or Services. This process may be adopted when any of the following conditions apply:

(a) when Goods and/or Services are judged to be in short supply due to market conditions (short supply);

(b) when a single source for the supply of a particular Good and/or Service is being recommended because it is more cost effective or beneficial for the City (single source);

(c) where a City Contract has expired or will very shortly expire and unforeseeable circumstances have caused a delay in issuing a new RFP or RFT so that a Contract extension is required (contract extension).

(2) Council must approve any requests for negotiations with a single source as set out in subsection (1)(b) of this Policy # 11, where the value of the proposed procurement is $250,000 or greater.

(3) All approved forms shall be forwarded to the Procurement Manager. The Procurement Manager will be responsible for reporting the use to Council on a quarterly basis.

<table>
<thead>
<tr>
<th>ESTIMATED PROCUREMENT VALUE ($, Canadian)</th>
<th>APPROVAL TO INITIATE POLICY # 11 PROCESS</th>
<th>APPROVAL TO ENTER INTO CONTRACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>$10,000 or greater</td>
<td>General Manager</td>
<td>Policy # 2 – Approval Authority</td>
</tr>
<tr>
<td>$250,000 or greater for single source type purchases</td>
<td>Council</td>
<td>Council as per Policy # 2 – Approval Authority</td>
</tr>
</tbody>
</table>
POLICY # 12 - Cooperative Procurements

SECTION 4.12

(1) The City may participate with other government bodies, public authorities, conservation authorities, municipalities, academia, schools and hospitals (MASH sector) in cooperative acquisition ventures for Goods and/or Services when it is in the best interests of the City to do so. Such cooperative procurements shall require the prior written approval of the Procurement Manager.

(2) The procurement procedures and policies of the entity initiating the procurement process will be followed.

(3) The City will issue its own purchase order or contract for their respective Goods and/or Services to the successful vendor for all of cooperative procurements.

(4) In the absence of an applicable City Contract and with the approval of the Procurement Manager, the Client Department may purchase Goods and/or Services using established contracts issued by other government bodies, public authorities, conservation authorities, municipalities, academia, schools and hospitals (MASH sector). For these contracts, the selection of the vendor must have been made through a competitive procurement process and the resulting contract must permit the City to purchase from that vendor under the same terms and conditions.

(5) Where the Province of Ontario requires the City to meet a provincial standard for any Goods and/or Services, and has established a prequalified vendor of record list for such Goods and/or Services, the City may invite only those prequalified vendors to participate in the RFQ, RFT or RFP.
POLICY # 13 - Authority to Execute Contracts

SECTION 4.13

(1) The General Manager of the Client Department and the City Manager, or their respective Designates, shall execute acquisition Contracts and all necessary associated documents on behalf of the City for all RFT and RFP awards approved in accordance with Policy # 2 – Approval Authority. The applicable General Manager shall be the General Manager of Finance & Corporate Services in the case of a corporate-wide Contract.

(2) Where a Contract is required for a procurement which was not initiated by a RFT or RFP, but was otherwise authorized and approved in accordance with Policy # 2 – Approval Authority, the person having the applicable Approval Authority for the procurement, or Designate shall also have the authority to execute the Contract and all necessary associated documents on behalf of the City.

(3) For all other Contracts that received Council approval, the City officials named in the Council resolution shall execute such Contracts on behalf of the City. Where City officials have not been named in the Council resolution, the Mayor and Clerk shall execute such Contract.

(4) The person(s) who have executed a Contract on behalf of the City in accordance this Policy # 13 shall also have the authority to execute any documents for an assignment or corporate change request related to such Contract.

(5) All Contracts shall be in a form satisfactory to the City Solicitor and shall contain content which is acceptable to the Client Department.

(6) All Authorized Delegates will complete the Notification of Signing Authority Form, which shall not be effective until approved and executed by the General Manager or City Manager, as the case may be, and forwarded to the City’s Finance, Administration & Revenue Generation Division for reference.
POLICY # 14 - Standardization

SECTION 4.14

(1) The Procurement Manager shall have the authority to negotiate with the original equipment manufacturers and licensed distributors of approved standardized products.

(2) The Standards and Approved Products Committee shall be responsible to prepare an annual information report to Council outlining the rationale for any Standardization of Goods added to the City’s Approved Products Listing, the number of Goods standardized and any standardized Good resulting in a single source purchase.

(3) Standardization Approval Summary Table

<table>
<thead>
<tr>
<th>Standardization Approval Summary Table</th>
<th>Value ($)</th>
<th>Duration of the Standard</th>
<th>Approval Required</th>
<th>Expiry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standardization does not result in a single source purchase.</td>
<td>Less than $100,000</td>
<td>Up to one year</td>
<td>Procurement Manager or The Standards and Approved Products Committee*</td>
<td>December 31 of the applicable calendar year.</td>
</tr>
<tr>
<td>Standardization does not result in a single source purchase.</td>
<td>Less than $100,000</td>
<td>Multi-year</td>
<td>Procurement Manager or The Standards and Approved Products Committee*</td>
<td>At the conclusion of the contract term.</td>
</tr>
<tr>
<td>Standardization does not result in a single source purchase.</td>
<td>$100,000 or greater</td>
<td>Any</td>
<td>Council or The Standards and Approved Products Committee*</td>
<td>As approved by Council or The Standards and Approved Products Committee.</td>
</tr>
<tr>
<td>Standard results in a single source purchase.</td>
<td>$10,000 or greater</td>
<td>Any</td>
<td>Council or The Standards and Approved Products Committee*</td>
<td>As approved by Council or The Standards and Approved Products Committee.</td>
</tr>
</tbody>
</table>

*Approvals made by The Standards and Approved Products Committee shall only be within the committee’s mandate as approved by Council.
POLICY # 15 - Participation of Elected City Officials in the Procurement Process

SECTION 4.15

(1) Elected City officials may participate in the procurement process in the narrowly defined circumstances described in this Policy # 23 for those specific procurement projects identified by Council.

(2) Elected City officials may participate as members of a steering committee for significant procurement projects identified by Council.

When Council identifies a significant procurement project for which elected City officials are to participate as members of a steering committee, Council will also address the following issues:

(a) the extent of the elected City officials’ involvement in the procurement process to ensure that they are able to provide input prior to the issuance of the procurement documents and to oversee the procurement process, but not function in a decision-making capacity;

(b) the selection of elected City officials who are able to comply with Policy # 17 - Conflicts of Interest and who do not otherwise have a perceived or actual conflict of interest that would impair their ability to be impartial; and

(c) the number of elected City officials to participate.

(3) Elected City officials may not participate in the procurement process where they are required to be in an evaluation capacity. Their involvement in the approval capacity of the procurement process is limited to what is stipulated in Policy # 2 - Approval Authority.
POLICY # 16 - Disposal of Surplus Goods

SECTION 4.16

(1) A Director of the Client Department shall:

   (a) declare a good as surplus to the needs of the City before the good may be disposed of in accordance with this Policy # 16; and

   (b) approve the appropriate disposal methods, which are cost effective and in the best interest of the City, for the declared surplus good.

(2) The Procurement Manager, in conjunction with the City's Director of Financial Services & Corporate Controller, shall have the authority to sell, exchange, or otherwise dispose of goods declared as surplus to the needs of the City by any of the following disposal methods:

   (a) by sale to other City departments,

   (b) by sale to public or private sector entities; or

   (c) by external advertisement, formal request, auction or public sale (where it is deemed appropriate, a reserve price may be established); or

   (d) by donation to a non-profit agency; or

   (e) by recycling; or

   (f) in the event that all efforts to dispose of the goods by sale are unsuccessful, by scrapping or destroying if recycling is unavailable.

(3) No disposition of such good(s) shall be made to employees of the City, members of Council, or their family members unless such good(s) are sold through external advertisement, formal request, auction or public sale and no conflict of interest exists. Prior to any such disposition, the employee shall declare their interest in writing to their General Manager, who will confirm whether any conflict of interest exists. In the case of an elected official, the elected official shall declare their interest in writing to the City Manager. Family members include those defined by the City's Code of Conduct for Employees Policy, Code of Conduct for Members of Council or such other similar policy currently in force.

(4) The Procurement Manager shall submit an annual report to the General Manager of Finance and Corporate Services summarizing the disposal of all surplus goods pursuant to this Policy # 16.

(5) The value of any declared surplus good cannot be used to offset the value of a procurement when determining the procurement process. For example, any trade-in value or salvage value recoverable from a project cannot be used to offset, reduce or change the value of the procurement for purposes of determining the appropriate procurement process to be followed under the Procurement Policy.

(6) The disposal of artifacts is exempt from the requirements of the Procurement Policy.
POLICY # 17 - Conflicts of Interest

SECTION 4.17

(1) Employees of the City shall not have a pecuniary interest, either directly or indirectly, in any City Contract or with any person acting for the City in any Contract for the supply of Goods and/or Services for which the City pays or is liable, directly or indirectly to pay unless such interest has been declared pursuant to the Code of Conduct for Employees Policy, as amended or replaced from time to time, and the employee otherwise complies with such policy.

(2) In addition to complying with the Code of Conduct for Employees Policy as set out under subsection 4.17(1), employees of the City are required to declare any pecuniary interest, either direct or indirect, in writing to their General Manager with a copy to the Procurement Manager indicating the specific nature of the conflict.

(3) Members of Council are required to declare any pecuniary interest direct or indirect, and its general nature, which may result in a conflict of interest pursuant to the Municipal Conflict of Interest Act and the member of Council shall otherwise comply with that Act.

(4) Any Contract with the City may be voided in which a member of Council or any employee of the City has an undeclared direct or indirect pecuniary interest.

(5) All City employees and others participating in the development of the Specifications and/or evaluation for any Request for Tenders, Request for Prequalifications and Request for Proposals will be required to complete and sign a Conflict of Interest Form.
SECTION 4.18

(1) The City of Hamilton encourages the most open, competitive procurement processes and the objective and equitable treatment of all vendors.

(2) The City, however, recognizes that mistakes and misunderstandings may occur; vendors may feel aggrieved and may seek to dispute the recommendation of an award of a Contract. To maintain the integrity of the process, vendors who believe they have been treated unfairly may take the following steps, prior to the award of the Contract:

(a) Request a meeting with the Procurement Manager within five business days after the earlier of the following dates set out below has occurred:

(i) the date the vendor is notified that its Bid is non-compliant; and
(ii) the date the vendor is notified of the status of all Bids received.

The vendor’s request shall be in writing and shall provide a detailed statement of the grounds of the complaint, including copies of relevant documents, and identify the form of relief requested; and

(b) If no resolution satisfactory to both parties has been achieved, the vendor will have three business days from the date of the meeting with the Procurement Manager to make a formal written request to meet with the General Managers of the Client Department and of Finance and Corporate Services regarding the vendor’s complaint. The General Managers will make the final decision regarding the vendor’s complaint, which decision may be made orally or in writing. If the General Managers’ decision means that the City can proceed with the award of the Contract, then the award may occur at any time after such decision is made.

(3) Where a vendor has been banned from competing for or being awarded any City Contract for a period of one year in accordance with subsection 4.1(7) of Policy # 1 - Policy for Vendor Eligibility:

(a) the vendor may challenge the one year ban to the appropriate standing committee of Council where there are extenuating circumstances respecting why the initially was not done within one business day of the City’s request; and

(b) the appropriate standing committee will provide to Council a recommendation with respect to the vendor’s complaint.
POLICY # 19 – Non-compliance with the Procurement Policy

SECTION 4.19

(1) Subject to Policy # 2 - Approval Authority, the General Manager of the Client Department in consultation with the Procurement Manager will authorize the use of a Non-Compliance with the Procurement Policy Form which outlines the circumstances behind the non-compliance issue. This process is to be used when there is a violation of the Procurement Policy consisting of one or more of the following:

a) the contracting of a vendor to provide Goods and/or Services, not in accordance with the requirements of the Procurement Policy;
b) the receipt of an invoice by the City from a vendor, for Goods and/or Services previously acquired outside the procurement process required under the Procurement Policy;
c) where it can be proven that the actions of an employee, or employee group results in the requirement to initiate a procurement process pursuant to Policy # 10 – Emergency Procurements or Policy # 11 – Non-competitive Procurements;
d) splitting of purchases contrary to the Procurement Policy requirements;
e) any and all other violations of the Procurement Policy.

(2) Notwithstanding subsection (1) of this Policy # 19, an employee who fails to act in accordance with the provisions of the Procurement Policy, will be subject to appropriate disciplinary action up to and including termination of employment.

The General Manager of the Client Department will review such violations (through the Non-Compliance with the Procurement Policy Form) and shall consult with the Director of Employee & Labour Relations for consideration of any disciplinary action to be taken as appropriate.

(3) The Director of Financial Services & Corporate Controller will be responsible for reporting the use of all Procurement Policy Non-Compliance Forms to Council on a quarterly basis.
POLICY # 20 – Review of the Procurement Policy

SECTION 4.20

(1) The Procurement Manager shall submit to the appropriate standing committee of Council a biennial report recommending any changes to the Procurement Policy to meet the needs and requirements of the City to operate in an efficient and cost effective manner and in accordance with all applicable laws.

(2) All changes to the Procurement Policy require the approval of Council.

(3) Changes to Procurement Procedures and Guidelines require the approval of the City’s Director of Financial Services & Corporate Controller.

(4) On a periodic basis the City’s Internal Auditor will review the Procurement Policy to assess its effectiveness.
POLICY # 21 – Anti-Sweatshop Procurement

SECTION 4.21

(1) The City of Hamilton does not encourage the use of consumer goods or products manufactured, assembled or produced in factories where persons and, in particular, children are used as slave or forced labour or in other exploitive manners which restricts the person’s freedom or impedes the child’s development. The City will consider the supply of consumer goods or products manufactured under such exploitive manners as a negative practice of the vendor.

(2) The City will not knowingly accept consumer goods or products manufactured, assembled or produced in a Sweatshop or under Sweatshop Conditions.

(3) The determination of compliance with this Policy # 21 shall be in the absolute discretion of the Procurement Manager. The Procurement Manager may, but is not obligated to, request further information and documentation from the vendor to confirm compliance; and may base his or her determination on information provided by Canadian or international certification or compliance agencies or groups, workers or labour unions or organizations, manufacturers, consumer groups, international organizations, ILO or United Nations sources and other parties.

(4) If any consumer goods or products supplied under a RFQ/RFP/RFT are determined by the Procurement Manager to be manufactured, assembled or produced in contravention to this Policy # 21 and/or the certificate required hereunder, the City reserves the right, at its absolute discretion, to:

(a) return all the goods to the vendor and require the vendor to replace, within 30 days from the date of notification by the City, the non-compliant goods or products with goods or products, of at least equal value, complying with this Policy # 21 and all other requirements and specifications of the RFQ/RFP/RFT, all at no cost to the City; or

(b) require the vendor, within 30 days from the date of notification by the City, to provide the City with conclusive evidence that the consumer goods or products have not been manufactured, assembled or produced in contravention of this Policy # 21, failing which the City may terminate the Contract without any compensation and without notice to the vendor.

(5) If the City terminates a Contract with a vendor as a result of a breach of this Policy # 21, the City shall cease to be liable to the vendor or to any other person for any unpaid amounts that would otherwise have been payable under the terms of the Contract and shall not be under any obligation to return to the vendor any product supplied by the vendor under the Contract.

(6) Child Labour Produced Goods Unacceptable

The City fully subscribes to the United Nations Convention on the Rights of the Child and, in particular, Article 32 of the Convention that requires that a Child shall be protected from performing any work that is likely to be hazardous or to interfere with the child's education,
or to be harmful to the Child's health or physical, mental, spiritual, moral or social development. The City reserves the right to terminate any Contract unconditionally and without liability or compensation whatsoever to the City in the event that consumer goods received from a vendor are discovered to have been manufactured, produced or assembled in a Sweatshop or in non-compliance with the national labour laws and regulations with respect to child employment and/or non-compliance with the United Nations Convention on the Rights of the Child.

(7) A vendor shall certify the following on the Form of Quotation/Form of Proposal/Form of Tender to be included in an RFQ/RFP/RFT, as the case may be:

“We hereby represent and certify the foregoing:

(a) all goods or products supplied under this RFQ/RFT/RFP have not been manufactured, assembled or produced, either wholly or in part, in a Sweatshop, as defined in the City of Hamilton’s Procurement Policy or by child labour;

(b) that any goods or products found to be supplied in contravention of the City’s Anti-Sweatshop Policy will be returned to us, at our cost and at no cost whatsoever to the City, and that the City has the option to have the goods or products replaced by us with product of at least equal value, meeting specifications of the RFQ/RFT/RFP, or the City may terminate the Contract without any compensation whatsoever to us.

We hereby acknowledge that the City has been induced to consider this RFQ/RFT/RFP on the basis of this representation and certification.

We further acknowledge that the City shall have the right to reject our Quotation, Bid, or Proposal, terminate any Contract made, and collect any of its losses or damages arising out of our breach of the City of Hamilton’s Procurement Policy.”

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Procurement Policy for the City of Hamilton
Approved By City Council On: December X, 2013
POLICY # 22 – In-House Bid Submissions

SECTION 4.22

(1) In-house Bid submissions will be considered when contemplating a transfer of services from internal services to external services or vice versa.

(2) The General Manager of the Client Department submitting an in-house Bid shall obtain Council approval prior to submitting such a Bid. The Client Department’s report to Council seeking such approval shall include as a minimum:

(a) the members of the in-house Bid submission team;
(b) which costs will be included in the Bid and how costs will be determined; and
(c) the rationale for submitting an in-house Bid.

(3) The RFP or RFT documents to be utilized, as applicable, shall clearly indicate:

(a) an in-house Bid is being considered for the RFP/RFT; and
(b) any advantages that the in-house Bid will have over other bidders by virtue of it being an in-house Bid.

(4) The integrity of the evaluation process will be maintained when evaluating an in-house Bid as follows:

(a) no member of the in-house Bid submission team nor any employee whose employment is affected by the transfer of services shall have any communications with a member of the evaluation team or an elected official concerning the subject RFP or RFT, as the case may be, except in accordance with the communication and any interview provisions contained in the applicable RFP/RFT;

(b) no member of the evaluation team or an elected official shall have any communications with a member of the in-house Bid submission team nor any employee whose employment is affected by the transfer of services, except in accordance with the communication and any interview provisions contained in the applicable RFP/RFT;

(c) no member of the in-house Bid submission team nor any employee whose employment is affected by the transfer of services shall participate in the development of the subject RFP/RFT nor shall such persons have any communications with any person participating in the development of the subject RFP/RFT;

(d) the same rules shall govern the submission of the in-house Bid as will apply to any other bidder, unless expressly provided otherwise in the RFP/RFT document; and

(e) the evaluation of Bids shall be objective and the process shall avoid any unfair bias towards either the in-house or external Bids.
SCHEDULE A – Statement of Ethics for Public Procurement

The following ethical principles should govern the conduct of every City employee delegated with the authority to procure.

- Believes in the dignity and worth of the service rendered by the organization, and the societal responsibilities assumed as a trusted public servant.

- Is governed by the highest ideals on honour and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the organization and the public being served.

- Believes that personal aggrandizement or personal profit obtained through misuse of public or personal relationships is dishonest and not tolerable.

- Keeps the governmental organization informed, through appropriate channels, on problems and progress of applicable operations by emphasizing the importance of the facts.

Responsibility to the City:
- Follow the lawful instructions or laws of the employer.
- Understand the authority granted by the employer.
- Avoid activities which would compromise or give the perception of compromising the best interest of the employer.
- Reduce the potential for any chances of preferential treatment by actively promoting the concept of competition.
- Obtain the maximum benefit for funds spent as agents for the City.

Relationship with vendors:
- Maintain and practice, to the highest degree possible, business ethics, professional courtesy and competence in all transactions.
- Purchase without prejudice, striving to obtain the maximum value for each dollar of expenditure.
- Preclude from showing favouritism or be influenced by vendors through the acceptance of gifts, gratuities, loans or favours.
- Adhere to and protect the suppliers business and legal rights to confidentiality for trade secrets, and other proprietary information.

Relationship with the City:
- Remain free of any and all interests and activities, which are or could be detrimental or in conflict with the best interests of the employer.
- Refrain from engaging in activities where a City employee has a significant personal or indirect financial interest.
- Exercise discretionary authority on behalf of the employer.
- Avoid acquiring interest or incurring obligations that could conflict with the interests of the City.
SCHEDULE B – Exemptions

Items listed below are exempt from the requirements of the Procurement Policy, save and except for Policy # 2 - Approval Authority.

(1) Employer’s General Expenses
   (a) Insurance premiums.
   (b) Debt payments.
   (c) Purchase of investments. This exemption does not include any ancillary services.
   (d) Grants, loans and levies.
   (e) Licenses (for example, vehicle, elevators, radios).
   (f) Real property payments including land, buildings, leasehold interests, easements, encroachments and licenses, or the like.
   (g) Insurance claims, legal settlements and grievance settlements. This exemption does not apply to the procurement for Goods to be replaced.
   (h) Adjusting services for the investigation of liability and property claims.
   (i) Binding orders, judgments or decisions of an arbitrator, tribunal or court. Given that these payments are mandatory, approval from the General Manager of the Client Department which is funding the payment is required instead of the approvals set out in Policy # 2 – Approval Authority.
   (j) Refundable travel expenses.
   (k) Temporary staffing agencies and services.
   (l) Assessments and tools where positions and/or individuals are assessed for recruitment and selection purposes, including tools and assessments which would assist in the accommodation of individuals.
   (m) Payments required by Council approved compassionate programs.
   (n) Other City and employee related expenses, such as: memberships in professional organizations (professional dues), staff attendance at seminars, testing or examination fees, workshops, courses, training, trade shows or conferences. This shall not include any training specifically designed for the City.

(2) Professional Services
   (a) Medical Professional Services.
   (b) Experts retained for the purposes of, or in contemplation of, litigation.
   (c) Confidential Items (for example Forensic Audits).
   (d) Outside Legal Counsel where retained by the City Solicitor or the Director of Employee & Labour Relations.
      An annual report shall be issued to Council by the City Solicitor and by the Director of Employee & Labour Relations detailing outside legal counsel pursuant to (2)(d).
   (e) Mediators and Arbitrators.

(3) Special Services
   (a) Providers of community services (including counselling, individual assessments, training, community support services, licensed child care centres, early years centres, transportation of children identified with special needs or having a therapeutic need to
Appendix “G” to Item 27 of AF&A Report 13-011

Page 51 of 52

attend a licensed child care centre, Domiciliary Hostels Program, Long Term Care Facilities nursing, homemakers, funeral services, planned parenthood and prenatal care and education, as part of City-approved programs and projects).

(b) Accommodations provided as part of City-approved programs and projects for the homeless and others living in poverty.

(c) Vouchers provided by Community Services and Public Health Services as part of City-approved programs and projects.

(d) Financial reviews conducted on a contingency basis for the purposes of recovering amounts paid and/or owed, such as tax recovery services.

(e) Public/guest speakers, individuals or ensembles that offer creative content for presentation to others.

(4) **Utility Billing**

(a) Electricity.

(b) Postal services, postage

(c) Water and Wastewater.

(d) Natural gas.

(e) Communications, for example: voice and data network communications.

(f) The removal, relocation, identification or engineering related to utility infrastructure that exists on road allowances, right of ways and other City properties. This includes subsurface and above-surface infrastructure.

(g) Railway companies related to removal, relocation, construction supervision (flagging) and maintenance.

(h) The purchase, sale, delivery and storage of Energy Commodities and the consideration of price hedging for Energy Commodities shall be in accordance with the City’s Energy Commodity Policy as amended, repealed or replaced from time to time.

(5) **Government Agencies, regulatory bodies, licensing agencies and other public authorities to which the City is required to remit to or pay a fee.**

(6) **Other**

(a) Antiques and artifacts (shops, sales, repairs, but not including restoration).

(b) Acquisition of art.

(c) Publications (including newspapers, periodicals, magazines or books), CDs, DVDs and all copyrighted material.

(d) Maintenance fees for software and computer hardware for information systems previously acquired. This exemption does not apply to new modules nor to new or additional licenses.

(e) Goods for the purpose of retail sales (re-sale) by the City (not including items that bear the City of Hamilton logo or insignia). This exemption does not include food and beverage items.

(f) Media advertising, including trade shows.

(g) Commodity purchases using a commodity price hedging agreement in accordance with the City’s Commodity Price Hedging Policy.

**Procurement Policy for the City of Hamilton**

Approved By City Council On: December X, 2013
(h) Venues (including food and beverage where off site catering is not permitted) for banquets, meetings, events, receptions and training.

(i) Hosting, sponsorship and/or rights fees for conventions or sports events incurred by Tourism Hamilton Inc.

(j) Admission to tourism attractions and destinations for recreational day camps for children and youth.

(k) Real estate sale transactions.

(l) Alcoholic beverage purchases by the golf courses.

(7) Sponsorships solicited by the City shall be in accordance with the City’s Policy for Commercial Advertising and Sponsorship as amended, repealed or replaced from time to time.
### Boards and Agencies Requiring Advance Payments in 2014

<table>
<thead>
<tr>
<th>Board or Agency</th>
<th>Advance Payment Schedule for 2014</th>
<th>Number of Payments per Year</th>
<th>2013 Approved Annual Budget</th>
<th>2014 Advance Payment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hamilton Conservation Authority</td>
<td>Feb 28 &amp; April 30</td>
<td>4</td>
<td>$3,569,320</td>
<td>$1,784,660</td>
</tr>
<tr>
<td>Niagara Peninsula Conservation Authority</td>
<td>March 17</td>
<td>4</td>
<td>513,470</td>
<td>128,368</td>
</tr>
<tr>
<td>Grand River Conservation Authority</td>
<td>April 30</td>
<td>3</td>
<td>243,110</td>
<td>81,037</td>
</tr>
<tr>
<td>Halton Region Conservation Authority</td>
<td>April 30</td>
<td>3</td>
<td>183,700</td>
<td>61,233</td>
</tr>
<tr>
<td>Royal Botanical Gardens 2</td>
<td>1st of each month</td>
<td>12</td>
<td>599,210</td>
<td>199,737</td>
</tr>
<tr>
<td>Hamilton Beach Rescue Unit 3</td>
<td>Feb 2</td>
<td>3</td>
<td>126,810</td>
<td>10,000</td>
</tr>
<tr>
<td>Art Gallery of Hamilton</td>
<td>1st of each month</td>
<td>12</td>
<td>910,110</td>
<td>303,370</td>
</tr>
<tr>
<td>HWCA - Festival of Friends</td>
<td>1st of each month</td>
<td>12</td>
<td>85,270</td>
<td>28,423</td>
</tr>
<tr>
<td>Hamilton Philharmonic Orchestra</td>
<td>1st of each month</td>
<td>12</td>
<td>113,700</td>
<td>37,900</td>
</tr>
<tr>
<td>Opera Hamilton</td>
<td>1st of each month</td>
<td>12</td>
<td>126,930</td>
<td>42,310</td>
</tr>
<tr>
<td>Westfield Village 4</td>
<td>Feb 28 &amp; April 30</td>
<td>4</td>
<td>546,560</td>
<td>273,280</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$7,018,190</strong></td>
<td><strong>$2,950,318</strong></td>
</tr>
</tbody>
</table>

**NOTES:**

1. Assumed that the 2014 budget is approved by April 30, 2014. The proposed pro rata payments are based on the gross amounts of grants approved in 2013.

2. Payments to Royal Botanical Gardens is based on the approved funding formula with the Region of Halton.

3. Historically, Hamilton Beach Rescue Unit has requested an ad hoc advance payment of $10,000 in February.

4. The proposed payments for Westfield Village are made to the Hamilton Conservation Authority.
December 12, 2013

The Honourable Charles Sousa  
Minister of Finance  
7 Queen’s Park Crescent  
7th Floor  
Toronto, ON M7A 1Y7

Dear Minister Sousa:

Re: Request by the City of Hamilton to include the City’s Closed “Hamilton Street Railway Pension Plan (1994)” as an exempt plan under Section 47(1) of General Regulation R.R.O 1990, Regulation 909 Retroactive to January 1, 2009

The purpose of this letter is to request your assistance in obtaining the necessary amendment to Section 47(1) of Regulation 909 of R.R.O. 1990, pursuant to the Pension Benefits Act, R.S.O 1990 c.P. 8 Section 115(1)(x) to add the City’s closed Hamilton Street Railway Pension Plan (1994) to the List. Section 47(1) of Regulation 909 under the Pension Benefits Act exempts a number of public defined-benefit pension plans from certain reporting requirements under Section 18(7) of Regulation 909, certain winding up responsibilities under Section 30 of the Regulation and the payment of annual assessments to the Provincial Pension Benefits Guarantee Fund under Section 37 of the Regulation.

You will see that the Plans listed in Section 47(1) are plans that are in essence publicly guaranteed by the municipalities concerned. Indeed, the City already has two other closed Plans exempted; being the Corporation of the City of Hamilton Municipal Retirement Fund and the Hamilton-Wentworth Retirement Fund. The reason for requesting the City’s Hamilton Street Railway Pension Plan (1994) to be exempted is as a result of a recently-completed “Class Action Proceeding” in the courts. That Court Action resulted in the closed Hamilton Street Railway Pension Plan, retroactive to January 1, 2009, becoming administered by the City and the City designated as the Plan Administrator and an employer of that plan. That essentially put the City in the position of the guarantor as the City is for the other two; i.e. the Corporation of the City of Hamilton Municipal Retirement Fund and the Hamilton-Wentworth Retirement Fund.

Prior to 2009, the Hamilton Street Railway Pension Plan was independent of the City, but now is the responsibility of the City.

In addition to seeking the necessary amending Regulation, pursuant to Section 115(1)(x) to exempt the Plan going forward, and requesting the exemption be made
retroactive to the January 1, 2009 date, the City is also requesting that a retroactive payment be made to the City in the amount of $657,584.00 for the assessments paid to the Pension Benefits Guarantee Fund for 2009, 2010, 2011, 2012 and 2013, as per the Chart below:

<table>
<thead>
<tr>
<th>Assessment Year</th>
<th>Year Paid</th>
<th>PBGF Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>2009</td>
<td>$119,340.00</td>
</tr>
<tr>
<td>2009</td>
<td>2010</td>
<td>$117,396.00</td>
</tr>
<tr>
<td>2010</td>
<td>2011</td>
<td>$116,640.00</td>
</tr>
<tr>
<td>2011</td>
<td>2012</td>
<td>$152,131.24</td>
</tr>
<tr>
<td>2012</td>
<td>2013</td>
<td>$152,077.24</td>
</tr>
</tbody>
</table>

The reason for the request for the return of the assessments to the City back to 2009 is that the assessments were, in essence, a duplication of the public responsibility for guaranteeing the benefits under that defined- benefit pension plan, which “fell to the City” as of January 1 2009.

City Council on December 11, 2013 authorized this request to you and the City would be grateful if this request could be accommodated in terms of the exemption being made retroactive for the years 2009-2013 and then onward and as well there be a payment for the years 2009 through 2013 as per the Chart above.

Attached is a copy of the Restated Plan Text showing the City as the Administrator and employer of the Plan and its retroactivity to January 1, 2009. If you require any further information, the City would be happy to provide that to you so that the necessary Regulation could be processed.

Yours very truly,

_______________________________________
R. Bratina
Mayor

_______________________________________
Mike Zegarac, Acting General Manager/Treasurer
Finance & Corporate Services

Attachment: Restated Plan Text
AUDIT

The Corporation of the City of Hamilton

Audit Planning Report
For the year ending December 31, 2013

KPMG LLP
Licensed Public Accountants

December 9, 2013

kpmg.ca
Contents

Considerations in developing our Audit Plan ................................................................. 1
Our timetable .................................................................................................................. 2
Areas of audit emphasis ............................................................................................... 3
  Materiality .................................................................................................................. 3
  Identification of significant risks .............................................................................. 3
  Work performed on components of the group entity (subsidiaries, joint ventures,
  divisions, equity method investees) ........................................................................... 4
  Use of the work of others ......................................................................................... 5
Fees and timing .............................................................................................................. 6
Recommended improvements ....................................................................................... 7
Appendices ................................................................................................................... 8

This Audit Planning Report should not be used for any other purpose or by anyone other than the
Audit, Finance and Administration Committee. KPMG shall have no responsibility or liability for loss
or damages or claims, if any, to or by any third party as this Audit Planning Report has not been
prepared for, and is not intended for, and should not be used by, any third party or for any other
purpose.

For KPMG's audit committee resources,
please visit kpmg.ca/auditcommittee
Considerations in developing our Audit Plan

We have prepared this Audit Plan to inform you of the planned scope and timing of the audit for the purpose of carrying out and discharging your responsibilities and exercising oversight over our audit of the consolidated financial statements.

We have set out below a summary of changes that have been taken into consideration in planning the audit for the current period:

Your organization
- There were no specific changes to the operations of the Corporation of the City of Hamilton (the "City") that would have a significant impact that have been brought to our attention.

Accounting standards
- The following previously discussed standards become effective this year:
  - PS3410 Government transfers
    - Transferring governments recognize an expense when the transfer has been authorized and all eligibility criteria have been met by the recipient.
    - Recipient governments recognize revenue when the transfer is authorized and all eligibility criteria have been met, except when a transfer gives rise to a liability.
    - This standard could affect the timing of revenue recognition for certain government transfers.
  - PS3510 Taxation revenue
    - Taxation revenue is to be recorded by the government that imposes the tax, except in a purely flow through arrangement.
    - This standard is not expected to impact the City.
- Upcoming changes with effective dates ranging from December 31, 2014 to December 31, 2016 include Financial Instruments, Foreign Currency Translation and Liability for Contaminated Sites.
- Refer to the Appendices for further discussion on this matter.

Auditing and other professional standards
- No significant changes with respect to auditing standards have occurred that will impact the 2013 audit plan.
Our timetable

To assist with your responsibilities as an Audit, Finance and Administration Committee member, we have planned the following interactions with you during the regular and in-camera sessions of your committee meetings:

<table>
<thead>
<tr>
<th>Audit, Finance and Administration Committee Interactions</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present the Audit Planning Report and obtain comments</td>
<td>December 9, 2013</td>
</tr>
<tr>
<td>Make annual inquiries of the Audit, Finance and Administration Committee (see below)</td>
<td>December 9, 2013</td>
</tr>
<tr>
<td>Present our year-end Audit Findings Report, including independence communications</td>
<td>June 2014</td>
</tr>
<tr>
<td>Provide audit opinion on the consolidated financial statements</td>
<td>June 2014</td>
</tr>
</tbody>
</table>

Refer to the Appendices for KPMG’s and management’s responsibilities.

**Annual inquiries of the Audit, Finance and Administration Committee**

Professional standards require that during the planning of our audit we obtain your views on the risk of fraud. We make similar inquiries to management as part of our planning process; responses to these questions will assist us in planning our overall audit strategy and audit approach accordingly.

- Are you aware of, or have you identified any instances of, actual, suspected, possible, or alleged non-compliance of laws and regulations or fraud, including misconduct or unethical behaviour related to financial reporting or misappropriation of assets? If so, have the instances been appropriately addressed and how have they been addressed?
- What are your views about fraud risks in the entity?
- How do you provide effective oversight of programs and controls to prevent, detect and deter fraud, including oversight over internal controls management has established to mitigate fraud risks?
- Is the audit, finance, and administration committee aware of tips or complaints regarding the entity’s financial reporting (including those received through the internal whistleblower program, if such program exists) and, if so, what are the responses to such tips and complaints?
Areas of audit emphasis

We design an overall audit strategy and an audit approach to address the significant risks identified during the planning process.

Materiality

We determine materiality in order to plan and perform the audit and to evaluate the effects of identified misstatements on the audit and of any uncorrected misstatements on the financial statements. The determination of materiality requires judgment and is based on a combination of quantitative and qualitative assessments, including the nature of account balances and financial statement disclosures.

We determine performance materiality (from materiality) in order to assess risks of material misstatement and to determine the nature, timing and extent of audit procedures.

We determine an audit misstatement posting threshold (from materiality) in order to accumulate misstatements identified during the audit.

For the current period, the following amounts have been determined:

<table>
<thead>
<tr>
<th>City Materiality</th>
<th>City Performance Materiality</th>
<th>City Audit Misstatement Posting Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 36,000,000</td>
<td>$ 27,000,000, which has been set at 75% of materiality</td>
<td>$ 1,350,000, which has been set at 5% of materiality</td>
</tr>
</tbody>
</table>

We will reassess materiality based on year-end results or new information to confirm whether it remains appropriate for evaluating the effects of uncorrected misstatements on the financial statements.

Identification of significant risks

As part of our audit planning, we identify the significant financial reporting risks that, by their nature, require special audit consideration. By focusing on these risks, we establish an overall audit strategy and effectively target our audit procedures.

No significant financial reporting risks have been identified during our audit planning. Our audit work will continue to focus on the following significant accounts and disclosures:

- Portfolio investments and related income
- Tangible capital assets
- Taxation revenue
- User charges revenue
- Government grants and contributions
- Expenditures and payables
- Employee future benefits (pension obligation; retirement benefits; long-term disability; sick leave and WSIB)
- Solid waste landfill liabilities
Risk of management override of controls

Although the level of risk of management override of controls will vary from entity to entity, professional standards presume the risk of management override of controls is nevertheless present in all entities and requires the performance of specific procedures to address this presumed risk.

<table>
<thead>
<tr>
<th>Identified risk</th>
<th>Presumed risk of management override of control – Risk of fraud</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant risk: Required to be identified as a significant risk per professional standards</td>
<td></td>
</tr>
</tbody>
</table>

Summary of planned audit approach

We plan on performing the required procedures under professional standards, which include testing journal entries and performing a retrospective review of estimates.

Work performed on components of the group entity (subsidiaries, joint ventures, divisions, equity method investees)

Professional standards require that we obtain an understanding of the Corporation of the City of Hamilton’s organizational structure, including its components and their environments, that is sufficient to identify those components that are financially significant or that contain specific risks that must be addressed during our audit. Where component auditors will perform work on the financial information of such components, we are required to evaluate the extent to which we, as group auditors, will be involved in the work of those component auditors to the extent necessary to obtain sufficient appropriate audit evidence for our group audit opinion.

The components upon which we will plan to perform audit procedures are listed below:

Significant components

<table>
<thead>
<tr>
<th>Identification of significant component</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Hamilton Utilities Corporation</td>
</tr>
</tbody>
</table>

Involvement of KPMG member firms/other auditors (“component auditor”)

Group auditor; KPMG is the component auditor.

Type of work to be performed on component financial information / Planned role and responsibilities

Statutory audit of component financial statements
Other components

<table>
<thead>
<tr>
<th>Identification of other component</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The Hamilton Public Library Board</td>
</tr>
<tr>
<td>• City Housing Hamilton Corporation</td>
</tr>
<tr>
<td>• Hamilton Business Improvement Areas</td>
</tr>
</tbody>
</table>

Involvement of KPMG member firms/other auditors ("component auditor")

Group auditor

Type of work to be performed on component information / Planned role and responsibilities

Statutory audit of component financial statements

Use of the work of others

Our planned audit approach includes the use of the following:

• Use of management’s expert – Actuary
Fees and timing

Fees and assumptions
In determining the fees for our services, we have considered the nature, extent and timing of our planned audit procedures as described above. Our fees are based upon our most recent proposal.

Timing of the audit
We have discussed the key audit deliverables with management and the expected dates indicated below have been agreed upon:

<table>
<thead>
<tr>
<th>Key deliverables and expected dates</th>
<th>Expected dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conduct interim audit field work</td>
<td>October 21 to November 1, 2013</td>
</tr>
<tr>
<td>Conduct year-end audit field work</td>
<td>March 24 to April 25, 2014</td>
</tr>
<tr>
<td>Provide audit opinion on financial statements</td>
<td>June 2014</td>
</tr>
</tbody>
</table>
Recommended improvements

During the course of our audit, we may become aware of opportunities for improvements in financial or operational processes or controls. We will discuss any such opportunities with management and provide our recommendations for performance improvement. We will also include a synopsis of these issues and our recommendations in our discussions with you at the completion of the audit.
Appendices

KPMG’s Audit Quality Framework
KPMG’s Audit Quality Framework

Audit quality, and the respective roles of the auditor and audit committee, is fundamental to the integrity of financial reporting in our capital markets.

This is why audit quality is at the core of everything we do at KPMG. And we believe that it is not just about reaching the right opinion, but how we reach that opinion.

To help ensure that every partner and employee concentrates on the fundamental skills and behaviours required to deliver an appropriate and independent opinion, we have developed our global Audit Quality Framework.

The framework comprises seven key drivers of audit quality.

The seven key drivers of audit quality

<table>
<thead>
<tr>
<th>Driver</th>
<th>What it does</th>
<th>What it means to you</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tone at the top</strong></td>
<td>Audit quality is part of our culture and our values and therefore non-negotiable&lt;br&gt;Allows the right behaviours to permeate across our entire organization and each of our engagements</td>
<td>Assures you that:&lt;br&gt;• Our culture supports our promise to you of excellent service and a high quality audit—consistently&lt;br&gt;• You’re receiving an independent, transparent, audit opinion&lt;br&gt;• You’re receiving an effective and high quality audit that will help you maintain investor confidence in your financial statements.</td>
</tr>
<tr>
<td><strong>Association with the right entities</strong></td>
<td>Ethics above all&lt;br&gt;Eliminates any potential independence and conflict-of-interest issues</td>
<td>Provides you with:&lt;br&gt;• An engagement team handpicked for your business needs – a team with relevant professional and industry experience&lt;br&gt;• An audit engagement team whose qualifications evolve as your business grows and changes&lt;br&gt;• An audit opinion that continues to meet your needs as a participant in the</td>
</tr>
<tr>
<td><strong>Clear standards and robust audit tools</strong></td>
<td>A solid rule book&lt;br&gt;Rigorous internal policies and guidance that help ensure our work meets applicable professional standards, regulatory requirements, and KPMG’s standards of quality</td>
<td></td>
</tr>
<tr>
<td><strong>Recruitment, development and assignment of appropriately qualified personnel</strong></td>
<td>People who add value&lt;br&gt;Helps us attract and retain the best people and reinforces the importance of developing their talents&lt;br&gt;Assigns Partners’ portfolios based on their specific skill sets</td>
<td></td>
</tr>
<tr>
<td><strong>Commitment to technical</strong></td>
<td>The right tools for the right job</td>
<td></td>
</tr>
<tr>
<td>Driver</td>
<td>What it does</td>
<td>What it means to you</td>
</tr>
<tr>
<td>------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>excellence and quality service delivery</td>
<td>Promotes technical excellence and quality service delivery through training and accreditation, developing business understanding and industry knowledge, investment in technical support, development of specialist networks, and effective consultation processes</td>
<td></td>
</tr>
</tbody>
</table>
| Performance of effective audits | **We understand that how an audit is conducted is as important as the final result.** A code of conduct, audit delivery tools, and internal policies and procedures that help ensure the work performed by engagement personnel meets applicable professional standards, regulatory requirements, and our standards of quality | **Assists you with:**
  - Assessing the effectiveness and efficiency of the audit
  - Performing your governance role with confidence. |
| Commitment to continuous improvement | **Comprehensive and effective monitoring** We regularly solicit feedback from the audit committees of the entities we audit. Our robust internal quality review program ensures the work of each partner is reviewed every three years. Additionally, our procedures and a sample of our audits of listed entities are reviewed by the Canadian Public Accountability Board (CPAB), the independent regulator of the accountancy profession in Canada. The Public Company Accounting Oversight Board (PCAOB) in the US also conducts an annual inspection of a sample of our audits of SEC registrants. Finally, a sample of other audits and reviews is undertaken annually by the various provincial institutes in Canada. We consider the recommendations that come from these reviews and implement actions to strengthen our policies and procedures, as appropriate. |                                               |
The regulatory landscape is changing

Uncertain economic forecasts and a changing regulatory environment define today's world; reliable financial information and high-quality audits have never been more essential.

We believe that high quality audits contribute directly to market confidence and we share your objectives of credible and transparent financial reporting.

Our Audit Quality Framework is particularly relevant to Audit Committees, and we see our role in being transparent to you as a key mechanism to support you in the execution of your responsibilities.

Our commitment to quality

The independence, judgment and professional skepticism of your auditors add value to your financial statements, and we believe it is important to be transparent about the processes we follow to develop a KPMG audit report. We want you to have absolute confidence in us and in the quality of your audit.

Our own professional standards dictate technical requirements for reaching and communicating an audit opinion. And we live and abide by these requirements. We invest heavily in our quality, and the Audit Quality Framework helps ensure these investments are the right ones—that they help us continuously drive and maximize our quality improvements. But we feel it is also important that we communicate to you how we view and implement audit quality. The seven key drivers outlined here, combined with the commitment of each individual in KPMG, are meant to do just that.

KPMG member firms across the world use this audit quality framework to describe, focus on and enhance audit quality for the benefit of the entities we audit and in support of the efficacy of our capital markets.

It is our hope that sharing our vision of what audit quality means is a significant step in building confidence in the value of our audits.

Audit quality is fundamental to the way we work.
INTRODUCTION

Vendors who conduct business with the City and negotiate transactions in Canadian dollars have the option of being paid by cheque or electronic funds transfer (EFT). Vendors who carry out transactions in US dollars are paid by cheque only. The PeopleSoft Finance System is used to capture the majority of vendor invoices and issue related cheque and EFT payments.

The following chart was compiled from the PeopleSoft Finance System and summarizes the number and value of Canadian and US dollar cheque and EFT payments from January 1 – December 31, 2012 and January 1 – September 30, 2013 (excluding CityHousing Hamilton, Ontario Works, HECFI and long term care homes).

<table>
<thead>
<tr>
<th>Payment Type</th>
<th>Canadian</th>
<th>American (US)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2012</td>
<td>2013 (Jan-Sept)</td>
</tr>
<tr>
<td>Cheques</td>
<td>$587 million</td>
<td>$400 million</td>
</tr>
<tr>
<td></td>
<td>38,869 63%</td>
<td>27,541 61%</td>
</tr>
<tr>
<td>EFTs</td>
<td>$524 million</td>
<td>$364 million</td>
</tr>
<tr>
<td></td>
<td>22,881 37%</td>
<td>17,360 39%</td>
</tr>
<tr>
<td>Total</td>
<td>$1,111 million</td>
<td>$764 million</td>
</tr>
<tr>
<td></td>
<td>61,750</td>
<td>44,901</td>
</tr>
</tbody>
</table>

In the 2012 calendar year, the City distributed 61,750 payments amounting to more than $1.1 billion Canadian. Approximately 63% of these payments were dispersed using cheques. Due to the manual processes associated with cheque payments, it is reasonable to assume that it costs the City more to issue a cheque as compared to an EFT payment. Cost savings may be realized if more payments were made using EFTs rather than cheques.

AUDIT OBJECTIVES AND SCOPE

The purpose of this audit was to calculate how much it costs the City to prepare, distribute and account for a cheque and an EFT payment, analyze a cheque listing to identify opportunities where it may be more efficient to issue EFT payments and calculate the related cost savings.

The audit included all Canadian cheques issued from the PeopleSoft Finance System for the payment period from January 1 – September 30, 2013. All operational areas, except CityHousing Hamilton, Ontario Works and HECFI, were included in the analysis.
A cheque may be accompanied by a payment advice which lists all vendor invoices paid by the one cheque. Printing costs are incurred to generate these payment advices. In addition, cheques with payment advices are folded and stuffed into envelopes by City mail staff rather than the City’s contracted service provider. Staff do not track the number of payment advices generated nor is this information readily available from the PeopleSoft Finance System. As a result, the costs associated with payment advices have been excluded from the calculated cost per cheque. They would further increase the difference in the cost of payments made by cheque and those made by EFT.

Cheques assigned a special handling code are picked up or sent back to their respective operational areas before being distributed to vendors. Departments use their discretion as to whether these cheques are couriered, hand delivered, mailed or accompanied and paid at the bank. Employee labour costs and/or courier fees incurred to distribute special handling cheques are absorbed by the department. Due to the varied treatment of special handling cheques across the City, these costs cannot be reasonably estimated and have also been excluded from the calculated cost per cheque. They would further increase the difference in the cost of payments made by cheque and those made by EFT.

**METHODOLOGY**

The work performed by Audit Services involved:

A. **Documenting cheque and EFT payment processes** based on employee interviews and observations. Process descriptions include main activities such as initiating the payment cycle, preparing and disbursing payments, resolving exceptions, reconciling bank activity and reissuing payments, where necessary.

B. **Identifying and quantifying costs associated with cheque and EFT payment processes** by examining documentary evidence, observing processes and corroborating statements with other employees (where possible).

C. **Calculating the cost per cheque and per EFT payment.**

D. **Generating a list of cheques issued** from the PeopleSoft Finance System for the sample payment period from January 1 – September 30, 2013.

E. **Creating and analyzing the following data sets from the information collected in step D. above to identify opportunities where it may be more efficient and economical to issue EFT payments:**

   - **Number of cheques issued by payment amount** – quantifies how many cheques were issued for low and high value payment amounts;

   - **Number of vendors by number of cheque payments** – quantifies how many vendors received low and high volumes of cheque payments;
Appendix “K” to Item 35 of AF&A Report 13-011
Page 3 of 6

- **Cheques to vendors with corporate contracts** – quantifies how many vendors on the corporate contract list received a cheque payment; and

- **Cheques with special handling** – quantifies the number of cheques issued using a special handling code.

Audit Services conducted this audit in conformity with the *International Standards for the Professional Practice of Internal Auditing*. Those standards require that Audit Services plan and perform the audit to obtain sufficient, appropriate evidence to support the findings and conclusions based on the audit objectives. Audit Services believes that the work performed provides a reasonable basis for the audit findings and conclusions.

**FINDINGS**

It costs the City $1.41 per cheque and $0.55 per EFT to disburse payments to vendors. Savings of $0.86 per payment may be achieved by replacing a cheque with an EFT.

Cost savings realized through the adoption of more EFT payments will not be significant. If all 27,541 cheque payments from January 1 – September 30, 2013 were replaced with EFTs, maximum cost savings would amount to approximately $23,685. However, it is not reasonable to assume that all cheque payments can be eliminated. Circumstances exist where vendors do not accept EFTs or departments require a cheque to generate physical documentation that a vendor received payment. As a result, actual costs savings may be much less than the $23,685 maximum calculated above.

Although significant cost savings are not likely, the City should strive to reduce the number of cheque payments in order to achieve efficiencies in the following areas:

- **Timing** – Vendors may receive a City cheque 3–6 days after the cheque is printed as compared to 1–2 days for an EFT. More timely payments may improve vendor satisfaction, reduce late fees, increase vendor discounts and decrease the number of payment inquiries posed to Accounts Payable by vendors and operating departments.

- **Cash flow** – EFTs enable predictable cash flow as funds are taken out of the City’s bank account immediately. It is more difficult to determine when a cheque will clear the bank as the City cannot control the vendor’s actions upon receiving the cheque.

- **Fraud** – Cheque fraud is a common form of financial crime where individuals alter or duplicate printed cheques with the intent of misappropriating funds from the City. Despite preventive controls that are in place, the risk of cheque fraud still exists. Decreasing the number of cheques generated by the City may further reduce the risk of such fraudulent activity.

Based on analyses of cheques distributed to vendors from January 1 – September 30, 2013, Audit Services identified the following areas where opportunities may exist to achieve efficiencies in the City’s payment process:
Appendix “K” to Item 35 of AF&A Report 13-011
Page 4 of 6

• Low value cheques – Fifteen cheques were written for amounts less than $1.41, the cost to write a cheque. An additional 121 cheques were written for amounts between $1.42 and $10.00. It is not cost efficient to write low dollar-value cheques. Functionality exists in the PeopleSoft Finance System to set a minimum payment amount. Invoices falling below this minimum are held, grouped and paid once the accumulated amount surpasses the minimum payment threshold.

• High value cheques – Eighty-one cheques were written to ten vendors for individual amounts greater than $1 million. Eleven of these cheques were mailed to vendors using normal postal service. Sending such large-value cheques through the mail presents a significant risk due to the possibility of cheque fraud or cheque loss.

• Low cheque volumes – Single cheque payments were made to 5,010 vendors. The use of corporate procurement cards (Pcards) is a more efficient method to pay single one-time vendors and more Pcard use would increase the City’s annual rebate. Although management agrees with Audit Services that Pcards are a viable payment option, the amount of Pcard use has declined steadily over recent years.

• High cheque volumes – Nine vendors received more than 100 cheques payments each from January 1 – September 30, 2013. It is more efficient and timely for vendors who receive a large volume of cheque payments to be paid via EFT.

Audit Services identified three vendors who received 676 cheques payments in total for insurance claim adjustment and collision repair services. The department manually enters payment details from the cheque into a claims tracking system in Risk Management. Although divisional management agrees that these vendors may and should be paid by EFT, testing is needed to ensure payment information downloaded from PeopleSoft into the claims tracking system is accurate before cheque payments can be eliminated.

• Corporate contract payments – Vendors with a corporate contract are paid by EFT unless the vendor receives a single lump sum or the City cannot release the EFT payment. Audit Services identified 38 vendors from the corporate contract listing who received at least one cheque payment from January 1 – September 30, 2013. Eleven vendors received cheques despite having EFT banking information entered into PeopleSoft. The following reasons were provided by management that may explain why these vendors were not paid by EFT:

  − The Accounts Payable Clerk entering an invoice into PeopleSoft has the ability to override the payment method to cheque if requested by the operating department;
  − Banking information may not have been carried over to new address locations set up in the vendor's profile; and
  − Banking information is not always obtained for new vendors in a timely manner before the first invoice is received and payment is due.
Appendix “K” to Item 35 of AF&A Report 13-011
Page 5 of 6

- Special handling cheques – 6,471 cheque payments disbursed from January 1 – September 30, 2013 involved special handling. The majority of special handling requests came from Dental Services, Risk Management, Payroll and Finance and Councillors’ Offices. Additional costs related to employee labour and/or courier fees are incurred by departments to handle, deliver and/or accompany such cheques to the bank. Although special handling costs could not be quantified, efforts should be made to reduce the number of special handling cheques in order to reduce added costs incurred at the department level. Fewer special handling requests may also contribute to timelier vendor payments and reduce the risk that cheques are mishandled or lost.

**RECOMMENDATIONS**

The implementation of the following five recommendations may result in opportunities to make City payment processes more efficient by reducing costs, making timelier payments, controlling cash flow and reducing the risk of cheque fraud.

1. **That Accounts Payable set a minimum payment threshold in the PeopleSoft Finance System to reduce the quantity of low dollar value cheques. This payment process change should be communicated to vendors.**

   **Management Action Plan:**
   Agreed. A communication to vendors regarding the new Accounts Payable process of receiving invoices is scheduled for Q2 – 2014. This communication will incorporate a message regarding the minimum payments threshold.

2. **That Accounts Payable contact vendors who received individual cheques greater than $1 million or more than 100 cheque payments each in the audit period selected in order to investigate whether EFTs or other forms of electronic payments are available in lieu of cheques.**

   **Management Action Plan:**
   Agreed. Vendors are currently being contacted.

3. **That Accounts Payable develop a strategy to encourage use of corporate procurement cards to reduce the quantity of vendors with single cheque payments.**

   **Management Action Plan:**
   Agreed. A project to enhance the Pcard program will be undertaken in Q4 – 2014.

4. **That Accounts Payable develop a process with Procurement to proactively obtain EFT banking information for vendors who sign a corporate contract on a go-forward basis. Accounts Payable should obtain EFT banking information for existing corporate contract vendors who receive cheque payments and ensure this data is correctly entered in the PeopleSoft Finance System.**

   **Management Action Plan:**
   Agreed. Discussion has taken place and additional meetings will take place in order to develop a process by Q1 – 2014.
5. **That Accounts Payable approach departmental management in areas with high special handling requests to understand issues driving special handling and help develop amicable solutions to reduce the number of special handling cheques.**

   *Management Action Plan:*
   Agreed. Discussions will be held in Q1 – 2014 during the implementation of the Accounts Payable Automated Workflow with the goal of reducing special handling.

Audit Services’ findings were based on extracting and analyzing cheque data available from the PeopleSoft Finance System. Analyses were focused on low and high value cheques, low and high cheque volumes, corporate contract payments and special handling cheques in order to identify areas where vendor payment distribution efficiencies could be realized.

6. **That Accounts Payable analyze cheque population data on an annual basis to proactively identify opportunities to work with departments and vendors to streamline the City’s payment processes.**

   *Management Action Plan:*
   Agreed. This task will be included in the Accounts Payable year end schedule.

**CONCLUSION**

It costs the City $1.41 and $0.55 to issue a cheque and EFT payment, respectively. Savings of $0.86 per payment may be achieved by replacing a cheque with an EFT. Audit Services identified a number of opportunities to reduce the number of cheque payments and realize efficiencies within the City’s payment process. Additional investigations and actions are required by Accounts Payable and departments/divisions before the merits of these opportunities can be measured.
### Observations of Existing System

<table>
<thead>
<tr>
<th>#</th>
<th>Observations of Existing System</th>
<th>Recommendation for Strengthening System</th>
<th>Management Action Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td><strong>Attendance Management</strong></td>
<td>That Transit management focus on the attendance management process and utilize all available tools in the Attendance Support Program to try to reduce the average number of sick/STD days for Transit Operators down to the corporate-wide target and to manage the usage of Emergency Leave days.</td>
<td>Agreed. Transit currently utilizes all aspects of the ASP program, with zero meetings outstanding each month. In addition, all players meetings are held for those employees who reach level 4 in the program. The meetings are attended by the Director, Union Executive, Labour Relations and Return to Work. The nature of the work, Bus Operator, makes it difficult to return employees quickly as the safety of the employee as well as the public must be ensured.</td>
</tr>
</tbody>
</table>

- Two factors that influence the amount of overtime costs incurred is sick/short term disability (STD) absences and Emergency Leave days.

- Transit Operators took an average of 12.59 sick days (based on a 7-hour day) in 2012. Additionally in 2012, Transit Operators took an average of 2.07 Emergency Leave days.

- The corporate-wide reduction target of average sick days per employee is 9.47 sick days (based on a 7-hour day).

- If Transit Operator sick days were brought down to the corporate-wide target, the potential savings to the organization would be approximately $255,000 from lost productivity and a range of approximately $320,000 to $380,000 in additional staffing costs (including overtime).

- These figures would be higher if Emergency Leave days were also considered as part of the calculations.
## PUBLIC WORKS - TRANSIT - OVERTIME
### JULY 2013

<table>
<thead>
<tr>
<th>#</th>
<th>OBSERVATIONS OF EXISTING SYSTEM</th>
<th>RECOMMENDATION FOR STRENGTHENING SYSTEM</th>
<th>MANAGEMENT ACTION PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>No Management Review of Operator Payroll. Payroll for Transit Operators is prepared by Transit Payroll Clerks. No management review occurs to verify the integrity and reasonability of the payroll data prior to its submission for processing to Corporate Payroll. There are no written business procedures for the processing of payroll for Transit Operators. The current process for preparing the Transit Operators payroll contains a high volume of manual overtime calculations with an insufficient amount of supporting documentation retained to support these amounts. This process has the potential for errors to occur and go undetected due to the insufficient supporting documentation and the complexity of the heavily manual process. The current state of payroll documentation that is maintained would not currently permit effective management review to occur even if such a review was already taking place.</td>
<td>That a procedure documenting the Transit Operators’ payroll calculations be written, approved and implemented to ensure the consistency of this process and of the documentation that is maintained. That, once the payroll process has been reviewed and updated, management develop and implement a management review process for the Transit Operators' payroll. That management review the underlying programming/configuration in Trapeze (Transit computer application) and automate as many payroll calculations as possible to reduce the volume of manual calculations that are performed by Transit Payroll Clerks. That sufficient supporting documentation be maintained to support manual payroll calculations.</td>
<td>Agreed. Documentation of the payroll calculations is underway and is expected to be complete by March 2014. Agreed. Management review process will be documented and implemented by January 2014. Agreed. Programming changes are currently underway, with the majority being implemented November 2013. Further changes will be implemented by mid-December 2013. Agreed. Items that remain outstanding from above will be documented by November 2013.</td>
</tr>
</tbody>
</table>
### Observations of Existing System

3. Assignment of work (including overtime) to Operators by Transit management has been the subject of several grievances.

The current documentation does not adequately support the management decision making process (i.e. document the underlying rationale of work assignments). The files maintained are manual, handwritten, inconsistently completed and are difficult to follow.

It is important for management to minimize the organization’s potential exposure to grievances by demonstrating compliance with the Collective Bargaining Agreement.

### Recommendation for Strengthening System

<table>
<thead>
<tr>
<th>#</th>
<th>Observations of Existing System</th>
<th>Recommendation for Strengthening System</th>
<th>Management Action Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>Assignment of work (including overtime) to Operators by Transit management has been the subject of several grievances.</td>
<td>That management digitize and/or automate the documentation of the work assignment process, either in a spreadsheet or in Trapeze. That management revise the documentation maintained for filling unplanned absences (which contribute to overtime) so that the rationale for such management decisions is clearly evident.</td>
<td>Agreed. A process that will allow for work assignments to be consistently documented is being developed. To be completed by January 2014. Agreed. Documentation to be completed by January 2014.</td>
</tr>
<tr>
<td>#</td>
<td>OBSERVATIONS OF EXISTING SYSTEM</td>
<td>RECOMMENDATION FOR STRENGTHENING SYSTEM</td>
<td>MANAGEMENT ACTION PLAN</td>
</tr>
<tr>
<td>----</td>
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<td>4.</td>
<td>There are no written business procedures for workflows related to Transit overtime.</td>
<td>That management develop, approve and implement business procedures for workflows related to Transit overtime costs. These documents should be reviewed on a regular basis (annually) and be revised, as required.</td>
<td>Agreed. Documentation will be completed for all areas mentioned. As part of the documentation the review period will be incorporated.</td>
</tr>
<tr>
<td></td>
<td>Without defined guidelines, workflows, goals and expectations, it is difficult for management to effectively evaluate Payroll and Dispatch staff performance.</td>
<td>Key areas that need to be addressed include:</td>
<td>To be completed by:</td>
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<td></td>
<td>If there is staff turnover, new staff does not have consistent, written procedures for reference. Training time can take longer than necessary due to the lack of such information.</td>
<td>• Payroll calculation and processing, including overtime costs;</td>
<td>March 2014</td>
</tr>
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<td></td>
<td>By not documenting business procedures, management is choosing not to emphasize internal controls in writing. Staff are not aware of existing controls and how they relate to their job duties. Management needs to stress the importance of internal controls and their execution to staff.</td>
<td>• Schedule optimization;</td>
<td>June 2014</td>
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<td>• Assignment of work by Dispatch for unplanned absences to minimize overtime costs; and</td>
<td>January 2014</td>
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<td>• Shift trades and their potential impact on overtime.</td>
<td>December 2014</td>
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### PUBLIC WORKS - TRANSIT - OVERTIME
### JULY 2013

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| 5. | Operator Hours Worked Reported to Corporate Payroll  
The current method of reporting Operator hours and earnings does not reflect the actual type of hours that were worked. This information is also reported inconsistently in the Budget Variance Reports that are prepared.  
There is no direct financial impact to the organization from this current reporting method. However, the number of regular hours worked and regular earnings is overstated and the number of overtime hours worked and overtime earnings are understated. This can have an impact on Employment Insurance (EI) and Canada Pension Plan (CPP) earnings. | That the actual regular hours and overtime hours worked by Transit Operators be reported to Corporate Payroll. | Agreed. Software changes that will report hours in the corporate format are in the process of being developed. To be completed November 2013. |
| 6. | Tracking Overtime Usage  
Overtime usage is not specifically tracked by the Workforce Planning/Dispatch team at Transit. Overtime costs are not considered on a daily basis when unplanned absences are being filled. This information is important to collect because not all unplanned absences trigger overtime costs due to the fact that spare operators are included in the daily workforce planning schedule and should be effectively utilized. | That the forms maintained by Workforce Planning/Dispatch be revised to include information as to whether or not an absence triggers overtime costs.  
That analysis of information such as spare operator utilization vs. overtime incurred be performed on a quarterly basis in order to determine any root causes of overtime costs that can be controlled by management. | Agreed. New assignment lists which show who is working unplanned overtime have already been created. This information is now available daily.  
Agreed. Staff will work with the software provider to develop the necessary reports. June 2014. |
### 7. Documentation of Shift Trades

Shift trades (also known as “Switch and Trades”) occur when an Operator requests to trade a shift with another Operator. A form is completed and submitted to the Superintendent of Workforce Planning for approval.

Shift trades are not recorded in Trapeze to accurately reflect the actual shift and hours that employees worked. The implication is that the total hours worked in a week is not necessarily accurate and an employee could actually be working greater than 60 hours per week. This has potential compliance implications with the Employment Standards Act (ESA).

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<td>7.</td>
<td>Documentation of Shift Trades</td>
<td>That the actual shifts worked by employees be recorded in Trapeze.</td>
<td>Agreed. Staff will work with the software provider to determine a method for recording shift trades. Completion is expected by June 2014.</td>
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### Observations of Existing System

1. **Overtime Tracking – Records**
   - Overtime incurred when maintaining minimum staffing levels is approved and tracked using hand written notes recorded by the Platoon Chiefs (PCs) in their supporting logs. Similar information is recorded in other manually updated logs maintained by the District Chiefs (DCs) and Captains. Overtime incurred for working beyond the end of a shift is tracked with hand written notes of the District Chiefs on the back of Personnel Cards. All of these records are manual, sometimes making the information illegible, cumbersome to review, and reported in an inconsistent manner. Records that are electronically linked and provide detailed information suitable for approval would go a long way in improving the accuracy and efficiency of the process.

2. **Overtime Logs and Slips**
   - The supporting logs used by the PCs, DCs and Captains should identify the employee that worked the overtime, including the employee’s rank and when the overtime started and ended.
   - The PCs supporting log sampled for overtime worked over a two week period did not:
     - identify two of the 44 firefighters and officers that worked overtime;
     - identify the rank of one of the eight Captains that worked overtime;
     - identify the start time for 14 of the 44 firefighters and officers that worked overtime; and
     - identify the end time for 20 of the 44 firefighters and officers that worked overtime.

### Recommendation for Strengthening System

1. That HFD management implement an automated timekeeping system for tracking and approving regular hours and overtime incurred.

   **Agreed.** HFD will implement the necessary internal controls in the current manual process starting January 1, 2014 for the tracking and approving of regular and overtime hours.

   The Department will also begin working on the development and implementation of an automated time keeping system that will be operational by January 1, 2015.

2. That HFD management implement a system to ensure that all relevant information, (i.e. name, rank, start and end times) for all employees that worked overtime is accurately reflected in the logs used by all officers (Captains, District Chiefs and Platoon Chiefs). The accuracy of this information should be verified by performing spot checks each month.

   **Agreed.** HFD will update the current manual process starting January 1, 2014 to ensure all relevant information is recorded.

   HFD will ensure that the development of the automated time keeping system to be operational by January 1, 2015 will include the relevant information identified in this recommendation.

   Monthly spot checks will be performed by F&A staff.
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<td>officers that worked overtime.</td>
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### Overtime Logs and Slips (continued)

The DCs supporting logs over the same two week period did not:

- identify the rank of one of the eight Captains that worked overtime;
- identify the start time for one of the 44 firefighters and Officers that worked overtime; and
- identify the end time for six of the 44 firefighters and Officers that worked overtime.

The PCs also prepare and approve the overtime slips to ensure that the employees that worked overtime are paid for the hours worked. The information on the overtime slips is supported by the various logs. The following inconsistencies were noted between the overtime slips and the logs:

- Hours worked reported on the PCs supporting logs differ from those reported on the overtime slips in 22 of the 44 overtime cases reviewed;
- Hours worked reported on the District Chiefs’ supporting logs differ from those reported on the Overtime Slip in eight of 44 overtime cases reviewed; and
- Employees that worked overtime in two of the 44 cases reviewed were not identified in the Captain’s log.

That HFD management develop a system to ensure that the information on all overtime slips is supported by the overtime recorded in the different logs. This information should be verified for consistency by performing spot checks each month.

Agreed. HFD will update the current manual process starting January 1, 2014 to ensure that the information on all the overtime slips is supported by the personnel logs.

HFD will ensure that the development of the automated time keeping system to be operational by January 1, 2015 will include the relevant overtime information identified in this recommendation.

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<td>3.</td>
<td>Overtime Tracking and Approval – Overtime Incurred Beyond the end of the Shift</td>
<td>That HFD management consider a means to evaluate the time claimed by firefighters who return to their station after they are relieved of their duties at the scene of an emergency.</td>
<td>Agreed. HFD will update the current manual process starting January 1, 2014 to ensure that the overtime claimed by firefighters who return to the station after emergency scene relief has been properly recorded and validated.</td>
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<td>Firefighters combating a fire at the end of their shift, they are relieved at the scene. The firefighters that are relieved return to the station prior to going home. They are allowed overtime for this period. However, there is no process used to confirm the overtime hours claimed in these situations.</td>
<td>That HFD management verify the amount of overtime claimed by firefighters “Waiting for Relief” by comparing the overtime hours on the personnel cards to the time that their relief workers reported to work (noted in the District Chief’s log).</td>
<td>Agreed. HFD will update the current manual process starting January 1, 2014 to capture and verify documentation to support overtime for relief.</td>
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<td>Firefighters waiting for their replacements to arrive for the next shift are entitled to overtime if their scheduled end time has passed. This is identified as “Waiting for Relief”. Firefighters claiming overtime for “Waiting for Relief” inform their DCs by telephone or e-mail. The DCs record the times on the backs of personnel cards which accumulate such time for payment. The DCs do not verify the accuracy of the time claimed.</td>
<td>That, when overtime is claimed for miscellaneous reasons, supporting documentation be provided by staff and retained by management.</td>
<td>Agreed. HFD will update the current manual process starting January 1, 2014 to record supporting rationale for all overtime.</td>
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<td>Overtime is also claimed by firefighters for miscellaneous reasons (i.e. writing reports or meeting with Crown attorneys). However, staff do not present documentation (i.e. the reference to the report being written or the reason for meeting with the Crown) to support the amount of overtime claimed in such cases.</td>
<td>HFD will ensure that the development of the automated timekeeping system to be operational by January 1, 2015 will include the relevant overtime information identified in these</td>
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### COMMUNITY & EMERGENCY SERVICES

**HAMILTON FIRE DEPARTMENT – OVERTIME**  
**JULY 2013**

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| 4. | **Staffing Model**  
The current staffing model of the HFD uses a minimum complement of 87 firefighters and officers per shift plus one staff per major apparatus (for example, a fire truck) and additional staffing for specialty stations (i.e. Hazmat, High Angle Rope Rescue and Enclosed Spaces). Management has indicated that these levels are based on a “rule of thumb” and has not developed a formal analysis to validate the accuracy of this staffing model. The determination of the number of man days that must be covered for staff vacations, for work on statutory holidays, for days lost due to illness/injury and for retirements is not calculated and thus, not reviewed each year to reflect changes in the HFD’s work force. With a current platoon strength of 117 staff, it cannot be confirmed that this staffing level is adequate to meet its requirements. | That management develop and use a set model to justify staffing requirements each year based on determining factors such as the number of days that must be covered for staff vacations, for work on statutory holidays, for estimated days lost due to illness/injury and for retirements. | Agreed. HFD will develop a staffing model that will be used to justify the annual staffing requirements. This model will be developed and implemented by August 1, 2014. |
| 5. | **Vacation Scheduling**  
Management has developed a Holiday/Lieu Day Draw Policy to ensure that staff have an opportunity to take holidays during the prime vacation period and service delivery is maintained consistently throughout the year. This policy maximizes the number of officers and firefighters that may be on holidays for any given shift at five and 13 respectively with the combined total not exceeding 18. In the audit sample selected, the number of holidays and lieu days granted to firefighters exceeded their maximum number on eight of the 14 days reviewed and thus, overtime was required on four of the days. The number of holidays and lieu days granted to officers exceeded the maximum allowed on. | That management ensure the Holiday/Lieu Day Draw Policy is adhered to so that no more than the maximum number of staff allowed under this policy are on holidays on any given day and this cause of overtime is minimized. | Agreed. HFD will provide education to all senior officers (PC’s and DC’s) to ensure that policy is followed. This will be completed by December 31, 2013. HFD will include in the development of the automated time keeping system (by January 1, 2015), a real time audit system for the logging of vacation to help ensure that policy is followed. |
### Communitiy & Emergency Services

**Hamilton Fire Department – Overtime**

**JULY 2013**

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<td>6.</td>
<td>Procedures</td>
<td>That the HFD management develop, approve and implement comprehensive procedures for the tracking and approval of overtime.</td>
<td>Agreed. HFD will develop, approve and implement procedures for the tracking and approval of overtime by April 30, 2014.</td>
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three of the 14 days and overtime was required on two of those days.

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Procedures

HFD management has not developed written procedures to guide staff in tracking and approving overtime (whether it arises from maintaining minimum staffing levels or for working beyond the end of the shift). When written procedures do not exist, the officers currently carrying out these overtime duties rely on personal understanding and experience which could result in incorrect, incomplete or inconsistent application. It would also be problematic and inefficient for a successor to commence his/her duties within a short period of time.
ADDENDUM

The following items were noted during the course of the audit. Although they do not present internal control deficiencies, they are indicated in this Addendum so management is aware of the issues and can address them appropriately.

1. **Budgeting for Overtime**
   
The Fire Suppression Unit’s overtime budget (PeopleSoft Account 51006 DeptID 740010) has only been updated once in the past six years. It was increased from $560,000 in 2010 to $605,770 in 2011 and has remained at this level since then. Neither, management nor Finance and Administration (F&A) could provide an explanation as to how the budget amounts were calculated.

   *It is recommended:*
   *That HFD management and F&A update the Fire Suppression Unit’s overtime budget each year to reflect the anticipated overtime arising from maintaining minimum staffing levels and for working beyond the end of their shifts.*

   **Management Response:**
   Agreed. As part of the annual budget process, management will review the anticipated overtime requirements and make the necessary changes to reflect findings.

2. **24 Hour Shift Schedule – Program Evaluation**
   
The agreement between the City of Hamilton and the Professional Firefighters Association Local 288 states that the two parties agree that the 24-hour Shift Schedule Trial for the Suppression Division will be evaluated throughout the trial period (identified as January 3, 2011 to December 31, 2013) against the applicable performance numbers from the previous five (5) years. These performance numbers include overtime frequency and costs. Management has not completed such an evaluation to date.

   *It is recommended:*
   *That HFD management prepare an evaluation of the 24 hour Shift Schedule Trial, comparing overtime frequency and costs for the period since this schedule was implemented (January 3, 2011 to present) against the previous five year period as per the agreement.*

   **Management Response:**
   Agreed. Management will be presenting this report to Committee and Council prior to the end of 2013.
3. Deviation from Existing Procedure

The procedure developed by Budgets and Finance states that the overtime slips for Platoon Chiefs (PCs) must be forwarded to the Deputy for authorization. The current actual practice has the overtime slips being authorized by the incoming shift’s PC. This is not a control issue as other compensating procedures are performed with reports reviewed by the Deputy Chief that make him aware of any overtime incurred by the PCs. However, the procedure is not reflective of the current practice.

It is recommended:
That the procedure for the approval of the Platoon Chiefs’ overtime slips be updated to reflect the current practice.

Management Response:
No change required. Management will review the current practice with F&A and the Platoon Chiefs/Acting Platoon Chiefs and ensure that all overtime slips for the Platoon Chiefs/Acting Platoon Chiefs are being authorized by the Deputy Chief prior to processing.
CITY OF HAMILTON
PROPOSED 2014 INTERNAL AUDIT WORK PLAN PROJECTS

1. AUDITS IN PROGRESS OR CARRIED FORWARD FROM 2013

The following audits are in progress and should be completed by the end of the first quarter of 2014:

- Continuous Auditing Program
- Traffic Operations
- Homes for the Aged
- Network Security and Access
- Investments

The following audits/reviews were included in the 2013 Work Plan. Due to resourcing issues, they will be carried over and completed in 2014.

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<td>Proposals for roster candidates for professional consultants contain specific rules and requirements such as fixed pricing within the term, permitted additional charges and invoicing details. As the current roster term is half way through and the next Request for Roster Candidates will be developed in 2014, any issues that need addressing in this regard should be identified.</td>
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THE EMERGENCY AND COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 13-010 AND RESPECTFULLY RECOMMENDS:

1. Appointment of Chair and Vice-Chair

(a) Appointment of Chair

That Councillor Farr be appointed Chair of the Emergency and Community Services Committee for 2014.

(b) Appointment of Vice Chair

That Councillor Merulla be appointed Vice-Chair of the Emergency and Community Services Committee for 2014.

2. Group Purchasing Service for Food and Related Supplies (Lodges) (CS13003(a)) (Wards 6 and 13) (Item 5.2)

(a) That Complete Purchasing Services Inc. be approved as the single source purchasing agent for group purchasing services for food and related supplies for the food service and nutrition programs at Macassa and Wentworth Lodges for a period of five years;
(b) That the vendors used in conjunction with the Complete Purchasing Services Inc. group purchasing program for food and related supplies for the food service and nutrition programs at Macassa and Wentworth Lodges be approved as single source vendors;

(c) That Macassa and Wentworth Lodges increase the proportion of purchases of local products through the approved suppliers in the Complete Purchasing Services Inc. program.

3. Hamilton Jewish Social Services Elderly Persons Centre (EPC) Funding (CS13044) (Ward 13) (Outstanding Business List Item) (Item 5.3)

(a) That a funding increase in the amount of $7,930 be approved in 2013 for the Jewish Social Services for the operation of their Elderly Persons Centre in Dundas, to be absorbed within the 2013 Recreation Division Operation Budget or from departmental surplus;

(b) That the funding increase in the amount of $7,930 for the Hamilton Jewish Social Services for the operation of their Elderly Persons Centre in Dundas, be included in the 2014 Recreation Division Operation Budget with a corresponding reduction.

4. 2014 Budget Request - Seniors Advisory Committee (FCS13094) (City Wide) (Item 5.4)

That the Seniors Advisory Committee’s (SAC) 2014 base budget submission in the amount of $1,500 be approved and forwarded to the 2014 budget process (General Issues Committee (GIC)).

5. Hamilton Veterans Committee 2014 Volunteer Budget Submission (PED13203) (City Wide) (Item 7.1)

(a) That the Hamilton Veterans Committee 2014 base budget submission in the amount of $20,000, attached as Appendix “A” to Report PED13203, be approved and forwarded to the 2014 budget process General Issues Committee (GIC);

(b) That in addition to the base funding, that a budget allocation of $5,000, funded by an increase to the tax levy, be approved and forwarded to the 2014 budget process General Issues Committee (GIC).
6. **Food and Shelter Advisory Committee 2014 Budget Submission (CS13048) (City Wide) (Item 7.2)**

That the Food and Shelter Advisory Committee 2014 base budget submission in the amount of $500, be approved and forwarded to the 2014 budget process (GIC).

7. **Food and Shelter Advisory Committee Membership**

That Councillor Merulla be appointed to the Food and Shelter Advisory Committee for the balance of this term of Council ending 2014.

8. **Hamilton Youth Advisory Committee (HYAC) 2014 Budget Submission (CS13052) (City Wide) (Item 7.3)**

(a) That the Hamilton Youth Advisory Committee (HYAC) 2014 base budget submission in the amount of $3,890, be approved and forwarded to the 2014 budget process (GIC);

(b) That in addition to the base funding, that a one-time budget allocation for 2014 of $2,500, funded by the Hamilton Youth Advisory Committee Reserve, be approved and forwarded to the 2014 budget process (GIC).

9. **Tenant Advisory Committee 2014 Budget Submission (CS13049) (City Wide) (Item 7.4)**

That the Tenant Advisory Committee’s 2014 base budget submission in the amount of $1000, be approved and forwarded to the 2014 budget process (GIC).

10. **Housing and Homelessness Action Plan (CS11017(c)) (City Wide) (Item 7.5)**

(a) That Hamilton’s 10-year Housing and Homelessness Action Plan attached as Appendix B to Report CS11017(c) be endorsed by City Council and forwarded to the Minister of Municipal Affairs and Housing for consideration;

(b) That staff be directed to continue discussions with the Federal and Provincial governments within the context of Hamilton’s Government Relations Strategy to seek funding opportunities to address affordable housing and homelessness needs as outlined in the 10 year Housing and Homelessness Action Plan.
11. Snow Angels Program (CS13058) (City Wide) (Item 7.6)

That Report CS13058 respecting Snow Angels Program be received.

12. Waiving the Fees for the Allan Cup (Item 9.1)

WHEREAS the City of Hamilton will be hosting the Allan Cup – Canadian Men’s Senior AAA Hockey Championship from April 14 to April 19, 2014 in the Community of Dundas and;

WHEREAS the Canadian Men’s Senior AAA Hockey Championship returns to the City of Hamilton since last hosted in 2003 and;

WHEREAS the Dundas Real McCoy’s Senior Hockey Club will be hosting teams and their supporters from all over Canada as they compete for the Allan Cup and;

WHEREAS a tremendous amount of financial resources and support are required to ensure that the Championships are a success.

THEREFORE be it resolved:

(a) That the City of Hamilton waive all fees associated with ice rental for the J.L Grightmire Memorial Arena and the Olympic Ice Surface for the purpose of hosting this tournament;

(b) That the City of Hamilton waive all fees associated with the rental of the Dundas Lions Memorial Community Centre for events associated with hosting the championship;

(c) That staff be directed to prepare all necessary rental applications and permits to reflect that all fees have been waived for this event.

Subsection (a) of the following Item 13 was amended by adding the words “up to” after the words “Market for” to read as follows:

13. Extension of Service Contract for Management of the Hamilton Farmers’ Market (CS12045(b)) (Ward 2)

(a) That staff be directed to renew the current employment contract for management of the Hamilton Farmers’ Market for up to an additional six-month period to June 30, 2014;
(b) That Report CS12045(b) respecting the Extension of Service Contract for Management of the Hamilton Farmers’ Market remain confidential and not be released as a public document as the information relates to identifiable individuals.

The following Item 14 was amended by deleting it in its entirety and replacing it with the following in lieu thereof:

14. Restructuring within the Community and Emergency Services Department (CS13053) (City Wide) (Deferred from the November 25, 2013 meeting) (Item 12.3)

That the recommendations in Report CS13053 respecting Restructuring within the Community and Emergency Services Department be approved and remain confidential until Council's final approval.

(a) That the resources of the Strategic Services Division be re-aligned within other Divisions of Community and Emergency Services to support Departmental and Corporate priorities;

(b) That oversight of the Hamilton Farmers Market be transferred to the Corporate Services Department;

(c) That the new organizational structure for the Neighbourhood and Community Initiatives Division (Appendix A to Report CS13053) be approved;

(d) That the contents of Report CS13053 respecting Restructuring within the Community and Emergency Services Department remain confidential and not be released as a public document as the information relates to identifiable individuals.

FOR THE INFORMATION OF COUNCIL:

Chair Whitehead thanked the Committee members for the opportunity of being Chair of the Emergency and Community Services Committee and recognized staff for all of their hard work.

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the agenda:
ADDED DELEGATION REQUESTS

The following delegation requests wish to address Committee at the next meeting when the Report respecting the treatment of undocumented individuals in the City of Hamilton is on the agenda:

4.1 Christopher Cutler, regarding making Hamilton a Sanctuary City
4.2 Karol Johana Pulgarin Velazquez, regarding making Hamilton a Sanctuary City
4.3 Blake McCall, regarding making Hamilton a Sanctuary City
4.4 Ines Rios, from the Immigrant Women’s Shelter, regarding making Hamilton a Sanctuary City
4.5 Nora Melara-Lopez, from the Ecumenical Support Committee for Refugees, respecting making Hamilton a Sanctuary City
4.6 Pauline Kajiura, from Community Information Hamilton, respecting making Hamilton a Sanctuary City
4.7 Scott Jones, from Micah House Refugee Reception Services, respecting making Hamilton a Sanctuary City
4.8 Sandra Lemus, from Sexual Assault Centre of Hamilton & Area, respecting making Hamilton a Sanctuary City
4.9 Omselama Abdul Sied, Andrew Amoah, James Puok and Shamso, from The Canadian African Multicultural Association (CAMA), respecting making Hamilton a Sanctuary City
4.10 Hodan Ali, from Refugee Hamilton Centre for Newcomer Health, respecting making Hamilton a Sanctuary City
4.11 Maria Antelo, from the Hamilton Community Legal Clinic/Hamilton Sanctuary Coalition respecting making Hamilton a Sanctuary City
4.12 Gary Warner, respecting making Hamilton a Sanctuary City
4.13 Krista D’Aoust, from the Neighbour to Neighbour Centre, respecting making Hamilton a Sanctuary City

UPDATES TO THE OUTSTANDING BUSINESS LIST

11.1 Outstanding Business List
(a) Added proposed New Due Dates that were provided after the printing of the agenda:

(i) Item “A“ - Recreation Centre in Winona  
   Due date: December 9, 2013  
   Proposed New Due Date: Q1 2015  

(ii) Item “B“ - Follow-up report re: HHS ABC Program pre and post conditions after one year.  
     Due date: December 9, 2013  
     Proposed New Due Date: January 20, 2014

(iii) Item “D“ - Neighbourhood Down Payment Assistance Program  
      Due date: December 9, 2013  
      Proposed New Due Date: June 9, 2014

(iv) Item “E“ - Staff to consider the information provided regarding the Food4Kids program and report back to Committee.  
     Report back on Universal School Program  
     Due date: December 9, 2013  
     Proposed New Due Date: March 24, 2014

(v) Item “G“ - Staff to report back re: options for updating the City of Hamilton’s existing fee waiver policy to further clarify fee waiver policies and related authorities.  
    Due date: December 9, 2013  
    Proposed New Due Date: January 20, 2014

(vi) Item “I“ - Staff to report results of the Request for Proposal and a recommendation for a not for profit provider to operate the identified City owned facility  
    Staff to report back on status of investigation into the feasibility of transferring the operation of concession stands at City operated facilities to volunteer organizations.  
    Due date: December 9, 2013  
    Proposed New Due Date March 24, 2014

(vii) Item “L“ - Staff to undertake feasibility study of constructing & operating indoor recreation facilities at the Mohawk 4 Ice Centre and report back.  
     Due date: December 9, 2013  
     Proposed New Due Date: March 24, 2014

Council – December 11, 2013
The agenda was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)
There were none declared.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)
The Minutes of the November 25, 2013 meeting were approved as presented.

(d) DELEGATION REQUESTS (Item 4)
The following delegation requests were approved to address Committee at the next meeting when the Report respecting the treatment of undocumented individuals in the City of Hamilton is on the agenda:

(i) Christopher Cutler, regarding making Hamilton a Sanctuary City (Item 4.1)
(ii) Karol Johana Pulgarin Velazquez, regarding making Hamilton a Sanctuary City (Item 4.2)
(iii) Blake McCall, regarding making Hamilton a Sanctuary City (Item 4.3)
(iv) Ines Rios, from the Immigrant Women’s Shelter, regarding making Hamilton a Sanctuary City (Item 4.4)
(v) Nora Melara-Lopez, from the Ecumenical Support Committee for Refugees, respecting making Hamilton a Sanctuary City (Item 4.5)
(vi) Pauline Kajiura, from Community Information Hamilton, respecting making Hamilton a Sanctuary City (Item 4.6)
(vii) Scott Jones, from Micah House Refugee Reception Services, respecting making Hamilton a Sanctuary City (Item 4.7)
(viii) Sandra Lemus, from Sexual Assault Centre of Hamilton & Area, respecting making Hamilton a Sanctuary City (Item 4.8)
(ix) Omselama Abdul Sied, Andrew Amoah, James Puok and Shamso, from The Canadian African Multicultural Association (CAMA), respecting making Hamilton a Sanctuary City (Item 4.9)
(x) Hodan Ali, from Refugee Hamilton Centre for Newcomer Health, respecting making Hamilton a Sanctuary City (Item 4.10)
(xi) Maria Antelo, from the Hamilton Community Legal Clinic/Hamilton Sanctuary Coalition respecting making Hamilton a Sanctuary City (Item 4.11)

(xii) Gary Warner, respecting making Hamilton a Sanctuary City (Item 4.12)

(xiii) Krista D’Aoust, from the Neighbour to Neighbour Centre, respecting making Hamilton a Sanctuary City (Item 4.13)

(e) CONSENT (Item 5)

(i) VARIOUS ADVISORY COMMITTEE MEETING MINUTES (Item 5.1):

    The Minutes of the October 8, 2013 Hamilton Veterans Committee Meeting were received.
(f) PRESENTATIONS (Item 7)

(i) Hamilton Veterans Committee 2014 Volunteer Budget Submission (PED13203) (City Wide) (Item 7.1)

Robert Fyfe, Chair of the Hamilton Veterans Committee made a PowerPoint presentation providing an overview of the Advisory Committee’s achievements over the past year and copies of the hand-out were distributed and a copy has been uploaded onto the City’s website.

Chair Fyfe covered the following topics:

- 2011 -2014 Committee Membership;
- Mandate;
- Remembrance Day & Memorial Services;
- Assistance to other veterans events;
- Previous and ongoing projects;
- 2013 initiatives;
- Future goals;
- To succeed.

Chair Fyfe responded to questions from Committee.

Councillor Morelli expressed appreciation for the work of the Committee members and also of the support staff.

Committee received the presentation and approved the Veterans Committee budget.

For disposition of this matter refer to Item 5.

(ii) Food and Shelter Advisory Committee 2014 Budget Submission (CS13048) (City Wide) (Item 7.2)

Medora Uppal, Chair of the Food and Shelter Advisory Committee made a PowerPoint presentation providing an overview of what the Committee has accomplished this year and copies of the hand-out were distributed and a copy has been uploaded onto the City’s website.

The topics covered by Medora Uppal included the following:

- Overview;
- Why does the Food and Shelter Advisory Committee exist?
Chair Uppal responded to questions from Committee.

On a motion, Committee received the presentation.

Committee appointed Councillor Merulla to the Advisory Committee and approved the Committee’s budget.

For disposition of this matter refer to Items 6 & 7.

(iii) Hamilton Youth Advisory Committee (HYAC) 2014 Budget Submission (CS13052) (City Wide) (Item 7.3)

Jackson Virgin-Holland, who is a member of the Hamilton Youth Advisory Committee, made a PowerPoint presentation respecting the achievements of the Committee over the past year and copies of the hand-out were distributed and a copy has been uploaded onto the City’s website.

He spoke to the following topics:
- Multi-purpose youth worker;
- Building a graduation nation - Pathways to Education;
- Hamilton Public Library;
- Youth Week 2013;
- Certificate of Recognition presented to the Hamilton Youth Advisory Committee;
- Leadership Quest VI;
- Wesley Urban Ministries – buy a toque;
- Recreation Hamilton;
- Support;
- Future Focus.

Jackson Virgin-Holland responded to questions from Committee.

Committee received the presentation and approved the Advisory Committee’s budget.

For disposition of this matter refer to Item 8.
(iv) Tenant Advisory Committee 2014 Budget Submission (CS13049) (City Wide) (Item 7.4)

John Hawker, the out-going Chair of the Tenant Advisory Committee and Connie Bellamy, the incoming Chair addressed Committee with the aid of a PowerPoint presentation and copies of the hand-out were distributed and a copy has been uploaded onto the City’s website.

The following are the topics covered in the presentation:

- Mandate;
- Objectives;
- Membership; 2013 Focus Areas;
- Renters as voters;
- Tenant access to City Hall;
- Rental Housing Licensing & Proactive Enforcement;
- 2013 Milestones Presentation;
- Education and Community Connection;
- 2014 Focus Areas.

They responded to questions from Committee.

Committee received the presentation and approved the budget.

For disposition of this matter, refer to Item 9.

On a motion, Committee directed that Senior Clerk’s staff report back to Committee with finalized answers respecting what Council can and cannot do with respect to the Elections, particularly if it is feasible to approve the costs to allow the establishment of a polling station in a rental building.

(v) Housing and Homelessness Action Plan (CS11017(c)) (City Wide) (Item 7.5)

Gillian Hendry and Larry Huibers (Executive Director of the Housing Help Centre) made a presentation as Co-Chairs of the Housing & Homelessness Planning Group. Copies of the hand-out were distributed and a copy has been uploaded onto the City’s website.

They provided an overview of the report, specifically on the following topics:
• Why Hamilton needs an Action Plan;
• Qualities of the Action Plan;
• Action Plan – The Costs;
• Government Investments in Housing and Homelessness – 2012 Snapshot;
• Government Relations;
• Getting started – In 2014;
• Getting started – Work Underway;
• Getting started – New Work in 2014;
• Action Plan – Timelines;
• An Action Plan that works.

They responded to questions from Committee.

On a motion, Committee received the presentation.

Committee approved sub-sections (c) and (d) of the staff report as follows:

(c) That staff be directed to report back to Emergency & Community Services Committee in the second quarter of 2014 with a detailed plan to use existing housing related reserve accounts and approved capital budget accounts for initial implementation of the 10 year Housing and Homelessness Action Plan.

(d) That staff be directed to report back to Emergency & Community Services Committee in 2015 with a detailed financial strategy in partnership with the federal and provincial governments and other key stakeholders to address funding commitments based on targets identified in the 10-year Housing and Homelessness Action Plan.

Committee also approved the following additional direction to staff:

Whereas Canada is the only G8 Country to not have a national housing strategy;

And Whereas there is an active Charter of Rights and Freedom challenge in the courts based on the premise that every Canadian has a right to security of the person and the right to equality;

And Whereas both the Federal Government of Canada and the Province of Ontario are challenging the premise;

And Whereas this conflicts with their stated priorities;

Council – December 11, 2013
Therefore, be it resolved that staff be directed to report back to the Emergency and Community Services Committee with an assessment and response from the Provincial and Federal Governments (to Item 10 (b)) to reconcile this discrepancy.

For the balance of the recommendations refer to Item 10.

Committee recessed from 4:00 p.m. to 4:30 p.m.

(vi) **Snow Angels Program (CS13058) (City Wide) (Item 7.6)**

On a motion, Committee waived the presentation.

For disposition of this matter, refer to Item 11.

(g) **GENERAL INFORMATION (Item 11)**

(i) **Outstanding Business List**

The new proposed due dates of the following outstanding business list items, as amended, were approved as indicated:

(a) Proposed New Due Date:

(i) Item “A“ - Recreation Centre in Winona
Due date: December 9, 2013
Proposed New Due Date: Q1 2015

(ii) Item “B“ - Follow-up report re: HHS ABC Program pre and post conditions after one year.
Due date: December 9, 2013
Proposed New Due Date: January 20, 2014

(iii) Item “D“ - Neighbourhood Down Payment Assistance Program
Due date: December 9, 2013
Proposed New Due Date: June 9, 2014

(iv) Item “E“ - Staff to consider the information provided regarding the Food4Kids program and report back to Committee.
Report back on Universal School Program
Due date: December 9, 2013
Proposed New Due Date: March 24, 2014

Council – December 11, 2013
(v) Item “F” - That staff report back to E&CS on a collaborative plan, following a review of activities by HCCI, the City of Hamilton Access and Equity Office, the City of Hamilton’s Anti-Racism Committee, and other organizations involved in civic inclusion activities.
Due date: December 9, 2013
Proposed New Due Date: March 24, 2014

(vi) Item “G” - Staff to report back re: options for updating the City of Hamilton’s existing fee waiver policy to further clarify fee waiver policies and related authorities.
Due date: December 9, 2013
Proposed New Due Date: January 20, 2014

(vii) Item “I” - Staff to report results of the Request for Proposal and a recommendation for a not for profit provider to operate the identified City owned facility
Staff to report back on status of investigation into the feasibility of transferring the operation of concession stands at City operated facilities to volunteer organizations.
Due date: December 9, 2013
Proposed New Due Date: March 24, 2014

(viii) Item “J” - Staff to engage with Public Health staff and local agencies to investigate how undocumented individuals are treated in Hamilton, and report to the E&CS Committee.
Due date: December 9, 2013
Proposed New Due Date: January 20, 2014

(ix) Item “L” - Staff to undertake feasibility study of constructing & operating indoor recreation facilities at the Mohawk 4 Ice Centre and report back.
Due date: December 9, 2013
Proposed New Due Date: March 24, 2014

(b) The following outstanding business list item was dentified as being completed and removed from the list:

(i) Item “K” - Letter from the Hamilton Jewish Social Services requesting change to City’s funding of EPC – staff to report back.
(h) PRIVATE AND CONFIDENTIAL

(i) Private and Confidential Minutes of the November 25, 2013 meeting (Item 12.1)

On a motion, Committee approved the Private and Confidential Minutes of the November 25, 2013 meeting as presented and directed that they remain private and confidential and restricted from public disclosure.

On a motion, Committee moved into Closed Session at 4:48 p.m. pursuant to Section 8.1(b) of the Procedural By-law and Section 239 of the Municipal Act to deal with personal matters about identifiable individuals, including City employees.

Committee reconvened in Open Session at 5:21 p.m.

(ii) Extension of Service Contract for Management of the Hamilton Farmers’ Market (CS12045(b)) (Ward 2) (Item 12.2)

For disposition of Item 12.2 respecting Extension of Service Contract for Management of the Hamilton Farmers’ Market (CS12045(b)) refer to Item 13.

Item 12.2 was approved on the following votes:

Yeas: Merulla, McHattie, Duvall
Total: 3
Nays: Jackson, Whitehead
Total: 2
Absent: Farr, Partridge, Morelli
Total: 3

(iii) Restructuring within the Community and Emergency Services Department (CS13053) (City Wide) (Deferred from November 25, 2013 meeting) (Item 12.3)

For disposition of Item 12.3 respecting Restructuring within the Community and Emergency Services Department (CS13053) refer to Item 14.
(i) ADJOURNMENT

There being no further business, the Emergency & Community Services Committee meeting adjourned at 5:25 p.m.

Respectfully submitted,

Councillor T. Whitehead, Chair
Emergency & Community Services Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk