Mayor Bratina called the meeting to order and called upon Kristina Heaton, a new resident of Ward 2, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

ADDED CORRESPONDENCE

5.7 Copy of correspondence from Melinda Reith, Municipal Clerk and CAO, The United Townships of Head, Clara & Maria to the Premier requesting support for an attached resolution respecting mandatory septic inspections.

Recommendation: For the consideration of Council.

TYPOGRAPHICAL ERROR

6.3 General Issues Committee Report 14-003, Item 13, Sub-section (d) – Appendix “A” should read Appendix “B”
ADDED NOTICE OF MOTION

8.1 Objection to Liquor License Application – Rokbar, 15 Hess Street South, Hamilton, Ontario”

AMENDMENT TO BILL LIST

ADDED BILL

Bill No.
033 To Set a Minimum Property Tax Levy Amount

(Pearson/Johnson)
That the agenda for the February 12, 2014 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Ontario Heritage Trust – 2013 Heritage Community Recognition Program

The awards for the 2013 Heritage Community Recognition Program were presented.

(a) Certificate of Lifetime Achievement (and Pin) Patricia Saunders

Patricia Saunders was called forward to the podium to receive her Certificate of Lifetime Achievement and pin.

(b) The Beach Canal Lighthouse Group – 2013 Executive:

The following members of the Beach Canal Lighthouse Group were called forward to the podium to receive their Certificates of Achievement and pins:

Anthony Butler;
Robin McKee;
Barbara Murray;
Stewart Patch;
Gloria Pffeferle;
George Thomson;
Rosalind Brenneman;
Bruce Hoyle (absent).
(c) Doors Open Hamilton – 2013 Volunteer Organizing Committee:

The following members of the Doors Open Hamilton 2013 Volunteer Organizing Committee were called forward to the podium to receive their certificates of achievement and pins:

Rebecca Beatty;
Ken Coit;
Franca Hicks;
Ron Johnson;
Bridget Ker;
Erica Miracoli;
Barbara Murray;
Mary Pocius;
Christopher Redford;
Donna Reid;
Shawn Selway.

<table>
<thead>
<tr>
<th>APPROVAL OF MINUTES</th>
</tr>
</thead>
</table>

4.1 January 29, 2014

(Ferguson/Johnson)
That the Minutes of the January 29, 2014, meeting of Council be approved, as presented.

CARRIED

4.2 February 7, 2014 – Special Meeting

(Ferguson/Johnson)
That the Minutes of the February 7, 2014, special meeting of Council be approved, as presented.

CARRIED

<table>
<thead>
<tr>
<th>COMMUNICATIONS</th>
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(Merulla/Partridge)
That Council Communications 5.1 through 5.7 be approved, as amended, as follows:

5.1 Correspondence from Keith Murch, Assistant Chief Administrative Officer and Secretary-Treasurer, of the Grand River Conservation Authority respecting the 2014 Budget and Levy Meeting.

Recommendation: Be received. (Partridge/Pearson)
5.2 Correspondence from Stacey Zucker, Superintendent of Business Services, Hamilton-Wentworth District School Board, respecting 2014/2015 HWDSB Budget Priorities Consultation.

Recommendation: Be received and referred to the Joint City–School Board Liaison Committee. (Pearson/Pasuta)

5.3 AMO Report to Members, respecting Highlights of the January 2014 Board Meeting.

Recommendation: Be received and that the motion be forwarded to both federal and provincial ministers. (Clark/Johnson)

5.4 Correspondence from Sharon MacKenzie, Executive Director, i2i Intergenerational Society of Canada, respecting Intergenerational Day Canada, June 1st Proclamation.

Recommendation: Be received. (Partridge/Ferguson)

5.5 E-mail correspondence from Andrea Dalrymple, respecting ZAR-12-043 former Tammie’s Place (Proposed Zoning By-law Amendment Affecting Lands Located at 336 and 338 King Street West (Dundas) (PED14027) (Ward 13)).

Recommendation: Be received. (Johnson/Clark)

5.6 E-mail with attachment from Ed Reece. Chair of the Great Lakes & Water Group, Hamilton Chapter, Council of Canadians, respecting Request for Resolution Against Hydraulic Fracturing (Fracking).

Recommendation:

That the City of Hamilton supports a province-wide and national moratorium on hydraulic fracturing until provincial and federal reviews have been completed that include extensive public consultation and full consideration of the potential human and environmental impacts of hydraulic fracturing. (Whitehead/Farr)

5.7 Copy of correspondence from Melinda Reith, Municipal Clerk and CAO, The United Townships of Head, Clara & Maria to the Premier requesting support for an attached resolution respecting mandatory septic inspections.

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

CARRIED
(Johnson/Pearson)
That Council move into Committee of the Whole for consideration of the Committee Reports.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 14-002

(Whitehead/Jackson)
That the SECOND Report of the Public Works Committee be adopted and the information section received (attached hereto).

CARRIED

PLANNING COMMITTEE REPORT 14-002

(Johnson/Ferguson)
That the SECOND Report of the Planning Committee be adopted and the information section received (attached hereto).

CARRIED

GENERAL ISSUES COMMITTEE REPORT 14-003

(Clark/Pearson)
That sub-section 8(d) of General Issues Committee Report 14-003 respecting “Provincial Review of Land Use Planning and Appeal System (PED14004)” be deleted in its entirety and replaced with the following in lieu thereof:

(d) That the following additional recommendations be forwarded to the Ministry of Municipal Affairs and Housing in response to the “Land Use Planning and Appeal System Consultation Document – Fall 2013”:

(i) That the Planning Act be amended to require that notice of a public meeting or open house be provided by first class Canada Post Mail, and that the notice be expanded to include every owner of land and tenant within 500m of the subject property, with the additional postage cost be at full recovery cost;

(ii) That the Province require that the OMB take into consideration the state of the hard and soft infrastructure relating to a subject property and include in their decision the timing of the subject property for approval;

(iii) That the Planning Act be amended to further require that the applicants hold appropriate community meeting(s) with respect to all major development applications i.e., official plan and zoning by-law amendments, prior to the Statutory Public Meeting, and where applicable, the Neighbourhood Associations be advised of such community meeting(s).

CARRIED
(Ferguson/Partridge)
That item 12 of General Issues Committee Report 14-003 respecting “Report 14-001 of the Pan Am Stadium Precinct Sub-Committee – January 21, 2014” be amended by adding a new sub-section (c) to read as follows:

(c) Appointment of Councillors to the Pan Am Precinct Sub-Committee

That Councillors J. Farr, T. Whitehead and R. Morrow be appointed to the Pan Am Precinct Sub-Committee.

CARRIED

(Partridge/Bratina)
That the THIRD Report of the General Issues Committee be adopted, as amended, and the information section received (attached hereto).

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 14-001

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

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 14-001

Item 12 Access to Services for Undocumented Individuals (CES14003) (City Wide) (Item 8.1)

(a) That the City of Hamilton’s anti-racism staff training program entitled “Equipped to Serve” be revised to ensure that all staff support the City of Hamilton’s commitment to provide access to services without fear for immigrants without full status or without full status documents;

(b) That the City of Hamilton continue to work with the Hamilton Community Legal Clinic and other community stakeholders to develop a public education strategy to generate awareness regarding the issues that face immigrants without full status or without full status documents when accessing services in the community;

(c) That the City of Hamilton request the Federal government review its current Immigration and Refugee policies and programs and identify ways to better assist residents with undocumented status in Canada to regain their full status;
(d) That the City of Hamilton request that the Provincial government review its policies for all provincially funded programs to include residents of Ontario without full status or without full status documents.

Item 12 CARRIED, on the following unanimous standing recorded vote:

Yeas: Bratina, Collins, Merulla, Farr, Clark, Johnson, Ferguson, Pasuta, Partridge, Whitehead, Pearson, Jackson, Morrow
Total: 13
Nays: 0
Absent: Duvall, McHattie, Powers
Total: 3

(Farr/Morrow)
That the FIRST Report of the Emergency and Community Services Committee be adopted and the information section received (attached hereto).

CARRIED

(Johnson/Clark)
That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Extension of Good to Go Food Box Pilot Project

(Johnson/Jackson)
That recommendation (d) contained in the motion respecting the Extension of Good to Go Food Box Pilot Project be amended by deleting the words, “February 2014”, and replacing with the words, “to the end of the pilot project.”

Amendment CARRIED

(Farr/Johnson)
(a) That the Good to Go Food Box one year pilot project, to provide fresh food to 500 single Ontario Works recipients, be continued until August 2014 and/or until the allocated budget for the pilot is exhausted;

(b) That the unspent allocated funding for this project from the Social Services Initiatives Reserve and the Hamilton Roundtable for Poverty Reduction be utilized to continue funding until August 2014 or until the budget is exhausted;

(c) That Environment Hamilton continue to supply and deliver the Good to Go Food Boxes for the duration of this pilot;
(d) That Public Health Services staff be directed to present the evaluation to the Board of Health in August 2014 based on the one year pilot period from March 2013 to February 2014 to the end of the pilot project.

CARRIED as Amended

7.2 Request for designation of the Kenilworth Library, 103 Kenilworth Avenue North

(Merulla/Morrow)
Whereas the Kenilworth Library, located at 103 Kenilworth Avenue North, Hamilton, is believed to be of cultural heritage value or interest and may be worthy of designation under Part IV of the Ontario Heritage Act;

Therefore Be it Resolved:

(a) That, following consultation with the Hamilton Municipal Heritage Committee, 103 Kenilworth Avenue North, Hamilton (Kenilworth Library) be included in the Register of Property of Cultural Heritage Value or Interest as a non-designated property;

(b) That Planning staff be directed to prepare a Staff Report and Preliminary Screening of 103 Kenilworth Avenue North, Hamilton (Kenilworth Library) in accordance with the Council-approved Designation Process and report back to Planning Committee and Council for direction and prioritization.

CARRIED

7.3 Solid Waste Management Master Plan Review (PW120049a)

(Pearson/Partridge)
Whereas, the City has an opportunity to utilize the Continuous Improvement Fund for the purpose of studying the feasibility of a regional Municipal Recycling Facility (single stream);

And, Whereas the City must match the funds being awarded by the Continuous Improvement Fund in order to take advantage of this opportunity;

Therefore, Be It Resolved:

(a) That section R4 of Item 5, subsection (b) (viii) of Public Works Committee Report 12-008 respecting recommendations from the Solid Waste Management Master Plan Steering Committee, approved by Council on June 27, 2012 be amended as follows:

(i) by deleting the date “2015” and replacing it with the date “2014” to read as follows:

(R4)
 Undertake a review in 2014 of Single Stream processing and expansion of capacity at the Municipal Recycling Facility (MRF) to provide infrastructure planning for 2020 when the current MRF equipment will require replacement.

(b) That staff be authorized to fund the City’s portion of the capital project in the amount of $26,650 from Glanbrook Landfill Capital Improvements project ID 5121291000.

CARRIED

7.4 Objection to Liquor License Application – Rokbar, 15 Hess Street South, Hamilton, Ontario

(Farr/Clark)
That further to the motion approved by Council at its meeting of September 11, 2013 respecting the objection to the Liquor License Application of Rokbar, 15 Hess Street South, Hamilton, Ontario, that further correspondence be forwarded to the AGCO requesting that the AGCO deny the application given the property history and proposed use.

CARRIED

NOTICES OF MOTION

Councillor J. Farr introduced the following Notice of Motion:

8.1 Objection to Liquor License Application – Rokbar, 15 Hess Street South, Hamilton, Ontario

That further to the motion approved by Council at its meeting of September 11, 2013 respecting the objection to the Liquor License Application of Rokbar, 15 Hess Street South, Hamilton, Ontario, that further correspondence be forwarded to the AGCO requesting that the AGCO deny the application given the property history and proposed use.

(Farr/Whitehead)
That the Rules of Order be waived to allow for the introduction of a motion respecting the Objection to Liquor License Application – Rokbar, 15 Hess Street South, Hamilton, Ontario.

CARRIED

STATEMENT BY MEMBERS

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

(Merulla/Collins)
That the Bill List for the February 12, 2014 meeting of Council be amended as follows:

That the following be added as Bill 033 (attached hereto) and the balance be renumbered:

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>033</td>
<td>To Set a Minimum Property Tax Levy Amount</td>
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CARRIED

(Merulla/Collins)
That Bills No. 14-022 to 14-034 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:

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>022</td>
<td>To Repeal By-law No. 14-002 and To Incorporate City Land Designated as Block 198 on Plan62M-992 and Part of Block 191 on Plan 62M-992, Designated as Part 1 on Plan 62R-17304 Into Hampton Brook Way</td>
</tr>
<tr>
<td>023</td>
<td>Being a By-law to Permanently Close a Portion of Macintosh Drive being Block 30 on Plan 62M-838, City of Hamilton (Stoney Creek)</td>
</tr>
<tr>
<td>024</td>
<td>To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking</td>
</tr>
<tr>
<td></td>
<td>Schedule 8 - No Parking Zones</td>
</tr>
<tr>
<td></td>
<td>Schedule 12 – Permit Parking Zones</td>
</tr>
<tr>
<td></td>
<td>Schedule 13 – No Stopping Zones</td>
</tr>
<tr>
<td></td>
<td>Schedule 14 – Wheelchair Loading Zones</td>
</tr>
<tr>
<td>025</td>
<td>To Adopt: Official Plan Amendment No. 13 to the Urban Hamilton Official Plan Respecting: 3450 Binbrook Road (Glanbrook)</td>
</tr>
<tr>
<td>026</td>
<td>To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 3450 Binbrook Road, Fairgrounds West</td>
</tr>
<tr>
<td>027</td>
<td>To Amend Zoning By-law No. 05-200 Respecting Lands Located at 3450 Binbrook Road (Glanbrook)</td>
</tr>
<tr>
<td>028</td>
<td>To Amend Zoning By-law No. 6593 (Hamilton Respecting Lands located at 769 Stone Church Road West in the City of</td>
</tr>
</tbody>
</table>
To Amend Zoning By-law No. 3581-86 (Dundas) Respecting Lands Located at 336 and 338 King Street West

To Adopt:
Official Plan Amendment No. 6 to Rural Hamilton Official Plan Respecting: 3075 Tisdale Road, Glanbrook

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 3075 Tisdale Road, Glanbrook

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

Schedule 2 - Speed Limits

To Set a Minimum Property Tax Levy Amount

To Confirm Proceedings of Council

CARRIED

(Pearson/Johnson)
That, there being no further business, the City Council meeting be adjourned at 6:42 p.m.

CARRIED

Respectfully submitted,

Mayor R. Bratina

R. Caterini, B. Comm., AMCT
City Clerk
THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 14-002 AND RESPECTFULLY RECOMMENDS:

1. Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alleyway Abutting 640 Upper James Street, Hamilton (PW14010) (Ward 8) (Item 6.1)

   (a) That a portion of the public unassumed alleyway abutting 640 Upper James Street, Hamilton, be permanently closed and transferred to the owner of 640 Upper James Street, Hamilton, as shown on Appendix A, attached to Report PW14010 (the “Subject Lands”), subject to the following conditions:

      (i) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, R.S.O. 1990, for an order to permanently close and purchase the Subject Lands;

      (ii) That the General Manager, Public Works or his designate sign the appropriate documentation confirming that no public funds have been expended on the Subject Lands to be closed;

      (iii) That the documentation regarding the application to the Ontario Superior Court of Justice be prepared by the applicant, to the satisfaction of the City Solicitor;

      (iv) That the applicant deposit a reference plan under the Registry Act and that said plan be prepared by an Ontario Land Surveyor to the
satisfaction of the Manager, Geomatics and Corridor Management Section and that the applicant deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;

(b) That provided the application to the Ontario Superior Court of Justice to permanently close the Subject Lands is approved:

(i) That the City Solicitor be authorized and directed to prepare the by-law to permanently close the highway;

(ii) That the appropriate by-law be introduced and enacted by Council;

(iii) That the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell the Subject Lands in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299 for fair market value;

(iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper land registry office, upon confirmation from the Public Works Department that all applicable fees and costs associated with the application have been paid by the applicant;

(v) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office;

(vi) That the Public Works Department publish a notice of the City’s intention to pass the by-law pursuant to City of Hamilton By-law 04-299 being a By-law to Establish Procedures, including the Giving of Notice to the Public, Governing the Sale of Land Owned by the City of Hamilton.

2. Installation of Stop Control - Trinity Church Road at Dickenson Road (PW14007) (Ward 11) (Outstanding Business List Item) (Item 8.1)

(a) That an All-Way Stop Control be implemented at the intersection of Trinity Church Road and Dickenson Road;

(b) That an appropriate by-law to amend City of Hamilton Traffic By-Law 01-215 be passed.

3. Street Sweeper Rebuild (PW14009) (City Wide) (Item 8.2)

(a) That the City of Hamilton proceed with a single source purchase for the rebuilding of three Tymco DST-6 street sweepers from The Equipment Specialist Inc., 495 Woodward Avenue, Hamilton, Ontario at a total cost
of $600,000 as in Item 3 of the General Issues Committee Report 13-022(a), approved by Council on December 11, 2013;

(b) That the General Manager of Public Works or their delegate be approved to negotiate with The Equipment Specialist Inc. as the single source supplier for the future year rebuilds as identified in the 2014 capital submission of the Tymco DST-6 units currently in service at the City of Hamilton.

FOR THE INFORMATION OF THE COUNCIL:

(a) CEREMONIAL ACTIVITIES (Item A)

The Chair presented Gerry Davis, General Manager, Public Works, with the 2013 Ontario Public Works Association (OPWA) Top Public Works Leader of the Year award. The Committee joined the Chair in congratulating Mr. Davis for this special recognition and thanked him for his service to the City of Hamilton.

(b) CHANGES TO THE AGENDA (Item 1)

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

(i) Addition of Item 7.1 respecting a staff report on the Proposed Permanent Closure of a Portion of Public Unassumed Alleyway at 640 Upper James Street, Hamilton.

The February 3, 2014 Public Works Committee Agenda was approved, as amended.

(c) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(d) MINUTES (Item 3)

(i) January 13, 2014 (Item 3.1)

The Minutes of the January 13, 2014 Public Works Committee meeting were approved, as presented.

(e) DELEGATION REQUESTS (Item 4)

(i) The delegation request from John Vesprini respecting flooding on Lake Avenue Drive was approved.
(f) CONSENT ITEMS (Item 5)

(i) Minutes of Various Sub-Committees (FOR INFORMATION PURPOSES ONLY)

(a) The Halton-Hamilton Source Water Protection Committee Minutes of April 23, 2013 were received.

(b) The Keep Hamilton Clean and Green Committee Minutes of December 10, 2013 were received.

(g) PUBLIC HEARINGS/DELEGATIONS (Item 6)

(i) Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alleyway Abutting 640 Upper James Street, Hamilton (PQ14010) (Ward 8) (Item 6.1)

Chair Whitehead informed Committee members that because Item 6.1 related to a proposed permanent alleyway closure and sale, that a public meeting was required. Chair Whitehead indicated that a notice about the public meeting was placed in the Hamilton Spectator on Friday January 24th, 2014 advising that anyone whose lands are prejudicially affected may appear before the Committee. The Clerk advised that no one registered to speak to this issue. Chair Whitehead asked if any members of the public wished to come forward to speak to this matter. No members of

For disposition on this matter refer to Item 1.

(h) PUBLIC HEARINGS/DELEGATIONS (Item 7.1)

Copies of the staff presentation respecting the Proposed Permanent Closure of a Portion of Public Unassumed Alleyway at 640 Upper James Street, Hamilton, were distributed and a copy was retained by the City Clerk’s office.

(i) MOTIONS (Item 9)

(i) Investigation of Sidewalk Snow Clearing Program

Item 9 (i) respecting a motion for the Investigation of Sidewalk Snow Clearing Program was tabled until the next meeting of the Public Works Committee.
(ii) Sidewalk Construction Policy – California Curbs

Whereas, the City has been installing sidewalks with a system known as “California Curbs”, and;

Whereas, California Curbs result in an unsafe dip in the sidewalk when they cross driveways, and;

Whereas, the dip in the sidewalk can cause water to collect, which can freeze in the winter, resulting in icy conditions for pedestrians, and;

Whereas, constituents have complained about California Curbs and at least one citizen has fallen, damaging their knee;

THEREFORE BE IT RESOLVED:

Staff were directed to report back on the City of Hamilton sidewalk construction policy, and include sidewalk design options for consideration by the Public Works Committee.

(j) NOTICES OF MOTION (Item 10)

There were no notices of Motions.

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

(i) Outstanding Business List (Item 11.1)

(aa) The following item was approved for removal from Outstanding Business List:

   (i) Item N – Installation of Stop Control Trinity Church Road at Golf Club Road

(bb) The following proposed new Outstanding Business list Due Date was approved:

   (i) Item S – Remediation of Illegal Cross Connections
       Current Date – February 3, 2014
       Revised Date – March 17, 2014

(I) ADJOURNMENT (Item 13)

There being no further business, the Public Works Committee was adjourned at 10:22 a.m.
Respectfully submitted,

Councillor T. Whitehead Chair
Public Works Committee

Lauri Leduc
Legislative Coordinator
Office of the City Clerk
Present: Councillors B. Johnson (Chair), J. Partridge (1st Vice Chair), C. Collins (2nd Vice Chair), J. Farr, B. Clark, R. Pasuta, L. Ferguson, M. Pearson and T. Whitehead

THE PLANNING COMMITTEE PRESENTS REPORT 14-002 AND RESPECTFULLY RECOMMENDS:

1. Hamilton Historical Board Minutes – December 17, 2013 (Item 5.1)

   That the Hamilton Historical Board Minutes – December 17, 2013, be received.

2. Mediation Update (PED11181(c)) (City Wide) (Item 5.2)

   That report PED11181(c), Mediation Update, be received.

3. Application for Approval of a Draft Plan of Condominium (Common Elements), by 162215 Ontario Inc. (Branthaven 2000 Inc.), for Lands Known as 45 Royal Winter Drive, Binbrook (Glanbrook) (PED14020) (Ward 11) (Item 6.1)

   That approval be given to Draft Plan of Condominium Application 25CDM-201306, by 162215 Ontario Inc. (Branthaven 2000 Inc.), Owner, to establish a Draft Plan of Condominium (Common Elements Condominium) to create a condominium road, visitor parking areas, landscaped areas, and open space, for 43 freehold townhouse dwellings, on lands located at 45 Royal Winter Drive,
Binbrook (Glanbrook), as shown on Appendix “A” to Report PED14020, subject to the following conditions:

(a) That this approval shall apply to the plan, prepared by A.T. McLaren Limited, and certified by S. D. McLaren, dated March 27, 2013, showing a common element road, visitor parking areas, landscaped areas, and open space, attached as Appendix “B” to Report PED14020;

(b) That the Final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No. 464, as amended by By-law No. 07-217 and Minor Variance applications GL/A-12:219 and GL/A-13:12;

(c) That the final plan of condominium shall comply, in all respects, with the approved Site Plan (DA-12-174), to the satisfaction of the Director of Planning;

(d) That the owner shall receive final approval of Part Lot Control Application PLC-13-032, including the enactment and registration on title of the Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning;

(e) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed freehold townhouse dwellings having frontage on the condominium road has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor;

(f) That the owner shall include the following warning clauses in the Development Agreement and all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

   (i) “Purchasers/tenants are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.”

   (ii) “Purchasers/tenants are advised that garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner/tenant to ensure that their parking needs (including those of visitors) can be accommodated on site. On-street, over flow parking may not be available and cannot be guaranteed in perpetuity.”

(g) That the owner shall agree to include in all offers of purchase and sale, a statement that advises the purchaser:
(i) That the home/business mail delivery will be from a designated Centralized Mail Box;

(ii) That the developers/owners will be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations, prior to the closing of any home sales.

(h) That the owner shall agree to:

(i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision;

(ii) Install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes;

(iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase;

(iv) Determine the location of all centralized mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific Centralized Mail Facility locations.

(i) 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 service 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;

(j) That the owner/developer shall provide to Union Gas Limited, the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this project, in a form satisfactory to Union Gas Limited;

(k) That, prior to the registration of the final plan, the owner shall provide the Senior Director of Growth Management with a copy of the Condominium Declaration Document to ensure that the owner is committed to establish
a drainage easement, in favour of the Condominium Corporation, over
the front and rear yards of the units within the plan of condominium; and,

(i) That the owner shall satisfy all conditions, financial or otherwise, of the
City of Hamilton.

4. Application for Amendment to City of Hamilton Zoning By-law No. 6593 for
Lands Located at 769 Stone Church Road West (PED14019) (Ward 8) (Item
6.2)

That approval be given to Zoning Application ZAR-13-037, by Giuseppa Puma,
Owner, for a change in zoning from the “AA” (Agricultural) District to the “C”
(Urban Protected Residential, etc.) District, to facilitate the severance of a lot
for the creation of one additional single detached residential lot, on lands
located at 769 Stone Church Road West (Hamilton), as shown on Appendix “A”
to Report PED14019, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED14019,
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 Section 19B of Zoning By-law No.
6593;

(c) That the proposed change in zoning is consistent with the Provincial
Policy Statement (PPS), and conforms to Places to Grow and the Urban
Hamilton Official Plan (UHOP).

5. Proposed Zoning By-law Amendment Affecting Lands Located at 336 and
338 King Street West (Dundas) (PED14027) (Ward 13) (Item 6.3)

That Amended Zoning By-law Amendment Application ZAC-12-043, by
1169831 ONTARIO Limited, Owner, for a change in zoning from the Single
Detached Residential “R2” Zone and the Single Detached Residential “R2/S-3”
Zone, Modified, with a Special Exception, to the Holding - Medium to High
Density Multiple Dwelling “H-RM3/S-127” Zone, Modified, with a Special
Exception, on lands located at 336 and 338 King Street West (Dundas), as
shown on Appendix “A” to Report PED14027, be approved, on the following
basis:

(a) That the Draft By-law, attached as Appendix “B” to Report PED14027,
which has been prepared in a form satisfactory to the City Solicitor, be
enacted by Council;
(b) That the amending By-law be added to Schedule “A” of Zoning By-law No. 3581-86; and,

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

6. West Harbour Waterfront Recreation Master Plan Official Plan Amendment and Zoning By-law Amendment, Bayfront Park and Piers 4 to 7 (Hamilton) (PED14012) (Ward 2) (Item 6.5)

(a) That draft Official Plan Amendment (OPA) No. to the City of Hamilton Official Plan, attached as Appendix “A” to Report PED14012, to implement the Hamilton West Harbour Recreation Master Plan, be adopted by Council.

(b) That Zoning By-law No. 6593 be amended to include a change in zoning from the “F-1/S-838a” (Waterfront Recreational) District to the “F-1/S-1641” - ‘H’ (Waterfront Recreational - Holding) District, Modified (Block “1”), and the “F-1/S-1642” - ‘H’ (Waterfront Recreational - Holding) District, Modified (Block “2”), and from the “F-4/S-838a (Waterfront Services) District to the “F-1/S-1641” – ‘H’ (Waterfront Recreational - Holding) District, Modified (Block “3”), in order to implement permitted uses and special zoning provisions for the proposed “Waterfront Commercial” designation, for lands located on the north side of Guise Street West, east of MacNab Street North, and west of Hughson Street North (Hamilton), as shown on Appendix “B” to Report PED14012, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED14012, which has been prepared in a form satisfactory to the City Solicitor, be approved and forwarded to Council for approval.

(ii) The changes in zoning will be in conformity with the City of Hamilton Official Plan upon finalization of the OPA No. 6593.

7. Hamilton Municipal Heritage Report 14-001 (Item 8.1)

Award Nominations for the Hamilton Municipal Heritage Committee 2013 Awards (Item 7.1)

(a) That the following properties be awarded a 2013 Hamilton Municipal Heritage Committee Heritage Recognition Award (attached as Appendix “A” to Hamilton Municipal Heritage Report 14-001):
(i) 328 James St. North, Hamilton
(ii) 10 King Street West, Dundas (The Carnegie Gallery)
(iii) 95 King Street, Hamilton (Arts Centre and Lofts)
(iv) 314 Wilson Street, Ancaster (Tisdale House)
(v) 30 South Street West, Dundas (Osler House)
(vi) 179 Mary Street, Hamilton
(vii) 65 Murray Street West, Hamilton
(viii) 13 King Street West, Dundas (Modella Ladies Wear)
(ix) 17 King Street West, Dundas (Terraware Environmental and Hemp Co.)
(x) 19 King Street West, Dundas (Heirlooms Bridal)
(xi) 126 Catharine Street North, Hamilton (The SEEDWORKS Urban Offices)
(xii) 25 John Street North, Hamilton (The Blue Grotto Restaurant/Capri Ristorante Italiano)
(xiii) 933 Highway 8, Stoney Creek (Brigadier Smith House/Ravenscraig Manor)
(xiv) 723 Rymal Road West, Hamilton

(b) That the following individual receive the 2013 Hamilton Municipal Heritage Committee Heritage Advocate Award (attached as Appendix “A” to Hamilton Municipal Heritage Report 14-001):

(i) Jeff Feswick, Historia Building Restoration Inc.

(c) That the following organization receive the 2013 Hamilton Municipal Heritage Committee Heritage Landscape Award (attached as Appendix “A” to Hamilton Municipal Heritage Report 14-001):

(i) City Of Hamilton, Battlefield Park, 77 King Street West, Stoney Creek

(d) That the following organization receive the 2013 Hamilton Municipal Heritage Committee Heritage Developer Award (attached as Appendix “A” to Hamilton Municipal Heritage Report 14-001):

(i) Core Urban Inc., Witton Lofts, 50 Murray Street West, Hamilton
8. Applications to Amend the Urban Hamilton Official Plan, Zoning By-law No. 464, Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision, "Fairgrounds West", for Lands Located at 3450 Binbrook Road (Glanbrook) (PED14003) (Ward 11) (tabled from January 14, 2014) (Item 8.4)

(a) That approval be given to Amended Official Plan Amendment (OPA) Application OPA-06-020, by Losani Homes (1998) Ltd., c/o Fred Losani, (Owner), for OPA No. ____, for changes in designation from: “Parkette” to “Low Density Residential 2e”; “Low Density Residential 2h” to “Low Density Residential 2e”; “Low Density Residential 2e” to “Low Density Residential 2h” and as Special Policy Area “____”; “Local Commercial” to “Low Density Residential 2h” and as Special Policy Area “____”; “Parkette” to “Low Density Residential 2h” and as Special Policy Area “____”; “Low Density Residential 2e” to “Natural Open Space”; “Parkette” to “Natural Open Space”; and, “Low Density Residential 2e” to “Utility (SWM)”, on Map B.5.1-1 - Binbrook Village Secondary Plan - Land Use Plan in the Urban Hamilton Official Plan (UHOP), and, that the “Open Space Linkages” be removed from Map B.5.1-2 - Binbrook Village - Open Space Linkages, on the lands known as 3450 Binbrook Road (Glanbrook), as shown on Appendix “A” to Report PED14003, on the following basis:

(i) That the draft OPA, attached as Appendix “B” to Report PED14003, be adopted by Council.

(ii) That the proposed OPA is consistent with the Provincial Policy Statement (PPS), and conforms to the Places to Grow Plan.

(b) That approval be given to Amended Zoning Amendment Application ZAC-06-074, by Losani Homes (1998) Ltd., c/o Fred Losani, (Owner), for changes in zoning from the Restricted Agricultural “A2” Zone to the: Single Residential “R4-279” Zone (Block 1); Residential Multiple “RM2-274” Zone (Block 2); Residential Multiple “RM3-223” Zone (Block 3); Residential “R4-222” Zone (Blocks 4 and 5); and, for changes in zoning for lands to be added to City of Hamilton Zoning By-law No. 05-200 by zoning Blocks 6 and 7 as Conservation/Hazard Lands (P5) Zone, for lands known as 3450 Binbrook Road (Glanbrook), as shown on Appendix “A” to Report PED14003, on the following basis:

(i) That the draft By-laws, attached as Appendices “C” and “D” to Report PED14003, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “H” of the Township of Glanbrook Zoning By-law No. 464.
(iii) That the proposed changes in zoning will be in conformity with the UHOP upon approval of OPA No.

(c) That approval be given to Amended Draft Plan of Subdivision Application 25T-200614, by Losani Homes (1998) Ltd., c/o Fred Losani, (Owner), to establish a draft plan of subdivision known as “Fairgrounds West”, on lands known as 3450 Binbrook Road (Glanbrook), as shown on Appendix “A” to Report PED14003, subject to the following conditions:

(i) That this approval apply to “Fairgrounds West”, 25T-200614, as red-line revised, prepared by Losani Homes, and certified by S.D. McLaren, O.L.S., dated July 29, 2013, showing 164 single detached dwelling lots (Lots 1-164), 12 blocks for a maximum of 74 street townhouse units (Blocks 165-176), 3 blocks for future development with adjacent lands (Blocks 177-179), 1 block for Natural Open Space Purposes (Block 180), 1 block for a Stormwater Management Pond (Block 181), and 4 blocks for 0.30 m. reserves (Blocks 182-185), and 7 proposed streets (Streets A-G), attached as Appendix “E” to Report PED14003, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “F” to Report PED14003.

(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following item:

a) The oversizing of watermains on Pumpkin Pass and storm sewers on Kinsman Drive, will be in accordance with the City’s Financial Policies.

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit, with the exception of Townhouse Blocks 178; and, 168-176, inclusive, to which payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said Block.

(aa) With regard to Block 178 (Block Townhouse), a parkland dedication, at a ratio of 1 ha. per 300 dwelling units, will be required.
(bb) Furthermore, regarding Blocks 168-176, inclusive, (Street Townhouse), a parkland dedication, at a ratio of 0.6 ha. per 300 dwelling units, will be required.

(cc) Finally, Lots 1-164, inclusive, and Blocks 177 and 179, (Single Detached Residential), will require a parkland dedication ratio of 5%.

(dd) All in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

(iv) That the Final Plan of Subdivision conform with all the applicable provisions of the final approved UHOP Amendment No. [redacted], and comply with the provisions of Glanbrook Zoning By-law No. 464, as amended.

9. Sign Variance Application SV-12-008 for the Property Known as 442 Millen Road (Stoney Creek), Denied by the Director, Planning Division, and Appealed by the Applicant (PED14023) (Ward 10) (Item 8.2)

Whereas Hamilton Sign By-law No. 10-197 permits a maximum 50% of the sign face to be a readograph or electronic display, that the Appeal of Sign Variance Application SV-12-008, by Calitor Group Ltd., to convert the existing sign structure with 100% electronic message display, for the property located at 442 Millen Road (Stoney Creek), as shown on Appendix “A” to Report PED14023, be approved.

10. Comments on Application for a Licence under the Aggregate Resources Act by Lafarge Canada Inc. - Dundas South Quarry Extension, Part of Lots 7, 8, and 9, Concession 3, Flamborough (PED14024) (Ward 14) (Item 8.3)

(a) That the City of Hamilton advise the Ministry of Natural Resources (MNR) that it objects to the Licence Application under the Aggregate Resources Act, by Lafarge Canada Inc. - Dundas South Quarry Extension, proposed for Part of Lots 7, 8, and 9, Concession 3, Flamborough, being municipal addresses 582, 626, 632, 634 and 638 Brock Road, 790, 798, 822, 826 and 832 Concession 4 West, and 520, 526, 532, 536, 540, 542, 546, 550, 554, 559, 564, 565, 568, 580 and 588 Moxley Road, as shown on Appendix “A” to Report PED14024, on the following basis:

(i) Consideration of the application is premature at this time as the proposed extractive land use is not a permitted use under the Rural Council – February 12, 2014
Hamilton Official Plan (RHOP) or the Town of Flamborough Zoning By-law;

(ii) Review of the submitted Official Plan Amendment and Zoning By-law Amendment applications have not been completed by the City or relevant commenting agencies, or considered by Council;

(iii) The City and the Combined Aggregate Review Team (CART) have not completed peer reviews of the various component studies submitted by the proponent;

(iv) It would be premature for the Ministry of Natural Resources to finalize the Aggregate Licence requirements until detailed site requirements, as identified through the review of the required Official Plan Amendment and Zoning By-law Amendment applications and submitted technical studies, have been provided by the City to be considered for incorporation as conditions to the Licence, if granted by the MNR; and,

(v) That Hydrogeology, Noise, Vibration, Blasting, Dust, and impacts to Natural Heritage have initially been identified as areas of concern to the City.

(b) That a copy of Report PED14024, being the City of Hamilton’s formal comments, be forwarded and filed with the Guelph District Office of the Ministry of Natural Resources and Lafarge Canada Inc. (c/o MHBC Planning), as required under the Aggregate Resources Act for a Licence.

FOR THE INFORMATION OF COUNCIL:

(a) CEREMONIAL ACTIVITIES (Item A)

Hamilton Historical Board Annual Presentation to Planning Committee

Rob Hamilton, Chair of the Hamilton Historical Board, presented on the annual Hamilton Historical Board update with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The presentation from Rob Hamilton, Chair of the Hamilton Historical Board, respecting the annual Hamilton Historical Board update, was received.

(b) CHANGES TO THE AGENDA (Item 1)
The Committee Clerk advised of the following changes to the Agenda:

PUBLIC HEARINGS AND DELEGATIONS

6.4 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1670 Garth Street (Hamilton) (PED14017) (Ward 8)

(ii) Correspondence from Nancy Quinn – Owen Quinn, MCIP
(iii) Correspondence from Barbara Anne Welch
(iv) Correspondence from Jean and John Parkinson

6.5 West Harbour Waterfront Recreation Master Plan Official Plan Amendment and Zoning By-law Amendment, Bayfront Park and Piers 4 to 7 (Hamilton) (PED14012) (Ward 2)

(i) Correspondence from Sheri Selway – North End Neighbours
(ii) Correspondence from Wener Plessl – Hamilton Waterfront Trust
(iii) Correspondence from Hamilton Bay Sailing Club 2014 Executive

The Agenda for the February 4, 2014 meeting of the Planning Committee was approved, as amended.

(c) DECLARATIONS OF INTEREST (Item 2)

None.

(d) APPROVAL OF MINUTES (Item 3)

(i) January 14, 2014

The Minutes of the January 14, 2014 Planning Committee meeting were approved.

(e) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Steve Featherstone respecting amendments to the Responsible Animal Ownership By-law (Item 4.1)
The delegation request from Steve Featherstone respecting amendments to the Responsible Animal Ownership By-law, was referred to staff for a future meeting.

(ii) Delegation Request from Paul Goulet respecting amendments to the Responsible Animal Ownership By-law (Item 4.2)

The delegation request from Paul Goulet respecting amendments to the Responsible Animal Ownership By-law, was referred to staff for a future meeting.

(iii) Delegation Request Fernando Puga respecting item 8.4 Applications to Amend the Urban Hamilton Official Plan, Zoning By-law No. 464, Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision, "Fairgrounds West", for Lands Located at 3450 Binbrook Road (Glanbrook) (PED14003) (Ward 11) and 7.2 Binbrook Sanitary and Stormwater Systems Performance (PED12182(b)) (Ward 11) (Item 4.3)

The delegation request from Fernando Puga respecting item 8.4 Applications to Amend the Urban Hamilton Official Plan, Zoning By-law No. 464, Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision, "Fairgrounds West", for Lands Located at 3450 Binbrook Road (Glanbrook) (PED14003) (Ward 11) and 7.1 Binbrook Sanitary and Stormwater Systems Performance (PED12182(b)) (Ward 11), was approved.

(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Application for Approval of a Draft Plan of Condominium (Common Elements), by 162215 Ontario Inc. (Branthaven 2000 Inc.), for Lands Known as 45 Royal Winter Drive, Binbrook (Glanbrook) (PED14020) (Ward 11) (Item 6.1)

In accordance with the provision of the Planning Act, Chair B. Johnson 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 draft plan of condominium, 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 PED14020, Application for Approval of a Draft Plan of Condominium (Common Elements), by 162215 Ontario Inc. (Branthaven 2000 Inc.), for Lands Known as 45 Royal Winter Drive, Binbrook (Glanbrook), was closed.

The staff presentation respecting Report PED14020, Application for Approval of a Draft Plan of Condominium (Common Elements), by 162215 Ontario Inc. (Branthaven 2000 Inc.), for Lands Known as 45 Royal Winter Drive, Binbrook (Glanbrook), was waived.

For disposition on this Item, refer to item 3.

(ii) Application for Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 769 Stone Church Road West (PED14019) (Ward 8) (Item 6.2)

In accordance with the provision of the Planning Act, Chair B. Johnson 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, 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 PED14019, Application for Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 769 Stone Church Road West, was closed.

The staff presentation respecting Report PED14019, Application for Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 769 Stone Church Road West, was waived.

For disposition on this Item, refer to item 4.
(iii) Proposed Zoning By-law Amendment Affecting Lands Located at 336 and 338 King Street West (Dundas) (PED14027) (Ward 13) (Item 6.3)

In accordance with the provision of the Planning Act, Chair B. Johnson 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, 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 PED14027, Proposed Zoning By-law Amendment Affecting Lands Located at 336 and 338 King Street West (Dundas), was received.

John Ariens, on behalf of the applicant, provided an overview of the development with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record. He also spoke to two possible amendments.

The agent’s presentation respecting Report PED14027, Proposed Zoning By-law Amendment Affecting Lands Located at 336 and 338 King Street West (Dundas), was received.

Public Speakers

1. Kevin Archibald – 47 James St., Dundas, ON L9H 2J5
   
   Mr. Archibald expressed concern with the character of the building, parking and size.

2. Bill Hilson – 353 Park St. W., Dundas, ON L9H 1Z3
   
   Mr. Hilson expressed concerns with respect to the building’s size, privacy, density, parking and how the elements of the building do not fit.
3. Brent Anderson – 342 King St. W., Dundas, ON L9H 1W7

Mr. Anderson expressed concerns with the traffic and parking.

4. Verna Walker – 240 King St. W., Dundas, ON L9H 1W7

Ms. Walker expressed concerns with the building being commercial and shadowing on her lot as well as her basement.

5. Andy Hayrnick – 8 Brock St., Dundas, ON L9G 2R7

Mr. Hayrnick expressed concern with the building development.

The public presentations respecting Report PED14027, Proposed Zoning By-law Amendment Affecting Lands Located at 336 and 338 King Street West (Dundas), was received.

The public meeting respecting Report PED14027, Proposed Zoning By-law Amendment Affecting Lands Located at 336 and 338 King Street West (Dundas), was closed.

Councillor Pearson read aloud an e-mail from Councillor Powers expressing his support of the application based on new agreements.

For disposition on this Item, refer to item 5.

(iv) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1670 Garth Street (Hamilton) (PED14017) (Ward 8) (Item 6.4)

(i) Correspondence from Donald Wainman
(ii) Correspondence from Nancy Quinn – Owen Quinn, MCIP
(iii) Correspondence from Barbara Anne Welch
(iv) Correspondence from Jean and John Parkinson

In accordance with the provision of the Planning Act, Chair B. Johnson 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 official plan amendment and zoning by-law, 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.
Greg Macdonald, Senior 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 PED14017, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1670 Garth Street (Hamilton), was received.

John Ariens, on behalf of the applicant, provided an overview of the development with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

Paul Valery, the applicant, came forward to answer questions about the development.

The agent’s presentation respecting Report PED14017, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1670 Garth Street (Hamilton), was received.

Public Speakers

1. Vern Nelligan – 33 Father Hitter Terr., Hamilton, ON L9B 2S4
   
   Mr. Nelligan expressed concerns with respect to the height, traffic and density.

   The petition to oppose the application for 1670 Garth Street in Hamilton, containing 76 names, was received.

2. Joseph Rocchi – 85 Szollosy Cir., Hamilton, ON L9B 1T8
   
   Mr. Rocchi expressed concerns with traffic patterns, density, height, and environmental impacts

3. Bill Haartman – 20 Szollosy Cir., Hamilton, ON L9B 1T8
   
   Mr. Haartman expressed concerns with respect to privacy.

The public presentations respecting Report PED14017, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1670 Garth Street (Hamilton), were received.
The public meeting respecting Report PED14017, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1670 Garth Street (Hamilton), was closed.

The correspondence respecting Report PED14017, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1670 Garth Street (Hamilton), was received.

Report PED14017, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1670 Garth Street (Hamilton), was tabled to the February 18, 2014 meeting of the Planning Committee for an update on traffic and an amendment to the recommendations for 10 storeys.

(v) West Harbour Waterfront Recreation Master Plan Official Plan Amendment and Zoning By-law Amendment, Bayfront Park and Piers 4 to 7 (Hamilton) (PED14012) (Ward 2) (Item 6.5)

(i) Correspondence from Sheri Selway – North End Neighbours
(ii) Correspondence from Wener Plessl – Hamilton Waterfront Trust
(iii) Correspondence from Hamilton Bay Sailing Club 2014 Executive

In accordance with the provision of the Planning Act, Chair B. Johnson 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 official plan amendment and zoning by-law, 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.

Alissa Mahood, Senior Planner, and Greg Macdonald, Senior 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 PED14012, West Harbour Waterfront Recreation Master Plan Official Plan Amendment and Zoning By-law Amendment, Bayfront Park and Piers 4 to 7 (Hamilton), was received.

The correspondence respecting Report PED14012, West Harbour Waterfront Recreation Master Plan Official Plan Amendment and
Zoning By-law Amendment, Bayfront Park and Piers 4 to 7 (Hamilton), was received.

Public Speakers

1. Thom Davies – 79 Burlington St., Hamilton, ON L8L 1G9
   
   Mr. Davies, an elected member of North End Neighbours, and expressed concerns with respect to density and the changes to the neighbourhood.

2. Dave Stephens – 188 Simcoe St. E., Hamilton, ON L8L 3P1
   
   Mr. Stephens expressed concerns with respect to the change in neighbourhood characteristics and advised that the neighbourhood does not want a casino in the area.

3. Dwayne Cline – 21 Murray St. W., Hamilton, ON L8L 1B1
   
   Rev. Cline supports having the north end developed but recognizes the problems with parking and traffic and that there needs to be a better plan in place for those who are residents and struggling in the area.

4. Chris Pearson – 154 Ferne St. E., Hamilton, ON L8L 3T3
   
   Mr. Pearson expressed that he is in support of the plan but wishes that the neighbourhood be included in the process.

5. Bryan Ritskes – 79 Burlington St., Hamilton, ON L8L 1G9
   
   Mr. Ritskes expressed concerns with respect to the marina.

The public presentations respecting Report PED14012, West Harbour Waterfront Recreation Master Plan Official Plan Amendment and Zoning By-law Amendment, Bayfront Park and Piers 4 to 7 (Hamilton), were received.

The public meeting respecting Report PED14012, West Harbour Waterfront Recreation Master Plan Official Plan Amendment and Zoning By-law Amendment, Bayfront Park and Piers 4 to 7 (Hamilton), was closed.

For disposition on this Item, refer to item 6.
(g) PRESENTATIONS (Item 7)

(i) Binbrook Sanitary and Stormwater Systems Performance (PED12182(b)) (Ward 11) (Item 7.1)

Sally Yong-Lee, Manager, Infrastructure Planning, and Ron Scheckenberger, AMEC, 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.

James Webb, on behalf of Fernando Puga, expressed the relation to item 8.4.

The staff presentation respecting Report PED12182(b), Binbrook Sanitary and Stormwater Systems Performance, was received.

Item 8.4, (iii) Applications to Amend the Urban Hamilton Official Plan, Zoning By-law No. 464, Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision, "Fairgrounds West", for Lands Located at 3450 Binbrook Road (Glanbrook) (PED14003) (Ward 11) (tabled from January 14, 2014), was moved forward on the agenda.

(h) DISCUSSION ITEMS (Item 8)

(i) Applications to Amend the Urban Hamilton Official Plan, Zoning By-law No. 464, Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision, "Fairgrounds West", for Lands Located at 3450 Binbrook Road (Glanbrook) (PED14003) (Ward 11) (tabled from January 14, 2014) (Item 8.4)

Alvin Chan, Planner, advised that the applicant has met the requirements as discussed at the January 14, 2014 meeting of the Planning Committee.

For disposition on this Item, refer to item 8.
(i) MOTIONS (Item 9)

(i) Traffic Management and Land Use Strategy for the Waterdown Village Core area (Item 9.1)

Whereas the OMB has approved residential development within the Waterdown Urban Area on the basis of planned new East West and North South Corridor roads and network improvements;

And Whereas development is proceeding in advance of the planned roads and network improvements;

And Whereas the Waterdown Community is experiencing an increased level of traffic congestion and infiltration within the Waterdown Village Core;

Therefore be it resolved;

That staff from Planning and Economic Development Department, Public Works and Legal Services be directed to investigate and report back to the March 18 Planning Committee with respect to options and a recommendation regarding a traffic management and land use strategy for the Waterdown Village Core area.

(ii) Transfer of Artifacts (Item 9.2)

Whereas the existing collection of artifacts related to the Red Hill Valley project be transferred to the Joint Stewardship Board who will act as trustees of the materials;

And whereas the artifacts related to the project be catalogued and inventoried; and appropriately conserved in a Joint Stewardship Board approved facility;

And whereas the cost associated with the exercise be funded from the Ward 5 Area Rating Account;

Therefore be it resolved;

That staff prepare a report that investigates the possibility of retaining and conserving other archaeological City of Hamilton artifacts from publically owned properties and projects.
(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 S: Synergies between infrastructure Development and New School Openings
Current Date: February 4, 2014
New Date: February 18, 2014

(bb) Item Z: Police Services Animal By-law
Current Date: February 4, 2014
New Date: June 17, 2014

(cc) Item BB: PED13099(a), Fruitland-Winona Secondary Plan and Official Plan Amendment
Current Date: February 4, 2014
New Date: April 15, 2014

The following items were removed from the Outstanding Business List:

(aa) Item FF: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law No. 464, Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision, "Fairgrounds West", for Lands Located at 3450 Binbrook Road (Glanbrook) PED14003

(bb) Item O: Binbrook (139 Fall Fair Way) Sanitary and StormwaterSystemsPerformance (PED12182(a)/PW13016)

(cc) Item F: 38 Strachan St. W/344 Bay St. N

(k) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – January 14, 2014 (Item 12.1)

The Closed Session Minutes of January 14, 2014 were approved as presented and are to remain confidential.
(I) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 5:29 p.m.

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 14-004 AND RESPECTFULLY RECOMMENDS:

1. Barton Village Business Improvement Area (B.I.A.) Resignation from the Board of Management (PED10248(e)) (Wards 2 and 3) (Item 5.1)

   That Report PED10248(e) respecting “Barton Village Business Improvement Area (B.I.A.) Resignation from the Board of Management” be received.

2. Westdale Village Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED14016) (Ward 1) (Item 5.2)

   (a) That the 2014 Operating Budget for the Westdale Village Business Improvement Area (BIA) (attached as Appendix “A” to Report PED14016) be approved in the amount of $122,500;

   (b) That the levy portion of the Operating Budget for the Westdale Village Business Improvement Area (BIA) in the amount of $122,500, 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>$61,250.00</td>
</tr>
<tr>
<td>June</td>
<td>$61,250.00</td>
</tr>
</tbody>
</table>

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

3. **City of Hamilton Purchase of 519 Highland Road West, described as Part of Lot 33, Concession 8, Designated as Parts 11 and 12, Plan 62R-18648, in the former City of Stoney Creek, now in the City of Hamilton, from Duncan MacLellan (PED14010) (Ward 9) (Item 5.3)**

(a) That an Option to Purchase, executed by Duncan MacLellan on December 17, 2013, and scheduled to close on or before April 16, 2014, to purchase the land described as Part of Lot 33, Concession 8, designated as Parts 11 and 12, Plan 62R-18648 in the former City of Stoney Creek, now in the City of Hamilton, known municipally as 519 Highland Road West, Hamilton, as shown on Appendix “A” attached to Report PED14010, be approved and completed, and the purchase price of $332,000 be charged to Account No. 59259-4030980986 (Trinity Church Corridor);

(b) That as consideration, the amount of $2, paid to the owner pursuant to the agreement, be deducted from the purchase price;

(c) That the Mayor and Clerk be authorized and directed to execute the necessary documents, in a form satisfactory to Corporate Counsel;

(d) That upon City Council approval of the purchase of 519 Highland Road West, the Director of Facilities be authorized and directed to take all the necessary steps for the demolition of the subject buildings, and that the cost for the demolition and any additional ancillary expenses be charged to Account No. 4030980986 (Trinity Church Corridor);

(e) That the sum of $18,556 be funded from Account No. 4030980986 (Trinity Church Corridor) and credited to Account No. 47702-3560150200 (Capital – Property Purchases and Sales), being the costs incurred for real estate, appraisal and legal services.
4. Request for Extension of Building Covenants from Royal Gulf Development Inc. (Alaa Gaber), Owner of 148, 210 and 856 Beach Blvd., Hamilton (PED14021) (Ward 5) (Item 5.5)

   (a) That a request to extend building covenants imposed by the City upon Royal Gulf Development Inc. (Alaa Gaber), owner of 148, 210 and 856 Beach Boulevard, regarding three building lots described as Part 4, Plan 62R-14771, Part 6, Plan 62R-14959 and Part 9, Plan 62R-15601, as shown on Appendix “A” attached to Report PED14021, be approved;

   (b) That the dates for commencement and completion of construction be extended as follows:

      (i) 148 Beach Boulevard to commence not later than April 25, 2014 and completion not later than April 25, 2015;

      (ii) 210 Beach Boulevard to commence not later than May 31, 2014 and completion not later than May 31, 2015;

      (iii) 856 Beach Boulevard to commence not later than July 17, 2014 and completion not later than July 17, 2015;

   (c) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

5. Information Request from Advisory Committee for Persons with Disabilities Report 13-002 and Built Environment Sub-Committee Report – February 5, 2013 (Added Item 6.3) (PW14008) (City Wide) (Outstanding Business List) (Item 5.6)


6. Support for the Enforcement of the Criminal Code Relative to the Westray Law (Items 6.2 and 6.3)

   That the provincial/territorial government, specifically the Attorney-Generals and Labour Ministers, be urged to ensure that:

   (a) Crown attorneys and police are educated, trained and directed to apply the Westray amendments;

   (b) Dedicated prosecutors are given the responsibility for health and safety facilities;

Council – February 12, 2014
There is greater co-ordination among regulators, police and Crowns so that health and safety regulators are trained to reach out to police when there is a possibility that Westray amendment charges are warranted.

7. Presentation of the Neighbourhood Action Plans for Crown Point and Gibson Landsdale (GALA) Neighbourhoods, developed as part of the Neighbourhood Action Strategy (CM12013(d)) (City Wide) (Item 7.1)

(a) That the Neighbourhood Action Plans for Crown Point and Gibson Landsdale (GALA) neighbourhoods, attached as Appendix “A” and Appendix “B” to Report CM12013(d) be endorsed;

(b) That Planning staff be directed to consult with the Neighbourhood Planning Team on potential land use changes that could assist in the implementation of the Neighbourhood Action Plan where appropriate;

(c) That the completed Neighbourhood Action Plans attached as Appendix “A” and Appendix “B” to Report CM12013(d) be distributed to and reviewed by City of Hamilton staff and Neighbourhood Action Strategy Partners to determine suitable actions to assist in the implementation of the Neighbourhood Action Plans;

(d) That staff be directed to report back to the appropriate standing committee on suitable implementation measures (including cost and resource implications) that will be undertaken by the City of Hamilton to support the implementation of the Neighbourhood Action Plans attached as Appendix A and Appendix B to Report CM12013(d).

Sub-section (d) of Item 8 was deleted in its entirety and replaced as follows:

8. Provincial Review of Land Use Planning and Appeal System (PED14004) (City Wide) (Item 7.2)

(a) That the recommendations contained in Report PED14004 (Recommendations 1-23) be endorsed and that staff be directed to forward Report PED14004 and its Appendices to the Ministry of Municipal Affairs and Housing as formal comments on the “Land Use Planning and Appeal System Consultation Document – Fall 2013”;

(b) That the Province be encouraged to make broad systematic changes and not simply minor adjustments to the land use planning and appeals system to achieve greater accountability in addition to greater efficiency, access and transparency for land use planning in Ontario;
That the Province be requested to expand the scope of its review to include a review of Ontario Municipal Board (OMB) operations, practices and procedures, as well as alternatives to the OMB;

That the following additional recommendations be forwarded to the Ministry of Municipal Affairs and Housing in response to the “Land Use Planning and Appeal System Consultation Document – Fall 2013”:

(i) That the Planning Act be amended to require that notice of a public meeting or open house be provided by first class Canada Post Mail, and that the notice be expanded to include every owner of land and tenant within 500m of the subject property, with the additional postage cost be at full recovery cost;

(ii) That the Province require that the OMB take into consideration the state of the hard and soft infrastructure relating to a subject property and include in their decision the timing of the subject property for approval;

(iii) That the Planning Act be amended to further require that the applicants hold appropriate community meeting(s) with respect to all major development applications i.e., official plan and zoning by-law amendments, prior to the Statutory Public Meeting, and where applicable, the Neighbourhood Associations be advised of such community meeting(s).

That staff be directed to provide a process, through public consultation, which will alleviate appeals for non-decision.

9. Capital Projects Closing Report as of September 30, 2013 (FCS13070(a)) (City Wide) (Item 8.2)

(a) That the General Manager of Finance & Corporate Services be directed to close the completed and/or cancelled capital projects listed in Appendix “A” attached hereto in accordance with the Capital Closing Policy;

(b) That the General Manager of Finance & Corporate Services be authorized to fund $43,090 from the “Unallocated Capital Levy (108020)” to cover the deficit in project “EMS Station – Limeridge Road (7641141103)”;

(c) That Appendix “B” attached hereto detailing the Capital Projects’ Budget Appropriations for the period covering January 1, 2013 through September 30, 2013 be received for information.
10. Public Consultation on the Development Charges Act, 1997 (FCS14010) (City Wide) (Item 8.3)

(a) That the City’s official submission to the Development Charges (DC) consultation, attached hereto as Appendix “C”, be submitted to the Ministry of Municipal Affairs and Housing (MMAH);

(b) That Report FCS14010, respecting the Provincial Consultation on the DC Act, 1997, be forwarded to the Municipal Finance Officers Association (MFOA), Association of Municipalities of Ontario (AMO) and local Members of Provincial Parliament.


(a) Steel Committee Terms of Reference

That the Steel Committee Terms of Reference attached hereto as Appendix “D” be approved.

(b) U.S. Steel Announcement (no copy) (Item 5.2)

That local Members of Parliament, local Members of Provincial Parliament and Members of the Parliamentary Steel Caucus be requested to:

(i) provide information and or opinion on the Investment Canada Agreement that exists between the Federal Government of Canada and U.S. Steel Canada; and,

(ii) assist in developing a plan of action to mitigate all aspects of U.S. Steel Canada’s future within the City of Hamilton.

12. Report 14-001 of the Pan Am Stadium Precinct Sub-Committee – January 21, 2014 (Item 8.5)

(a) Pan Am Games Update No. 5 (PW14011) (Ward 3 with City Wide Implications)

That Report PW14011 respecting the Pan Am Games Update No. 5 be received.
(b) **New Proposed Terms of Reference for the Pan Am Stadium Precinct Sub-Committee (PW1402) (City Wide)**

That the revised Terms of Reference for the Pan Am Stadium Precinct Sub-Committee, attached hereto as Appendix “E”, be approved.

**Item 12 was amended by adding sub-section (c), which read as follows:**

(c) **Appointment of Councillors to the Pan Am Precinct Sub-Committee**

That Councillors J. Farr, T. Whitehead and R. Morrow be appointed to the Pan Am Precinct Sub-Committee.


**Acquisition of Hamilton-Wentworth District School Board (HWDSB) Surplus Land - Located at 315 Stone Church Road West, described as Parts 6 and 7, Plan 62R-12544, former Township of Barton, now City of Hamilton (PED14015) (Ward 8) (Item 6.1)**

(a) 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 (HWDSB) that the City of Hamilton has an interest in acquiring their land located at 315 Stone Church Road West, described as Parts 6 and 7, Plan 62R-12544, former Township of Barton, now City of Hamilton, forming all of PIN 16911-0071(LT), as shown on Appendix “A” attached to Report PED14015;

(b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to present a bonafide offer to the Hamilton-Wentworth District School Board for the land described in Recommendation (a) of Report PED14015;

(c) That the Mayor and Clerk be authorized to execute all necessary documents in a form satisfactory to the City Solicitor pursuant to Recommendation (b) of Report PED14015 upon direction of Council;

(d) That Report PED14015, Acquisition of Hamilton-Wentworth District School Board (HWDSB) Surplus Land - Located at 315 Stone Church Road West, described as Parts 6 and 7, Plan 62R-12544, former Township of Barton, now City of Hamilton (PED14015) (Ward 8), and Appendix “B” attached to Report PED14015, remain confidential following approval by City Council;

**Council – February 12, 2014**
(e) That the financial details outlined in Appendix “B” attached to Report PED14015 respecting the surplus Hamilton-Wentworth District School Board land located at 315 Stone Church Road West remain confidential until the completion of the transaction.

14. Pedestrian Signal Installation at Hunter Street West and Locke Street South (Item 9.1)

(a) That a pedestrian signal be installed at the intersection of Hunter Street West and Lock Street South in 2014;

(b) That staff be directed to include funding in the amount of $150,000 in the Ward 1 2014 Area Rating Fund to fund the construction of the pedestrian signal;

(c) That the $6,000 annual cost required to operate and maintain the traffic signal be added to Traffic Operations Current Budget Dept. ID 466045 to ensure the electricity to operate the signal and the maintenance and legislated inspections at the new traffic signal.

15. Countdown Signals at Main Street West and Pearl Street and King Street West and Pearl Street (Item 9.2)

That $4,000 from the Ward 1 Area Rating Reserve be allocated to countdown signals at the Main Street West and Pearl Street, and King Street West and Pearl Street, pedestrian signals.

16. Fundraising for the Expansion of Fieldcote Memorial Park and Museum

That to support the Fieldcote Volunteer Committee, that Fieldcote Memorial Park and Museum hereby accept fundraising donations to Balance Sheet Culture Deposits Account #22321 and issue tax receipts from said account.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

CONSENT ITEM

5.4 Lease Agreement with CityHousing Hamilton Corporation – Career Development Centre, 181 Main Street West (PED14022) (Ward 2) – Report is withdrawn

Council – February 12, 2014
DELEGATION ITEM

6.1 Christopher B. Cutler to speak to the issue of putting out a Request for Proposal leading to the privatization of the Hamilton Farmers’ Market – Mr. Cutler has advised that he will not be presenting at this time.

The agenda was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF PREVIOUS MINUTES (Item 3.1)

The Minutes of the January 15/22/27, 2014 meetings of the General Issues Committee were approved as presented:

(d) PUBLIC HEARINGS/DELEGATIONS

(i) Sylvia Boyce, Health and Safety Co-ordinator, Ontario and Atlantic Canada, United Steelworkers Canadian National Office, respecting Enforcement of the Criminal Code/Westray Bill (Item 6.2)

(ii) United Steelworkers (Mike Hnatjuk, Frank Miceli, Michael Miscio, Peter Ridehalgh) to speak to the Westray Bill Enforcement (Item 6.3)

Sylvia Boyce, Health and Safety Co-ordinator, Ontario Atlantic Canada, United Steelworkers Canadian National Office, and members of the United Steelworkers, appeared before the Committee to request support with respect to the enforcement of the Criminal Code/Westray Bill. The delegation requested Council’s support of their “Stop the Killing” Campaign and submitted a resolution for the Committee’s consideration.

A copy of the presenters’ written comments was submitted to the Clerk for the public record.

The presentation respecting “Enforcement of the Criminal Code/Westray Bill” was received.

See Item 6 for the disposition of this Item.

The Motion CARRIED on the following Standing Recorded Vote:

<table>
<thead>
<tr>
<th>Yeas:</th>
<th>Clark, Pearson, Ferguson, Powers, Pasuta, Bratina, Merulla, Whitehead, Duvall, Jackson, Collins, Farr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Yeas:</td>
<td>12</td>
</tr>
<tr>
<td>Total Nays:</td>
<td>0</td>
</tr>
<tr>
<td>Absent:</td>
<td>McHattie, Partridge, Pearson</td>
</tr>
<tr>
<td>Total Nays:</td>
<td>3</td>
</tr>
</tbody>
</table>

Council – February 12, 2014
PRESENTATIONS

(i) Presentation of the Neighbourhood Action Plans for Crown Point and Gibson Landsdale (GALA) Neighbourhoods, developed as part of the Neighbourhood Action Strategy (CM12013(d)) (City Wide) (Item 7.1)

Suzanne Brown, Manager, Neighbourhood and Community Initiatives, welcomed and thanked the residents from GALA and Crown Point for their contributions to developing the Neighbourhood Action Strategies, and for attending the meeting to present their plans.

Ms. Brown noted that the presenters for the Gibson Landsdale (GALA) Neighbourhood Action Plan included Gerry Cunningham (Chair), Sarah Sirkett, Angela Eady and Brenda Duke, and Tammy Heidbuurt, supported by many members of the Crown Point Community Planning Team, to present the Crown Point Neighbourhood Action Plan.

Before presentation of the plans, Ms. Brown provided a brief update on the Rolston Neighbourhood action planning (Ward 8) and the engagement of children in the Montcalm Community Housing Hamilton complex in a photovoice project, working with Westview Elementary School children.

Prior to the presentations, Brenda Duke and Tammy Heidbuurt publicly acknowledged their deep appreciation to Councillor B. Morelli and his assistance, commitment and contributions to his ward community.

Comments from the members of the GALA Neighbourhood Planning Team included, but were not limited to, the following:

- Appreciate opportunity to appear and provide information on what is happening in their neighbourhood
- Team has met challenge head on; have been meeting for the past year to develop plan which is now in place
- Established framework to operate from i.e., terms of reference
- Relationship with Mission Services and HCF, have established office at mission services building on Wentworth
- Designed custom-made system to distribute newspaper
- Project is self-sustaining
- Group has adopted Powell Park
- As of the first AGM in the Fall, action teams have moved forward; are now a breathing and living entity
- Have been approached by people in the community and are a very active group
- Have accomplished much in a year
- Contributions from HCF have been invaluable
- Have members of team here to share experiences and details on the work that has been ongoing

Council – February 12, 2014
With respect to the Crown Point Neighbourhood Action Plan, several residents addressed the Committee to speak about their involvement in the Plan and the revitalization of the neighbourhood, referring to the thriving business district on Ottawa Street, the YMCA and YWCA, churches and the many assets in their community. Reference was also made to the creation of the Crown Point Soccer League, which involves planning, and brings residents together.

The presentations respecting the “Neighbourhood Action Plans for Crown Point and Gibson Landsdale (GALA) Neighbourhoods” was received.

(ii) Provincial Review of Land Use Planning and Appeal System (PED14004) (City Wide) (Item 7.2)

Anita Fabac and Jennifer Haan provided a presentation to the Committee with respect to the City’s response to land use planning and appeal system reform. With the assistance of a PowerPoint presentation, Ms. Fabac spoke to the following:

- Why – to ensure that land use planning and appeal system in Ontario is predictable, transparent, cost-effective and responsive to the changing needs of communities
- Approach
- “Big Picture” recommendations
- Process/Technical recommendations
- OMB Recommendations

A copy of the PowerPoint presentation was submitted to the Clerk for the public record and can be viewed on the City of Hamilton website.

The presentation respecting “Provincial Review of Land Use Planning and Appeal System” was received.

The following recommendations were added as sub-section (d) and submitted to the Ministry of Municipal Affairs and Housing:

(i) That notification be provided by first class Canada Post Mail, and that the notification be provided to each and every resident within 500m around the subject property, with the additional postage cost be at full cost recovery;

(ii) That the OMB take into consideration the state of the soft infrastructure around any subject property and include it into their decision regarding the timing of the subject property for that approval;
(iii) That applicants be required to hold appropriate neighbourhood public meeting(s) as part of the consultation process with respect to all major applications i.e., official plan, development, zoning and that where applicable, the Neighbourhood Associations be advised of such public meeting(s).

The Amendments CARRIED and the Motion, as amended, CARRIED.

The following was added as sub-section (e):

(e) That staff be directed to provide a process, through public consultation, which will alleviate appeals for non-decision.

The amendment CARRIED and the Motion, as further amended, CARRIED.

(f) DISCUSSION ITEMS

Deputy Mayor Merulla relinquished the Chair to move and speak to the following motion before the Committee for consideration.

(i) Declaring the Office of Councillor, Ward 3, Vacant and Deciding the Method to Fill the Vacancy (CL14001) (City Wide) (Item 8.1)

(a) That the Office of Councillor, Ward 3, be declared vacant as required by sub-section 62(1) of the Municipal Act, 2001;

(b) That as required by sub-section 263(1) of the Municipal Act, 2001, the vacancy be filled by appointing a qualified person to hold the office of Councillor, Ward 3, for the remainder of the 2010-2014 term of office by appointing a person who has consented to fill the office;

(c) That Robert M. Morrow be appointed to hold the office of Councillor, Ward 3, for the remainder of the 2010-2014 term.

The recommendations CARRIED on the following Standing Recorded Vote:

Yeas: Clark, Pearson, Ferguson, Powers, Pasuta, Bratina, Merulla, Whitehead, Duvall, Jackson, Collins, Farr
Total Yeas: 12
Nays: 0
Absent: McHattie, Johnson, Partridge
Total Absent: 3

Council – February 12, 2014
NOTE:
The above-noted recommendations will be presented to a special meeting of Council on Friday, February 7, 2014 for consideration.

(g) MOTIONS

(i) Establishment of a Brownfields Blue Ribbon Task Force (Item 9.3)

The following Motion was tabled:

That staff be directed to report back to the Planning Committee on the establishment of a Brownfields Blue Ribbon Task Force to develop procurement strategies and remediation of lands.

(h) NOTICES OF MOTION

Councillor T. Whitehead introduced the following Notice of Motion:

(i) Appointment to the Hamilton Police Services Board

That Councillor C. Collins be appointed to fill the vacancy on the Hamilton Police Services Board for the balance of the 2010-2014 term of Council.

The rules of order were waived to allow for the introduction of a motion respecting “Appointment to the Hamilton Police Services Board”.

NOTE:
The following Motion will be presented to a special meeting of Council scheduled on Friday, February 7, 2014 for consideration:

Appointment to the Hamilton Police Services Board

That Councillor C. Collins be appointed to fill the vacancy on the Hamilton Police Services Board for the balance of the 2010-2014 term of Council.

Councillor L. Ferguson introduced the following Notice of Motion:

(i) Fundraising for the Expansion of Fieldcote Memorial Park and Museum

WHEREAS staff has completed the concept development phase for the expansion of Fieldcote Memorial Park and Museum; and,

WHEREAS the Fieldcote Volunteer Committee has also approved the concept plan, which makes the expansion shovel ready; and,
WHEREAS the Ward Councillor has recommended to the Volunteer Committee that to be eligible for any future senior level of government funding, it can be very helpful if the community raises a significant amount of the required capital funding; and,

WHEREAS the Fieldcote Volunteer Committee has prepared a fundraising plan for the expansion to be implemented in Spring 2014, targeting one-third of the capital funding required; and,

WHEREAS Fieldcote Memorial Park and Museum is 100% owned by the City of Hamilton.

Therefore be it resolved:

That to support the Fieldcote Volunteer Committee, that Fieldcote Memorial Park and Museum hereby accept fundraising donations to Balance Sheet Culture Deposits Account #22321 and issue tax receipts from said account.

The rules of order were waived to allow for the introduction of a motion respecting “Fundraising for the Expansion of Fieldcote Memorial Park and Museum”.

See Item 16 for the disposition of this item.

(i) OTHER BUSINESS/GENERAL INFORMATION

(i) Outstanding Business List Items

(aa) Revised Due Dates

The due dates for items on the Outstanding Business List were approved and amended accordingly, as follows:

Item Y: MOU with Hamilton Port Authority/HPA Land Lease – Parking
Due Date: February 5, 2014
Revised Due Date: February 19, 2014

Item F: Removal of Fill from toxic contaminated site at Hamilton Airport
Due Date: February 20, 2014
Revised Due Date: May 7, 2014

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

The following items were deemed complete and removed from the Outstanding Business List:

Council – February 12, 2014
Item AA: ACPD Report 13-003 – Transportation Sub-Committee Report (Item 5.5)

Item QQ: ACPD Report 13-002 (Item 5.5)

(j) PRIVATE & CONFIDENTIAL

The Committee moved into Closed Session at 12:00 noon. pursuant to Sub-section 8.1(b) of the City’s Procedural By-law and Section 239(2) of the Ontario Municipal Act, 2001, as the subject matter pertains to personal matters about an identifiable individual, including municipal and local board employees respecting a Licensing Standards Issue.

The Committee reconvened in Open Session.

(ii) Personnel Matter respecting Licensing Standards Issue (Item 12.1)

Direction was provided to staff in closed session.

(k) ADJOURNMENT

There being no further business, the Committee adjourned at 3:42 p.m.

Respectfully submitted

Councillor S. Merulla
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk
### CITY OF HAMILTON

**CAPITAL PROJECTS' CLOSING SCHEDULE**

**AS OF SEPTEMBER 30, 2013**

<table>
<thead>
<tr>
<th>YEAR</th>
<th>PROJECT ID</th>
<th>DESCRIPTION</th>
<th>APPROVED BUDGET</th>
<th>REVENUES</th>
<th>EXPENDITURES</th>
<th>PROJECT SURPLUS/DEFICIT</th>
<th>% SPENT</th>
<th>FUNDING SOURCE &amp; TRANSFERS</th>
<th>NOTES/REASON FOR CLOSING</th>
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<tbody>
<tr>
<td>2011</td>
<td>7641141103</td>
<td>EMS Station - LimeRidge Rd</td>
<td>340,000</td>
<td>340,000</td>
<td>385,080</td>
<td>(43,080)</td>
<td>112.7%</td>
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<td>Additional costs as per HES12008</td>
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<td>2010</td>
<td>4451053444</td>
<td>Tree Planting Program</td>
<td>1,805,000</td>
<td>1,805,003</td>
<td>1,805,000</td>
<td>3</td>
<td>100.0%</td>
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<tr>
<td>2013</td>
<td>6031351304</td>
<td>WL-Resident Lift Replacement</td>
<td>75,000</td>
<td>74,973</td>
<td>74,946</td>
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<td>Asphalt-Tradewind&amp;Cormorant</td>
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<td>52,508</td>
<td>2,492</td>
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<td>2009</td>
<td>7640951900</td>
<td>Station Security Improvements</td>
<td>230,000</td>
<td>224,955</td>
<td>219,909</td>
<td>5,046</td>
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<td>2009</td>
<td>7100955701</td>
<td>Fieldcote Expansion Plan</td>
<td>67,000</td>
<td>106,004</td>
<td>100,245</td>
<td>5,758</td>
<td>149.6%</td>
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<td>2005</td>
<td>5120594527</td>
<td>SWMMP - MRF</td>
<td>11,901,500</td>
<td>11,914,867</td>
<td>11,901,727</td>
<td>13,140</td>
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<tr>
<td>2010</td>
<td>4031014405</td>
<td>Contaminated Soil &amp; Rock Disposal 2010</td>
<td>30,000</td>
<td>30,000</td>
<td>129</td>
<td>29,871</td>
<td>99.9%</td>
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<td>4032757006</td>
<td>Strathcona Transport Study</td>
<td>122,500</td>
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<td>ISF-1728-Training Facility</td>
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<td>27,279,089</td>
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<td>2005</td>
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<td>Sulphur Spring-Woodland Manor</td>
<td>1,500,000</td>
<td>50,000</td>
<td>0</td>
<td>0</td>
<td>0.0%</td>
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<td>3541341910</td>
<td>RCMP Lease Capital Replacement Program</td>
<td>210,000</td>
<td>19,696</td>
<td>19,696</td>
<td>0</td>
<td>9.4% Funded up to expenses incurred</td>
<td>AOD, Ramp being completed from 3541341910 - RCMP-Lease-Capital Replacement.</td>
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</tr>
<tr>
<td>2012</td>
<td>5121294001</td>
<td>Truck Wash Bays at Resource Recovery Centre</td>
<td>230,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.0%</td>
<td>Cancelled with potential of site becoming a new Public Works Yard.</td>
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</tr>
<tr>
<td>2012</td>
<td>5141295251</td>
<td>PS HD019 (Binbrook) Capacity Upgrade (W-20)</td>
<td>200,000</td>
<td>23,923</td>
<td>23,923</td>
<td>0</td>
<td>12.0% Funded up to expenses incurred</td>
<td>Submitted in 2014 rate book for 2019 design and 2020 construction as actual consumption is less than projected via GRIDS.</td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td>5160960202</td>
<td>York (Dundas) Sanitary Chamber</td>
<td>200,000</td>
<td>19,818</td>
<td>19,818</td>
<td>0</td>
<td>9.9% Funded up to expenses incurred</td>
<td>Change in scope, project not required.</td>
<td></td>
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**TOTAL FUNDS RETURNED TO UNALLOCATED CAPITAL LEVY (10)**

41,895,262

14,152,490

41,880,797

104,003

99.7%

**TOTAL CANCELLED PROJECTS (8)**

2,620,000

63,438

63,438

0

2.4%
## CAPITAL PROJECTS' CLOSING SCHEDULE
### AS OF SEPTEMBER 30, 2013

<table>
<thead>
<tr>
<th>YEAR</th>
<th>APPROVED PROJECT ID</th>
<th>DESCRIPTION</th>
<th>APPROVED BUDGET</th>
<th>REVENUES</th>
<th>EXPENDITURES</th>
<th>SURPLUS/DEFICIT</th>
<th>% SPENT</th>
<th>FUNDING SOURCE &amp; TRANSFERS</th>
<th>REASON FOR CLOSING</th>
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<tbody>
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<td>e = c/a</td>
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<tr>
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<td>4241309210</td>
<td>W2 Pay &amp; Display Parking Meters</td>
<td>102,000</td>
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<td>100,264</td>
<td>0</td>
<td>98.3%</td>
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<td>Sinclair Court - Elaine Court</td>
<td>287,000</td>
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<td>7641151100</td>
<td>Annual EMS Vehicle Replacement</td>
<td>540,000</td>
<td>504,747</td>
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<td>2007 Fire Equipment Replace</td>
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<td>EMS Vehicle Replacement</td>
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<td>Annual EMS Vehicle Replacement</td>
<td>409,000</td>
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<td>Pay and Display Replacement</td>
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<td>4900857800</td>
<td>Parking Ticket Mgmt Software</td>
<td>203,000</td>
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<td>2005</td>
<td>8100055003</td>
<td>Zoning By-Law Review</td>
<td>3,110,300</td>
<td>3,099,626</td>
<td>3,099,626</td>
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<td>2005</td>
<td>5160580582</td>
<td>Bridgeport SWM Pond-WCS</td>
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<td>412,022</td>
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<td>5160090902</td>
<td>Binbrook Vll Stmwater Mgt Pond</td>
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<td>5120025053</td>
<td>MA-Montgomery Creek Mgmt Proj</td>
<td>1,500,000</td>
<td>1,474,390</td>
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<tr>
<td>2012</td>
<td>5181217152</td>
<td>Roadside Drainage Improvement Program</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
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<tr>
<td>2012</td>
<td>5181211101</td>
<td>Road Restoration Program</td>
<td>1,140,000</td>
<td>1,140,000</td>
<td>1,140,000</td>
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<td>2007</td>
<td>5160791740</td>
<td>Unscheduled Manhole &amp; Sewermain - 2007 - 2010</td>
<td>3,100,000</td>
<td>3,100,000</td>
<td>3,100,000</td>
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<td>100.0%</td>
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<td>Private Drain Reimbursements - SLMP - 2012</td>
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<td>Protective Plumbing Program</td>
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<td>2012</td>
<td>5181262212</td>
<td>Fanning - Chatham to Melbourne</td>
<td>180,000</td>
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<td>2011</td>
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<td>Street Lighting Program 2011</td>
<td>365,240</td>
<td>365,240</td>
<td>365,240</td>
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<td>100.0%</td>
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<tr>
<td>2012</td>
<td>404120016</td>
<td>Street Lighting Program 2012</td>
<td>400,000</td>
<td>400,000</td>
<td>400,000</td>
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<td>4041014008</td>
<td>New Full Traffic Signal Program 2010/11</td>
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<tr>
<td>2012</td>
<td>404127394</td>
<td>Guide Rail Replacement Program 2012</td>
<td>190,000</td>
<td>190,000</td>
<td>190,000</td>
<td>0</td>
<td>100.0%</td>
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<tr>
<td>2011</td>
<td>5121193000</td>
<td>Resource Recovery Centre</td>
<td>250,000</td>
<td>250,000</td>
<td>250,000</td>
<td>0</td>
<td>100.0%</td>
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</tbody>
</table>

### COMPLETED PROJECTS

- **Councillor Infrastructure (Tax Budget)**
  - 2013: 4241309210 - W2 Pay & Display Parking Meters
  - 2012: 4241209504 - Sinclair Court - Elaine Court

- **Community & Emergency Services**
  - **Fire Department (Tax Budget)**
    - 2011: 7641151100 - Annual EMS Vehicle Replacement
    - 2007: 7400751800 - 2007 Fire Equipment Replace
  - **Paramedic Service (Tax Budget)**
    - 2012: 7641251100 - EMS Vehicle Replacement
    - 2010: 7641051101 - Annual EMS Vehicle Replacement
  - **Planning & Economic Development (Tax Budget)**
    - 2012: 4901251104 - Pay and Display Replacement
    - 2008: 4900857800 - Parking Ticket Mgmt Software
    - 2005: 8100055003 - Zoning By-Law Review
  - **Planning & Economic Development (Rates Budget)**
    - 2005: 5160580582 - Bridgeport SWM Pond-WCS
    - 2000: 5160025053 - MA-Montgomery Creek Mgmt Proj

- **Public Works**
  - **Hamilton Water (Rates Budget)**
    - 2012: 5181217152 - Roadside Drainage Improvement Program
    - 2012: 5141211101 - Road Restoration Program - 2012
  - **Roads (Tax Budget)**
    - 2011: 404110016 - Street Lighting Program 2011
    - 2012: 404120016 - Street Lighting Program 2012
    - 2012: 404127394 - Guide Rail Replacement Program 2012
  - **Waste Management (Tax Budget)**
    - 2011: 5121193000 - Resource Recovery Centre
  - **Forestry & Horticulture (Tax Budget)**
    - 2011: 4451153444 - Street Tree Planting Program
## CAPITAL PROJECTS' CLOSING SCHEDULE
### AS OF SEPTEMBER 30, 2013

<table>
<thead>
<tr>
<th>YEAR</th>
<th>APPROVED PROJECT ID</th>
<th>DESCRIPTION</th>
<th>PROJECT BUDGET</th>
<th>REVENUES</th>
<th>EXPENDITURES</th>
<th>SURPLUS/DEFICIT</th>
<th>% SPENT</th>
<th>FUNDING SOURCE &amp; TRANSFERS</th>
<th>NOTES/REASON FOR CLOSING</th>
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<tbody>
<tr>
<td></td>
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<td>b</td>
<td>c</td>
<td>d = b - c</td>
<td>e = c/a</td>
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<td></td>
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<tr>
<td>2006</td>
<td>4400656517</td>
<td>Rosedale Park</td>
<td>1,482,896</td>
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<tr>
<td>2007</td>
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<td>West Harbour Trail</td>
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<tr>
<td>2007</td>
<td>4400756700</td>
<td>Eastport Drive Trail</td>
<td>28,244</td>
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<tr>
<td>2008</td>
<td>4400856144</td>
<td>Cherry Beach Land &amp; Park Development</td>
<td>1,959,082</td>
<td>1,959,082</td>
<td>1,959,082</td>
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<tr>
<td>2011</td>
<td>4401156810</td>
<td>Greenhill Park Trail</td>
<td>23,264</td>
<td>23,264</td>
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<td>2012</td>
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<td>Peace Pole-City Hall-Walkway</td>
<td>17,046</td>
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<td>3541141102</td>
<td>Wentworth - Centre Lights &amp; Controls</td>
<td>175,000</td>
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<td>138,454</td>
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<td>Facilities Audits</td>
<td>80,000</td>
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<td>80,000</td>
<td>0</td>
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</table>

**TOTAL COMPLETED PROJECTS (33)**
- $34,013,458
- $33,239,594
- $33,239,594
- 97.7%

**GRAND TOTAL COMPLETED/CANCELLED PROJECTS (61)**
- $78,528,720
- $75,265,622
- $75,103,829
- 95.6%
### CITY OF HAMILTON
CAPITAL PROJECTS' BUDGET APPROPRIATION SCHEDULE
FOR THE PERIOD COVERING JANUARY 1, 2013 THROUGH SEPTEMBER 30, 2013

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<th>Appropriated to</th>
<th>Amount $</th>
<th>Council Approval / Comments</th>
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<td><strong>Public Works (Tax Budget)</strong></td>
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<td>Roads</td>
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<td>4030516514</td>
<td>Omni &amp; Stonechurch Round About</td>
<td>4031318217</td>
<td>Bridge &amp; Culvert Maintenance</td>
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<td>4030819101</td>
<td>Annual Reconstruction 2008</td>
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<td>Roads Equipment Acquisition</td>
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<td>4030960520</td>
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<td>5121290520</td>
<td>Streetscape Containers</td>
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<td>Litter Multi Sort Container</td>
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<td>Annual Geotech Investigation</td>
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<td>4031018002</td>
<td>Bridge 95 - Thorpe St</td>
<td>4031318217</td>
<td>Bridge &amp; Culvert Maintenance</td>
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<td>4031120110</td>
<td>Traffic Signal Improvement</td>
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<td>4031218220</td>
<td>Bridge 420-Hendershot Road</td>
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<td>4031311015</td>
<td>Annual Resurfacing 2013</td>
<td>4031318344</td>
<td>Bridge 322 - King @ Kenilworth</td>
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<td>Bridge 322 - King @ Kenilworth</td>
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<td>Annual Bicycle Route</td>
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<td>Annual Bicycle Route 2013</td>
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<td>3540941736</td>
<td>2009 Chiller Replace Program</td>
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<td>ISF-898-Lister Energy Expan</td>
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<td>3540941935</td>
<td>1579 Burlington St Demolition</td>
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<td>2010 Annual Roof Management</td>
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<td>3541041730</td>
<td>Ham Place Lifecycle Repl</td>
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<td>Convention Centre Lifecycle</td>
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<td>3541241620</td>
<td>CUP Lifecycle Retrofit</td>
<td>3541141620</td>
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<td><strong>Parks</strong></td>
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<td>4401011601</td>
<td>Annual Cemetery Road Rehab</td>
<td>4401311801</td>
<td>Annual Cemetery Road Rehab</td>
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<td>4401060606</td>
<td>Rail Trail Slope Stabilization</td>
<td>4401194004</td>
<td>WTRf Trail-Shrine&amp;Pth Restor</td>
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<td>4401149007</td>
<td>Whitedeer Pk - Catch Basin</td>
<td>4401352800</td>
<td>Playground Replacement Program</td>
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<td><strong>Open Space</strong></td>
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<tr>
<td>4400756102</td>
<td>Hixon Park Development</td>
<td>4401256002</td>
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<td>ConfederationPk Strtgy&amp;EdFedlt</td>
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Total: 1,445,400

N/A - within policy limits
## CAPITAL PROJECTS' BUDGET APPROPRIATION SCHEDULE

FOR THE PERIOD COVERING JANUARY 1, 2013 THROUGH SEPTEMBER 30, 2013

<table>
<thead>
<tr>
<th>Appropriated from</th>
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## PLANNING & ECONOMIC DEVELOPMENT

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## CAPITAL PROJECTS' BUDGET APPROPRIATION SCHEDULE
### FOR THE PERIOD COVERING JANUARY 1, 2013 THROUGH SEPTEMBER 30, 2013

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CITY OF HAMILTON

Development Charges Act, 1997 Provincial Consultation Submission

Prepared By: City of Hamilton - Financial Planning & Policy Division

December 2013
Development Charges Act, 1997 Consultation Issues & Questions

Executive Summary

The City of Hamilton has long believed that growth related capital and infrastructure costs should be paid for by the growth which requires that infrastructure. The Development Charges Act (DCA), 1997 included restrictions that hadn’t existed in the previous DCA, 1989, such as 10-year average historical service standards, ineligible services, and 10% mandatory deductions from certain services. It has become clear that the current DCA, 1997 methodology does not support the premise that “Growth should pay for Growth”.

The Province announced on October 24, 2013 that public consultations on the DCA would take place. The City appreciates and values the opportunity to provide input. Staff have taken the opportunity to attend in-person consultation meetings held by the Province, and the City is providing this submission as a response to the consultation document prepared by the Province, in which they posed a number of questions regarding the DCA, parkland dedication, and section 37 of the Planning Act.

The City is supportive of eliminating ineligible services, mandatory reductions, and historical level of service standards, in order to support the premise of growth paying for growth. Under the current methodology, approximately 25% of growth related costs are not recovered through Development Charges (DC’s), meaning growth is only paying for about 75% of growth related costs, and the remainder is borne by existing taxpayers. Changes to the DCA that would increase the percentage of growth related costs a municipality can recover from DC’s would be supported by the City.

The City would not, however, be supportive of allowing DC’s to be collected for Provincial responsibilities such as Hospitals and Metrolinx, if the result was a trade-off that lowered and/or further limited the amount that could be collected by municipalities for their needs. As noted, the City is only able to recover about 75% of growth related costs from growth; any further reduction would be a further burden that would be unaffordable to existing taxpayers.

In summary, the City supports eliminating the restrictions that limit the level of funding recovered from new growth, and would oppose any changes that result in any further reductions or limitations on revenue recovery.
City of Hamilton Development Charge Act Consultation
Submission to MMAH

City Response to Issues and Questions to Discuss in Provincial Consultation

The Development Charges Process

1. Does the Development Charges methodology support the right level of investment in growth-related infrastructure?

A certain level of investment in growth related infrastructure is required in order to allow growth to proceed. The current DCA methodology does not support the required level of investment in growth related infrastructure (as a result of exemptions, reductions, and limitations provided in the DCA), resulting in costs being picked up by the existing taxpayer through increased property taxes and/or user fees. For example, the 10% statutory deduction has cost the City of Hamilton approximately $3.5 million over the last 5 years (or $434 per single detached unit). The costs to the taxpayer of the other restrictions cannot be as easily calculated, but would easily exceed the cost of the 10% statutory deduction. The current DCA methodology clearly does not support the premise that “Growth should pay for Growth”. Should the changes to the DCA result in further limitations or reductions, a further burden would be shifted to the existing taxpayer.

The City of Hamilton is supportive of changes to the DCA methodology that would remove the restrictions on eligible services, remove the historical service standard, and eliminate the 10% statutory discount.

2. Should the Development Charges Act, 1997 more clearly define how municipalities determine the growth-related capital costs recoverable from development charges? For example, should the Act explicitly define what is meant by benefit to existing development?

The DCA should make it clear that a municipality may choose the most appropriate method to determine the growth-related capital costs recoverable from DC’s. The typical “per capita” determination may work for some services, and in some communities, however a municipality should have the flexibility to use the most appropriate method for its circumstances (i.e. response time for Fire departments).

Benefit to existing should not be explicitly defined, but it should be clarified that the municipality shall have the right to determine the basis for calculating the Benefit to Existing. Appeals should be limited to errors that developers believe has occurred in the calculation, and not be able to appeal the basis used.
The OMB has already refined a number of these issues and terminology through the appeal of DC Bylaws since the enactment of the DCA, 1997. These rulings from the OMB guide and set boundaries within which municipalities can determine DC recoverable costs. Further defining how municipalities may determine the charges through the DCA could result in new terms and definitions being debated and litigated, and result in uncertainty in the calculation and amount of charges until litigation has concluded.

3. Is there enough rigour around the methodology by which municipalities calculate the maximum allowable development charges?

Yes, the public process, and ability for the by-laws to be challenged at the OMB requires municipalities to be reasonable, and holds them accountable. Being more prescriptive about how the charges are calculated would eliminate a municipality’s ability to determine the most appropriate methodology, and limit their ability to collect funding needed to cover growth-related costs.

Under the current DCA, the maximum allowable DC is based on the service standard for all services other than Water, Waste Water and Storm Water. It could be argued that this level of rigour is too high as it doesn’t necessarily allow municipalities to consider the entire growth related cost and then requires a further 10% reduction on soft services.

With respect to DC Appeals, the City believes that appellants should be required to provide preliminary evidence that the City did not act fairly, reasonably, within its powers, and in accordance with the processes set out in the DCA, at the time of appeal. There should be a presumption of correctness of the DC Study and Council’s passing of the DC By-law. Additionally, there should be a leave to appeal test and motion – by not having the leave test, there is a presumption of validity to the appeal and currently the DCA provides a very low threshold to satisfy the Board an appeal should be heard.
Eligible Services

4. The Development Charges Act, 1997 prevents municipalities from collecting development charges for specific services, such as hospitals and tourism facilities. Is the current list of ineligible services appropriate?

Setting a list of ineligible services defeats the premise that “Growth should pay for Growth”. There should not be a list of ineligible services in the DCA; if there is a service that does not have increased infrastructure requirements as a result of growth, there would be no related DC collections.

If a listing of ineligible services is to remain, the City of Hamilton has prioritized the services it would like to see removed from the ineligible services as follows:
   i) Acquisition of Land for Parks
   ii) Waste Management

On October 9, 2013, Council of the City of Hamilton approved Report FCS13044(a) “Request to Consider making Services Eligible under the Development Charges Act”. Through this report, the City of Hamilton requested that the acquisition of Land for Parks and Waste management be made eligible services under the DCA, and Council also supported the resolution of the Township of Adjala-Tosorontio, that Hospitals should be an eligible service under the DCA (given the Province’s requirement for a local share of 10% of Hospital construction cost). In the context of the DCA consultation, the City is only supportive of including a Provincial responsibility such as Hospitals in the DCA as long as there is no trade-off that lowers or further limits the amount of DC’s that could be collected by municipalities for their needs.

The City would recommend that, if they become an eligible service, Hospital DC’s should be handled in the same manner as Education DC’s, in that the hospital should do the DC Study and calculate the DC, which in most cases would be levied on a larger geographic area, rather than a single municipality. Municipalities would still be required to collect the charges prior to permit issuance. The Province should not expect significant contributions from the municipal tax base for services that are not municipal, and assets that are not owned, managed, or controlled by municipalities.

Specific to Acquisition of Land for Parks, the City believes that parkland requirements in excess of what it is able to collect through the parkland dedication provisions of the Planning Act should be recoverable. This would make the accountability and transparency requirements of the DCA apply to parkland requirements that are not met through the Planning Act. An alternative would be to have acquisition of land for parks
remains an ineligible service, but allow municipalities to increase the amount of land or cash-in-lieu required under the parkland dedication provisions of the Planning Act.

5. The Development Charges Act, 1997 allows municipalities to collect 100% of growth-related capital costs for specific services. All other eligible services are subject to a 10% discount. Should the list of services subject to a 10% discount be re-examined?

Again, the 10% discount is a direct contradiction to the premise that “Growth should pay for Growth”. The requirement to apply the 10% discount should be eliminated as any benefit to the existing taxpayer must already be reduced from the amount recoverable through DC’s. Eliminating the 10% discount would free up property tax dollars that could be used for rehabilitation and replacement of existing municipal assets.

6. Amendments to the Development Charges Act, 1997 provided the Toronto and York Region an exemption from the 10 year historical service level average and the 10% discount for growth-related capital costs for the Toronto-York subway extension. Should the targeted amendments enacted for the Toronto-York subway extension be applied to all transit projects in Ontario, or only high-order (eg subways, light rail) transit projects?

See question 5 above regarding the 10% discount. With respect to the historical level of service average restriction, this should not exist for any service that has been made a priority for investment by the Province. The historical service level average places a significant burden on the existing tax base when expansion to any type of transit service is required to help accommodate new growth and shift transportation modal splits to support less single-vehicle traffic in order to create space on existing roads for new growth.

Specifically to the question of whether or not this should be applied to all transit projects, or only high-order transit projects, the City of Hamilton believes this should apply across the board to any and all transit projects. As noted above, the need for additional transit has been prioritized by the Province, and further, the Province (including Metrolinx) plays a significant role in determining what type of transit should go where. Whether or not a municipality can collect the true growth related cost of transit should not be based on what type of transit system the Province (or Metrolinx) feels is appropriate. Every municipality should be able to collect the full and true cost of growth for Transit, regardless of type of transit project.
Reserve Funds

7. Is the requirement to submit a detailed reserve fund statement sufficient to determine how municipalities are spending reserves and whether the funds are being spent on the projects for which they were collected?

The reserve fund statement prepared and submitted annually to the Province is part of the public record, and available to anyone through the City of Hamilton’s website. The reserve fund provides how much has been spent/allocated to what projects from each of the DC reserves in a given year, and the other funding sources for that project in the given year. The reserve fund statement also provides the opening and closing balances of each reserve, amounts collected, debt payments, interest earnings, and funding transferred to capital projects. The City is of the position that the existing reserve fund statement is sufficient.

The relatively detailed information already included in the reserve fund statement has led to very few, if any, questions from the public or development industries. If further information was to be required as part of the reserve fund statement, the associated administrative cost should be considered an eligible cost to be recovered under the DCA.

8. Should the development charge reserves funds statements be more broadly available to the public, for example, requiring mandatory posting on a municipal website?

At the City of Hamilton, the DC Reserve fund statement is a public document that is approved by Council. As such, it is part of the public record, and can be found on the City website. Requiring mandatory posting on the municipal website would have no impact on the City of Hamilton.

9. Should the reporting requirements of the reserve funds be more prescriptive, if so, how?

The reporting requirements of the reserve fund statement are already quite prescriptive in terms of the information that is required to be included. Very few municipalities follow the exact same format to provide the required information. To improve comparability from one municipality to another, however, a standardized format for presenting the required information may assist.
If the Province was to require a standardized format, it should be developed by municipalities and/or their member associations (MFOA/AMO).

Section 37 (Density Bonusing) and Parkland Dedication Questions

10. How can Section 37 and parkland dedication processes be made more transparent and accountable?

For Section 37, the Planning Act could be amended to introduce statutory direction on the scope of and limits on Section 37. The difficulties in the application of this provision lie with the absence of statutory criteria that establish a framework and boundaries for the implementation of bonusing as part of the planning tool kit.

For Parkland Dedication, it should be made clear from the start of the development application process how the parkland dedication (Cash-in-lieu) will be calculated, particularly for high density development. In order to increase accountability, the Province could impose a requirement to report on Cash-in-Lieu Parkland Dedication reserves similar to that of DC’s where the reserve balance is provided as well as a listing of land purchases and any other uses of Parkland funds for a given year. In order to provide an accurate picture, this should also include land conveyed through subdivision and development agreements, and an associated value. This would likely require a significant amount of administrative work in large municipalities such as the City of Hamilton. If such reporting requirements were implemented, the associated costs should be recoverable from the Parkland Dedication reserve and included in the formula to determine the cash-in-lieu payable by developers.

11. How can these tools be used to support the goals and objectives of the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe?

Use of these tools to support the goals and objectives of the PPS and Growth Plan must be done through policy at the municipal level. They can be used by a municipality setting out how the section 37 benefits, and/or parkland dedication apply in different areas of the City in order to target growth. Also, for Section 37 benefits, the municipality should be basing the benefits to be received on the City’s priorities (affordable housing, preserving heritage properties, and preserving rental units).

An additional tool that could assist in encouraging higher density development would be adding the ability for a municipality to defer payments in lieu of parkland dedication,
Voluntary Payments Questions

12. What role do voluntary payments outside of the DC Act, 1997 play in developing complete communities?

Voluntary payments outside of the DCA, 1997 fill the role of either: a) covering costs not eligible to be recovered under the DCA, 1997, or b) limiting risk and debt exposure of a municipality. In terms of developing complete communities, both allow directly, or indirectly, for funding of infrastructure considered necessary in the development of complete communities but ineligible for recovery under the DCA, 1997. The need for voluntary payments would be much more limited, or possibly eliminated, if the principles of “growth pays for growth” were captured in the DCA through the removal of the 10% discount, historical service level average, and ineligible services.

13. Should municipalities have to identify and report on voluntary payments received from developers?

By way of approving the use of funds (i.e. capital budget), a municipality would already identify what those funds were being used for.

Municipalities should have specific policies that set out how and when voluntary payments from developers are to be used.

14. Should voluntary payments be reported in the annual reserve fund statement, which municipalities are required to submit to the ministry of municipal affairs and housing?

The annual reserve fund statement that is required to be submitted to the Ministry is for funds collected under the DCA, 1997. To include funds that are not collected under the DCA, 1997 with those that are would create confusion in terms of how the charges are calculated and restrictions on their use. Some form of reporting is reasonable (they would still be captured in the FIR and Financial Statements of the municipality, but not highlighted in the same manner as DC’s), but it should be kept separate and distinct from the DC reserve fund statement.
Growth and Housing Affordability Questions

15. How can the impacts of development charges on housing affordability be mitigated in the future?

There are two forms of affordability that must be considered when it comes to the impacts of DC on housing affordability: 1) the impact of DC’s on affordability of new homes, and 2) the impact of DC’s on affordability of existing homes.

1) When looked at in a vacuum, DC’s appear to be a significant charge which would have a large impact on the cost, and thus pricing of new homes. However, DC’s are only one of a number of factors, including land costs, construction costs, demand by housing type, interest rates, availability of financing, income levels, consumer confidence, government regulations, and economic conditions, that can impact the cost and/or price of new housing. DC’s generally make up between 5 and 10% of the cost of residential development. A significant increase in DC’s of 25% would only result in an overall increase in costs of 1-2%, which may or may not be able to be absorbed within the selling price, depending on market conditions.

2) The impact of DC’s on the affordability of existing homes must be considered as well. Having ineligible services, mandatory discounts, and service standard restrictions create limitations to amounts that can be collected under the DCA, 1997, and these costs must ultimately be picked up by the existing tax payer, by increasing property taxes and/or user fees. With an increasingly aging population, a growing number of residents are living on fixed incomes, limiting their ability to absorb the increased property tax payments that result, in part, from covering growth related costs that cannot be recovered under the DCA, 1997. The limitations of the DCA has already impacted the affordability of the existing housing stock, and any further limitations on what can be recovered from growth would further impact the affordability of existing housing.

16. How can development charges better support economic growth and job creation in Ontario?

DC’s could be better used to target certain types of (re)development (mixed use, intensification), by allowing any forgone revenue as a result of incentivizing those types of (re)development to be recaptured through all other development. This would allow the growth related costs to still be recovered from growth, prioritize the types of growth that are considered a priority, and without increasing the burden on the existing tax base. The lower burden on property taxes would support economic growth and job creation (high property taxes a deterrent to economic growth, job creation).
Eliminating the restrictions on DC’s (ineligible services, 10% discount, etc.) would also reduce the burden on the tax base. DC’s are a one-time cost, while property taxes are an ongoing cost paid annually.

Additionally, the DCA currently allows for DC’s to be deferred over a period of time. Hamilton allows deferrals on non-residential development and has found it to be a successful tool for encouraging such developments.

Much like housing affordability, property taxes and DC rates are only a couple of factors that influence economic growth and job creation. All factors need to be considered when contemplating how to better support economic growth and job creation in Ontario.

**High Density Growth Objectives**

17. How can the Development Charges Act, 1997 better support enhanced intensification and densities to meet both local and provincial objectives?

The most obvious way would be to further incentivize enhanced intensification and densities, and allow any potential foregone revenues from such preferred developments to be recovered through other new (re)developments. The DCA should provide for some statutory exemptions that meet Provincial standards, but also allow for local municipalities to decide what exemptions are appropriate for their unique circumstances and allow those exemptions (related to intensification or density) to be recovered through other new growth.

18. How prescriptive should the framework be in mandating tools like area-rating and marginal cost pricing?

Municipalities need to have the ability to determine the most appropriate methods for their unique situation. The tools should be available to municipalities so that they can use them if they are appropriate for that individual municipality, or a specific service, however the tools should not be mandated.

To encourage the use of area-rating tools, the Province needs to make them easier to use (for example, by elimination of the service standard). The impact of such tools may only have a limited impact, as existing areas where intensification is expected to occur, the costs to increase the service capacity can be higher, as a result of having to tear up existing infrastructure. It should not be assumed that intensification, particularly in existing urban areas, will result in lower infrastructure costs, and lower DC’s.
In summary, the framework should not be prescriptive in mandating the use of area-rating and marginal cost, but the framework could be improved to encourage and make it easier to use the tools.

19. What is the best way to offset the development charge incentives related to densities?

The best way to offset these incentives would be to allow them to be recovered through other new development so that the existing taxpayer does not have to cover the shortfall. Given that the type of development that is intended to be incentivized (intensification & increased densities) may, in theory, have somewhat lower growth related cost, it would be reasonable to shift that cost from incentives to the greenfield development (and more specifically to the lower density greenfield development). Additionally, removal of the 10% cap, historical average level of service, and eliminating ineligible services would allow the Municipality to recover additional growth related costs which could potentially be used to offset additional incentives for intensification.

Conclusion

The City of Hamilton has a significant infrastructure funding deficit and continues to fall behind in its state of good repair work due to the limited funding available. The City’s recommendations in this submission would allow the City to recover the cost of growth from growth, allowing funds from the existing tax base to be used for rehabilitation and replacement of existing infrastructure and reduce the City’s infrastructure funding deficit.

It’s important to emphasize that any further restrictions or exemptions to the DCA implemented by the Province would result in an additional burden to existing taxpayers, and divert more funding away from rehabilitation and replacement of existing assets.
City of Hamilton
Steel Sub-Committee
Terms of Reference

Mandate:
- To protect the welfare and best interest of the employees and pensioners of US Steel in Hamilton.
- To ensure the best use of the land and assets at the US Steel facility in Hamilton.
- To prepare for the repurposing and redevelopment of the land and assets at the US Steel facility in Hamilton.
- To create and/or reestablish “living wage” jobs lost at the US Steel facility in Hamilton due to the shutdown.
- To maximize the tax generated from the site and minimize the impact to the City of Hamilton’s budget.
- To engage community partners, industry stakeholders and residents of the City of Hamilton in planning process to optimize the use of the US Steel facility in Hamilton.

Composition: Six members of Hamilton City Council.

Duration: To expire with the 2010-2014 term of Council or until such time as successors are appointed.

Reporting to: General Issues Committee

Stipend: None

Meeting Schedule: Meetings will be held at the call of the Chair.

Contact: Lauri Leduc, Legislative Coordinator
905-546-2424 ext. 4102
Terms of Reference

Pan Am - Hamilton Stadium Project and Pan Am Games Operations - 2014 to 2015
Pan Am Stadium Precinct Sub-Committee

Mandate

In January 2011, Hamilton City Council approved a site for the Pan Am Stadium and through Report 11-004 respecting International Event Opportunities/2015 Pan Am Games Update created Pan Am Stadium Precinct Sub-Committee. The recommendation by Council stated “That the appropriate staff from the Mayor’s Office and Councillors L. Ferguson and B. Morelli be appointed as Council’s liaison with the staff and stakeholders involved during the construction process”.

This Sub-Committee was formed with the intent of providing advice, input and support for the new Pan Am Stadium throughout the construction process and to help advance the precinct revitalization around the new Stadium for the Pan Am Games in Hamilton.

Now that the new Pan Am Stadium construction process is well on its way to completion and the Pan Am Games Operations and Legacy Planning is emerging, there is now an opportunity to build ownership in the Pan Am Games in Hamilton.

The Sub-Committee would expand its mandate to include the Pan Am Games Operations and the Games Legacy for Hamilton and continue to oversee the Stadium construction and Precinct planning.

The new terms of reference highlights the expansion of the Sub-Committee’s mandate and representation on the Committee.

1.1 Purpose

The purpose of the Pan Am Stadium Precinct Sub-Committee is to provide advice, input, guidance and support for:

- the new Stadium throughout the construction process
- the Stadium Precinct Community Plan
- hosting of the Pan Am Games Soccer and Culture Festivities
- taking full advantage of the significant and unique opportunities to promote Hamilton and enhance the overall quality of the Pan Am Games experience for participants, residents and visitors

1.1.1 Aims

- To continue to provide support and assistance on the Stadium construction
- To continue to provide support and assistance on the Stadium Precinct Plan
- To support Hamilton’s Host Committee with Games operations and festivities
• To advise General Issues Committee and Council of progress and to receive feedback, advice and direction, as appropriate
• To assist the public with issues relevant to the stadium construction, Stadium Precinct Plan, Games planning and Games Legacy

1.2 Membership

• The Mayor plus four members of Council
• One representative to be appointed by the Hamilton Tiger-Cats
• One representative of the Local Soccer Community
• Hamilton Pan Am Games Host Committee Chair

1.2.1 A quorum shall be achieved when 50% + 1 of the membership body is present.

1.3 Support Services

1.3.1 City staff from the Pan Am Initiatives Office, Public Works, Neighbourhood and Community Initiatives, Community Services and Planning Departments and/or their consultant(s), will act as staff resources

1.3.2 Clerical services will be provided by the Office of the City Clerk

1.3.3 The City shall provide the Committee with reasonable access to the project consultant(s) and City staff.

1.4 Meetings

1.4.1 The Committee shall meet monthly or at the call of the Chair.

1.4.2 The meetings shall be at locations designated by the Committee.

1.5 Minutes and Agendas

1.5.1 The minutes of the Committee meetings shall be prepared by City staff or its consultant(s) and forwarded to Committee members in a timely manner.

1.5.2 The Chair(s) may grant requests for discussion of items not on the agenda.

1.5.3 The Sub-Committee will report to the General Issues Committee.
Present: Councillors R. Powers (Chair), B. Clark (Vice Chair), M. Pearson, B. Johnson and C. Collins

Absent with regrets: Councillor R. Morrow – City Business

THE AUDIT, FINANCE & ADMINISTRATION COMMITTEE PRESENTS REPORT 14-001 AND RESPECTFULLY RECOMMENDS:

1. **Update to Proceeds of Power Sale of Olympia Banquet Centre (FCS14001) (Ward 4) (Item 5.1)**

   That Report FCS14001, respecting an Update regarding the Proceeds of Power Sale of Olympia Banquet Centre, be received.

2. **Accessibility for Ontarians with Disabilities Act (AODA) Self-Certified Accessibility Report - December 2013 (FCS14008) (City Wide) (Item 5.2)**

   That Report FCS14008, respecting the Accessibility for Ontarians with Disabilities Act (AODA) Self-Certified Accessibility Report - December 2013, be received.

3. **Capital Projects' Status as of November 30, 2013 (FCS13066(a)) (City Wide) (Item 5.3)**

   That Report FCS13066(a), respecting the Capital Projects' Status as of November 30, 2013, be received.
4. Treasurer's Apportionment of Land Taxes (FCS14002) (Ward 15) (Item 5.4)

(a) That the 2012 land taxes in the amount of $1,919 for 10 McCurdy Avenue, Flamborough, (Roll #2518 303 420 04785 0000) be apportioned and split amongst the three newly created parcels as set out in Appendix “A” attached hereto;

(b) That the 2012 land taxes in the amount of $1,871 for 93 Sadielou Boulevard, Flamborough, (Roll #2518 303 420 04799 0000) be apportioned and split amongst the three newly created parcels as set out in Appendix “A” attached hereto;

(c) That the 2012 land taxes in the amount of $1,980 for 66 Bousfield Rise, Flamborough, (Roll #2518 303 420 04815 0000) be apportioned and split amongst the four newly created parcels as set out in Appendix “A” attached hereto;

(d) That the 2012 land taxes in the amount of $1,980 for 78 Bousfield Rise, Flamborough, (Roll #2518 303 420 04820 0000) be apportioned and split amongst the four newly created parcels as set out in Appendix “A” attached hereto.

5. Treasurer's Write-off of Taxes under Section 354 of the Municipal Act, 2001 (FCS14004) (Ward 9) (Item 5.5)

That the taxes for 0 Aylmer Street, in the amount of $2,015 be approved for write-off, as a result of a failed tax sale of the property and the expected subsequent sale of the property by real estate, closing January 24, 2014.

6. Governance Review Sub-Committee Report 13-003, December 19, 2013 (Item 5.6)

(a) Posting and Releasing of Sub-Committee/Council Agendas (CL13003) (City Wide)

That Report CL13003, respecting the Posting and Releasing of Sub-Committee/Council Agendas (attached as Appendix “A” to the Governance Sub-Committee Report 13-003), be received.
7. **Annual Follow up of Outstanding Audit Recommendations (AUD14001) (City Wide) (Item 5.7)**

That Report AUD14001, respecting the 2013 Annual Follow up of Outstanding Audit Recommendations, be received.

8. **Follow Up of Audit Report 2012-01 – Community Services – Recreation Facilities & Arenas – Cash Handling (AUD14002) (City Wide) (Item 5.8)**

That Report AUD14002, respecting the follow up of Audit Report 2012-01, Community Services – Recreation Facilities and Arenas – Cash Handling, be received.

9. **Minutes of Various Advisory Committees (Items 5.9(a) to 5.9(d)):**

That the following Advisory Committee meeting Minutes be received:

   (a) Aboriginal Advisory Committee Minutes, September 5, 2013

   (b) Hamilton Mundialization Committee Minutes, September 18, 2013

   (c) Hamilton Mundialization Committee Minutes, November 20, 2013

   (d) Committee Against Racism Minutes, October 22, 2013

10. **Harassment and Discrimination Prevention Policies (HUR13014) (City Wide) (Tabled on December 9, 2013) (Item 8.2)**

That Report HUR13014, respecting the Harassment and Discrimination Prevention Policies, be received.

11. **Harassment and Discrimination Prevention Policies (HUR13014(a)) (City Wide) (Item 8.3)**

   (a) That the Personal Harassment Prevention Policy, attached hereto as Appendix “B”, be approved;

   (b) That the Harassment and Discrimination Prevention Policy, attached hereto as Appendix “C”, be approved;

Council – February 12, 2014
(c) That the Procedure for Resolving Harassment and Discrimination Issues, attached hereto as Appendix “D”, be approved.

12. **Workplace Violence Prevention Policy (HUR13015) (City Wide) (Tabled on December 9, 2013) (Item 8.4)**

That Report HUR13015, respecting the Workplace Violence Prevention Policy, be received.

13. **Workplace Violence Prevention Policy (HUR13015(a)) (City Wide) (Item 8.5)**

That the Workplace Violence Prevention Policy, attached hereto as Appendix “E”, be approved.

14. **A By-Law to Set a Minimum Property Tax Levy Amount (FCS13043) (City Wide) (Item 8.6)**

That Appendix “A” to report FCS13043 “By-Law to Set a Minimum Property Tax Levy Amount” under Section 355 of the Municipal Act, 2001 be passed.

15. **Audit Report 2013-11 - Public Works - Construction Contracts Review (AUD14003) (City Wide) (Item 8.7)**

(a) That the Management Action Plans, as detailed in Appendix “F” attached hereto be approved;

(b) That the General Manager of Public Works be directed to instruct the appropriate staff to have the Management Action Plans (attached hereto as Appendix “F”) implemented.

16. **Audit Report 2013-12 - Public Works - Food Services (Golf Courses) (AUD14004) (City Wide) (Item 8.8)**

(a) That the Management Action Plans as detailed in Appendix “G” attached hereto, be approved;

(b) That the General Manager of Public Works be directed to instruct the appropriate staff to have the Management Action Plans (attached hereto as Appendix “G”) implemented.
17. **2014 Property and Liability Insurance Renewal (FCS14012) (City Wide) (Item 8.10)**

   (a) That the Liability and Property Insurance coverage for the term January 1, 2014, to January 1, 2015, be renewed through Jardine Lloyd Thompson Canada Inc. (JLT) at a cost of $3,719,804 (net of applicable taxes) and be funded through the 2014 Risk Management Services Budget, in accordance with Appendix “H” attached hereto;

   (b) That the General Manager, Finance and Corporate Services, be authorized and directed to execute all associated documents related to the renewal of the Liability and Property Insurance coverage for the term January 1, 2014, to January 1, 2015, through Jardine Lloyd Thompson Canada Inc., on behalf of the City.

18. **Grants Sub-Committee Report 14-001 (Item 8.11)**

   (a) **2013 Final Community Partnership Program Update (GRA14001) (City Wide) (Item 5.1) (attached hereto as Appendix “A” to Report 14-001)**

   That the overall 2013 Community Partnership Program (CPP) Surplus, in the amount of $106,239, be transferred to the CPP Reserve Account #112230.

   (b) **Grants Program Review Update (Item 6.1)**

   That the following be referred to the General Issues Committee:

   (i) The presentation, respecting the Grants Program Review Update, as amended, dated February 6, 2014;

   (ii) The issue of the Grants Program Review and Terms of Reference for same.

**FOR THE INFORMATION OF COUNCIL:**

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

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

   (i) Item 6.2 – The delegation by John O’Toole, respecting a denied Risk Management Claim for Damage to his Vehicle, has been withdrawn.
(ii) Added as Item 8.11 – Grants Sub-Committee Report 14-001, dated February 6, 2014

The agenda for the February 10, 2014 Audit, Finance & Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

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

(i) December 9, 2013 (Item 3.1)

The Minutes of the December 9, 2013 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Joey Coleman respecting the Governance Review Sub-Committee Report 13-003 (Item 4.1)

The delegation request from Joey Coleman, respecting the Governance Review Sub-Committee Report 13-003, was approved to appear before Committee today.

(e) DELEGATIONS (Item 6)

(i) Steve Pratt, Ironworkers Local 736, and Joe Beattie, Business Manager of the Hamilton Brantford Building Trades, respecting a request to have the wages of the Ironworkers and Rodworkers added to the Wage Schedule of the Fair Wage Policy (Item 6.1)

Mr. Pratt and Mr. Beattie’s comments included, but were not limited to, advising that the wage package was not submitted through the administration and requesting that it be put back in the Fair Wage Policy.

The presentation provided by Steve Pratt, Ironworkers Local 736, and Joe Beattie, Business Manager of the Hamilton Brantford Building Trades, respecting a request to have the wages of the Ironworkers and
Rodworkers added to the Wage Schedule of the Fair Wage Policy, was received.

The issue, respecting the addition of the wages of the Ironworkers and Rodworkers to the Wage Schedule of the Fair Wage Policy, was referred to staff for inclusion in the 2016 review, for a report back to the Audit, Finance & Administration Committee, at that time.

(ii) John O’Toole, respecting a Denied Risk Management Claim for Damage to his Vehicle (Item 6.2)

This item was withdrawn by the delegate.

(iii) Joey Coleman respecting the Governance Review Sub-Committee Report 13-003 (Item 6.3)

Mr. Coleman’s comments included, but were not limited to, the following:

- That the release dates for agendas be split in two (committee reports and delegations/presentations) in order to allow for a longer review period for the public while keeping the 24-hour review rule;
- That the expenses from Councillors offices be available in hard copy or electronically at no cost to the public.

Questions to staff included, but were not limited to, the following:

- 24-hour review rule for Councillors prior to public viewing and if this is necessary;

The presentation provided by from Joey Coleman, respecting the Governance Review Sub-Committee Report 13-003, was received.

For further direction, see Section (h) (iv)

(f) PRESENTATIONS (Item 7)

(i) Anti-Racism Resource Centre Project (CAR14-001) (City Wide)

Roger Cameron, Chair of the Committee Against Racism, presented the Anti-Racism Resource Centre Project with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.
The Anti-Racism Resource Centre Project presentation, was received.

Report CAR14-001, Anti-Racism Resource Centre Project, was referred to the General Manager of Finance and Corporate Services for a report back to the Audit, Finance and Administration Committee and the issues and questions raised at committee including, investigate the liaison personnel between HCCI and CAR and funding issues and duplication of work, be addressed in the report.

(g) DISCUSSION ITEMS (Item 8)

(i) City Wide Cash Handling Policy (FCS14003) (City Wide) (Item 8.1)

Report FCS14003, City Wide Cash Handling Policy, was referred back to staff for further consideration with respect to consistency and cash handling guidelines.

(ii) Harassment and Discrimination Prevention Policies (HUR13014) (City Wide) (Item 8.2)

Report HUR13014, respecting the Harassment and Discrimination Prevention Policies, was lifted from the table.

For disposition on this item, see item 10.

(iii) Workplace Violence Prevention Policy (HUR13015) (City Wide) (Item 8.4)

Report HUR13015, respecting the Workplace Violence Prevention Policy, was lifted from the table.

For disposition on this item, see item 12.

(iv) Amended Water and Wastewater/Storm Arrears Policy (FCS14007) (City Wide) (Item 8.9)

Report FCS14007, Amended Water and Wastewater/Storm Arrears Policy, was tabled to the March 24, 2014 meeting of Audit, Finance and Administration in order to hear a delegation from Effort Trust.
(v) Accessibility in Council Chambers

Committee requested an update at the next meeting on the status of the AODA compliance issues within the Council Chambers. (i.e. main doors and access for persons with disabilities and seniors)

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

(i) Amendments to the Outstanding Business List (Item 11.1)

The following Items were considered complete and removed from the Audit, Finance & Administration Committee’s Outstanding Business List:

(a) Item “J” – Power of Sale and proceeds - 1154 and 1162 Barton Street East and 50 and 52 Fraser Avenue, known as the Olympia Banquet Centre (Item 5.1 on agenda)

(b) Item “M” – A By-law to Set a Minimum Property Tax Levy Amount (Item 8.6 on agenda)

(ii) Items Requiring Approval of a Proposed New Due Date (Item 11.2)

The following proposed new due date was approved:

(a) Item “P” – Timelines for the Retention of E-mails
   Current Due Date: February 10, 2014
   Proposed New Due Date: March 24, 2014

(iii) Resignation from the LGBTQ Advisory Committee (Item 11.3)

The resignation letter, submitted by Deirdre Dixon, from the LGBTQ Advisory Committee, was received.

(iv) 24-hour Review Rule for Releasing Council Agendas

Staff was directed to report back to the Governance Review Subcommittee with a report on releasing the agenda to members of Council 24-hours prior to public release.
(i) ADJOURNMENT (Item 13)

There being no further business, the Audit, Finance & Administration Committee, was adjourned at 11:51 a.m.

Respectfully submitted,

Councillor R. Powers, Chair
Audit, Finance & Administration Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
**APPORPTIONMENT OF TAXES**

That the original land taxes recorded against;

(a) **Roll #2518 303 420 04785 0000** – (10 McCurdy Ave., Flamborough) in the amount of $1,919 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>10 McCurdy Ave.</td>
<td>2518 303 420 04785 0000</td>
<td>53,573</td>
<td>$647</td>
</tr>
<tr>
<td>2012</td>
<td>12 McCurdy Ave.</td>
<td>2518 303 420 04787 0000</td>
<td>52,285</td>
<td>631</td>
</tr>
<tr>
<td>2012</td>
<td>14 McCurdy Ave.</td>
<td>2518 303 420 04788 0000</td>
<td>53,142</td>
<td>641</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>159,000</strong></td>
<td><strong>$1,919</strong></td>
</tr>
</tbody>
</table>

(b) **Roll #2518 303 420 04799 0000** – (93 Sadielou Blvd., Flamborough) in the amount of $1,871 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>93 Sadielou Blvd.</td>
<td>2518 303 420 04799 0000</td>
<td>51,947</td>
<td>$627</td>
</tr>
<tr>
<td>2012</td>
<td>91 Sadielou Blvd.</td>
<td>2518 303 420 04802 0000</td>
<td>51,108</td>
<td>617</td>
</tr>
<tr>
<td>2012</td>
<td>89 Sadielou Blvd.</td>
<td>2518 303 420 04803 0000</td>
<td>51,945</td>
<td>627</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>155,000</strong></td>
<td><strong>$1,871</strong></td>
</tr>
</tbody>
</table>

(c) **Roll #2518 303 420 04815 0000** – (66 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>66 Bousfield Rise</td>
<td>2518 303 420 04815 0000</td>
<td>41,334</td>
<td>$499</td>
</tr>
<tr>
<td>2012</td>
<td>68 Bousfield Rise</td>
<td>2518 303 420 04817 0000</td>
<td>40,666</td>
<td>491</td>
</tr>
<tr>
<td>2012</td>
<td>70 Bousfield Rise</td>
<td>2518 303 420 04818 0000</td>
<td>40,666</td>
<td>491</td>
</tr>
<tr>
<td>2012</td>
<td>72 Bousfield Rise</td>
<td>2518 303 420 04819 0000</td>
<td>41,334</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 04820 0000 – (78 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>78 Bousfield Rise</td>
<td>2518 303 420 04820 0000</td>
<td>41,334</td>
<td>$ 499</td>
</tr>
<tr>
<td>2012</td>
<td>80 Bousfield Rise</td>
<td>2518 303 420 04822 0000</td>
<td>40,666</td>
<td>491</td>
</tr>
<tr>
<td>2012</td>
<td>82 Bousfield Rise</td>
<td>2518 303 420 04823 0000</td>
<td>40,666</td>
<td>491</td>
</tr>
<tr>
<td>2012</td>
<td>84 Bousfield Rise</td>
<td>2518 303 420 04824 0000</td>
<td>41,334</td>
<td>499</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>164,000</strong></td>
<td></td>
<td><strong>$ 1,980</strong></td>
</tr>
</tbody>
</table>
PERSONAL HARASSMENT PREVENTION POLICY
(In accordance with the Occupational Health & Safety Act)

POLICY STATEMENT
The City of Hamilton is committed to maintaining a Workplace climate that embodies mutual respect for the dignity and worth of each person. The City upholds a zero tolerance to Personal Harassment and as such, does not condone Personal Harassment of or by any of its Employees, in the Workplace, and at any work-related functions, or in any other work-related circumstances.

In this diverse and equitable Workplace, all Employees will have the opportunity to contribute fully to the City of Hamilton’s mission, vision and values and each Employee’s unique contribution will be respected.

PURPOSE
Under the Occupational Health and Safety Act, the City of Hamilton is required to have a policy for dealing with harassment complaints and a process to handle and investigate harassment complaints. This policy and its associated procedures (Resolving Harassment and Discrimination Issues) are consistent with the City’s obligations under the Occupational Health and Safety Act.

The intention of this policy and its procedures is to promote a healthy, respectful and supportive Workplace by preventing Personal Harassment from taking place, and where necessary to act upon complaints of such behaviour in the most prompt, fair, and timely manner with due regard to confidentiality for all parties concerned. The most effective element in preventing Personal Harassment is education. To this end, education programs and information sessions will be provided to promote awareness of the issues of Personal Harassment and to foster an environment free of Personal Harassment within the City of Hamilton.

The City of Hamilton has implemented a policy on harassment and discrimination based on the prohibited grounds under the Ontario Human Rights Code – see the Harassment and Discrimination Prevention Policy. It may provide means for addressing concerns which do not fall within the provisions of the Personal Harassment Prevention Policy. The City also has a Violence in the Workplace Prevention Policy that addresses concerns related to Workplace violence. Some Employees may also have rights under collective agreements.
This policy defines Personal Harassment and identifies the rights and responsibilities of all Employees including Management.

### SCOPE

This policy applies to all Employees of the City of Hamilton, including but not limited to regular, temporary, probationary and contract Employees, and to consultants, volunteers, students and interns. This policy also applies to elected officials.

Members of the general public, visitors to City facilities, or individuals conducting business with the City of Hamilton are expected to refrain from Personal Harassment of Employees. If such Personal Harassment occurs, the City will take any reasonable and necessary steps to stop the Personal Harassment to the extent possible, which may include issuing trespass notices, contacting police, and involvement of internal Legal Services etc.

### DEFINITIONS

#### Personal Harassment

The following definitions apply to this Policy:

Personal Harassment results from a pattern of inappropriate behaviour or comments that a reasonable person would consider to be offensive or demeaning. Personal Harassment **does not** violate any of the prohibited grounds outlined in the Ontario *Human Rights Code*. Personal Harassment can make a person feel uncomfortable, distressed, offended or intimidated. Types of behaviour that may constitute Personal Harassment include, but are not limited to:

- Ongoing condescending comments or name calling
- Repeated offensive gestures or comments
- Practical jokes which result in insult or embarrassment
- False accusations
- Repeatedly excluding or ignoring the victim
- Spreading malicious rumours or gossip
- Abuse of power or authority which negatively disrupts or prevents the performance of Workplace duties or unduly influence Workplace decisions, or requests to perform duties outside the scope of job requirements such as requests for personal errands
- Persistent, excessive or unjustified criticism and constant scrutiny beyond reasonable exercise of supervisory duties
- Intimidation
- Being coerced to engage in conduct that is not consistent with Workplace expectations of the City of Hamilton.
### Corporate Human Resources Policy

**Work Environment**

<table>
<thead>
<tr>
<th>Supersedes Policy: Personal Harassment Prevention Policy (April 27, 2005)</th>
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<tbody>
<tr>
<td>Approval: 2014-MM-DD</td>
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<th>Policy No: HR-62-13</th>
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<tr>
<td>Page 3 of 8</td>
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</tbody>
</table>

#### Bullying

- **Bullying**

  Actions which create a “Poisoned Work Environment” which is hostile, intimidating or offensive

  An isolated insult or adverse comment typically does not constitute Personal Harassment.

  Supervisor or Manager conduct that is consistent with the responsibilities and accountabilities of their role, including: performance management, training, work assignment and discipline, does not constitute Personal Harassment.

  This is the misuse of power or position to persistently criticize, condemn or openly humiliate an individual, in a manner that undermines their ability. This involves the misuse of power or aggression to control or distress another. The power differential can take various forms, including the exercise of power in numbers, through one’s position etc. The behaviour is often repeated. Bullying can also take many different forms, including physical, verbal, non-verbal, unduly influencing a decision, social isolation or overt exclusion etc.

#### Complainant

Any person who makes a complaint.

#### Employee

All Employees of the City of Hamilton, union and non-union including but not limited to, regular, temporary, probationary and contract Employees.

#### Employer

In accordance with the *Occupational Health & Safety Act*, means a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services.

#### Frivolous

Characterized by a lack of seriousness or sense; of little or no weight, worth or importance, not worthy of serious notice.

#### Management

Any individual responsible for leading or directing the work of others, including but not limited to elected officials (when in a supervisory relationship with City Employees), the City Manager,
Corporate Human Resources Policy

Work Environment

Poisoned Work Environment

General Managers, Executive Directors, Directors, Managers, Supervisors and team leaders. These individuals are considered a part of the “directing mind” of the organization and the City of Hamilton could be held liable by a court or tribunal if these individuals do nothing to prevent and stop Personal Harassment in the Workplace.

A work environment in which inappropriate comments, behavior, or the display of offensive material has an adverse impact on an individual or a group. The offending behaviour does not need to be directed towards an individual, but may have an adverse impact beyond the original incident. The adverse impact can include psychological suffering. A Poisoned Work Environment may result from a pattern of events or a single, serious remark or action.

Any person who is the subject of a complaint (i.e. a complaint is made against them).

Respondent

Of very little importance or value, insignificant.

Trivial

Conduct that is inappropriate, unnecessary, and that a reasonable person would consider to be offensive, upsetting, distressing, demeaning or would make a person uncomfortable.

Vexatious

Any building or part of a building in which one or more Employees work, including Employee eating, changing and lounge areas, and any vehicle or conveyance, or any area including outside worksites, where Employees perform their duties (construction site, open field, parking lot, road, park). A workplace also includes any work-related function or circumstances. In some instances, harassing or discriminatory behaviour which occurs outside of the physical Workplace and/or adversely affects relationships in the work environment may be covered under this policy (e.g., work-sanctioned social functions, conferences, etcetera).

Workplace

TERMS & CONDITIONS

1. Complaints

The following terms and conditions apply to this Policy:

Complainants and Respondents have the right to confidential, unbiased advice from the Human Rights Specialist for the City of Hamilton.

The Procedures (Resolving Harassment and Discrimination Issues), outline the steps for handling of complaints, including the following options:
### 2. Confidentiality

The City of Hamilton will make every reasonable effort to maintain confidentiality for Employees involved in Personal Harassment complaints or incidents. Confidentiality extends to all records relating to complaints, including but not limited to meetings, interviews and investigation results. Breaches of confidentiality may be subject to appropriate disciplinary action. Complainants, Respondents and witnesses will be advised to maintain confidentiality concerning complaints or incidents. Any record of discipline which occurs as a result of a complaint will be included in the disciplined Employee’s file. However, all records are subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act and may be subject to disclosure under the Act or to a court of law.

### 3. Reprisal

Any form of retaliation against a Complainant or a witness will be considered a serious violation of this policy and will not be tolerated. Such retaliatory actions may be subject to disciplinary action up to and including termination of employment.

### 4. Trivial, Frivolous or Vexatious Complaints

The City of Hamilton prohibits complaints that are Trivial, Frivolous, Vexatious or made in bad faith. Any Employee found to have lodged such a complaint may be subject to appropriate disciplinary action up to and including termination of employment.

### 5. Procedural Fairness

The rules of procedural fairness govern all activities occurring under this policy.

### RESPONSIBILITIES

**Shared Responsibility**

All Employees have the right to work in a healthy, respectful and supportive work environment that is free from Personal Harassment, and all Employees share the responsibility to support a harassment-free Workplace. The particular responsibilities of the
Employer (City of Hamilton), Management and non-Management Employees are specified below.

- Promote a healthy, respectful, and supportive work environment.
- Ensure information and instruction on the content of a harassment prevention program is shared with all Employees.
- Create an environment that encourages the reporting of all incidents of Personal Harassment.
- Provide a process to handle and investigate Personal Harassment complaints in the most effective, fair and timely manner, given the circumstances.

Management is responsible for promoting a Workplace that is healthy, respectful and supportive and for intervening if harassment occurs. They must ensure that Personal Harassment is not tolerated, ignored or condoned.

Management is responsible for not only their own actions, but also for dealing with the actions of Employees under their supervision. The following are actions which Management must undertake to prevent Personal Harassment and to address perceived harassment or complaints by Employees that are being harassed.

- Set a good example by never engaging in, tolerating or condoning harassment.
- Make all reasonable efforts to protect Employees from harassment.
- Consult with the Human Rights Specialist on all matters that may pertain to this policy.
- If harassment is suspected, or if an Employee complains that he or she is being harassed, take action in accordance with this policy and the associated procedures (Resolving Harassment and Discrimination Issues).
- Consult with the Human Rights Specialist as soon as possible, upon learning or suspecting that harassment may be occurring. In consultation with the Human Rights Specialist, Management must approach an Employee if harassment is suspected because some Employees may be embarrassed and/or reluctant to complain.
- Respond immediately to any harassment complaints, by contacting the Human Rights Specialist. In most cases, only the Human Rights Specialist can formally investigate a Personal Harassment complaint (see the associated procedures – Resolving Harassment and Discrimination Issues). Management that are aware of Personal Harassment
Corporate Human Resources Policy

Work Environment

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Page 7 of 8

<table>
<thead>
<tr>
<th>Employee Responsibility (including Management)</th>
<th>and do not take corrective action, in consultation with the Human Rights Specialist, may be subject to disciplinary action up to and including termination of employment.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>o Take remedial action with Employees who violate this policy, including disciplinary action, training, education, or other actions as deemed appropriate given the circumstances.</td>
</tr>
<tr>
<td></td>
<td>Employees share in the responsibility to maintain a work environment that is healthy, respectful and supportive.</td>
</tr>
<tr>
<td></td>
<td>o Do not engage in any behaviour that is or may be perceived as harassment.</td>
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<tr>
<td></td>
<td>o Report incidents of harassment or retaliation (reprisal) to Supervisor or Manager, or to the Human Rights Specialist in Human Resources.</td>
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<tr>
<td></td>
<td>o Co-operate fully in any attempts to resolve a complaint and co-operate fully in the investigation of any complaint.</td>
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<tr>
<td></td>
<td>Any Employee who refuses to participate in an investigation or the resolution of a complaint, or who knowingly or recklessly makes a false statement or gives false or misleading information, will be subject to disciplinary action, up to and including, termination.</td>
</tr>
<tr>
<td>COMPLIANCE</td>
<td>Any Employee who is found to have violated this Personal Harassment Prevention Policy may be disciplined according to the severity of the actions, up to and including termination of employment with cause and without termination pay/severance. Such terminations will be communicated to City Manager and Council.</td>
</tr>
<tr>
<td>RELATED DOCUMENTS</td>
<td>The following related documents are referenced in this Policy:</td>
</tr>
<tr>
<td></td>
<td>• Harassment and Discrimination Prevention Policy</td>
</tr>
<tr>
<td></td>
<td>• Violence in the Workplace Prevention Policy</td>
</tr>
<tr>
<td></td>
<td>• Resolving Harassment and Discrimination Issues Procedures</td>
</tr>
<tr>
<td></td>
<td>• Occupational Health and Safety Act</td>
</tr>
<tr>
<td></td>
<td>• Municipal Freedom of Information and Protection of Privacy Act</td>
</tr>
<tr>
<td></td>
<td>• Ontario Human Rights Code</td>
</tr>
<tr>
<td>Contact: For more information on this Policy, contact a Human Rights Specialist in Human Resources, City Manager’s Office.</td>
<td></td>
</tr>
<tr>
<td>HISTORY</td>
<td>This Policy replaces previous Personal Harassment Prevention Policy, approved by Council on April 27, 2005 (Report HUR05005).</td>
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<tr>
<td>Work Environment</td>
<td>Content Updated: 2013-10-18</td>
</tr>
<tr>
<td>Page 8 of 8</td>
<td></td>
</tr>
</tbody>
</table>

The Corporate Policy Review Group and an Employment Lawyer, specializing in Human Rights, were consulted in the revisions made to this Policy.

This Policy was reviewed by Senior Management Team 2013-06-28, updated 2013-10-18, and approved by SMT 2013-10-24.

Approved by Council of the City of Hamilton 2014-MM-DD
HARASSMENT AND DISCRIMINATION PREVENTION POLICY
(in accordance with the Ontario Human Rights Code and Occupational Health & Safety Act)

**POLICY STATEMENT**

The City of Hamilton is committed to maintaining an inclusive Workplace climate that promotes mutual respect for the dignity and worth of each person. In this diverse and equitable Workplace, all Employees will have the opportunity to contribute fully to the City of Hamilton’s mission, vision and values, and each Employee’s unique contribution will be respected.

The City of Hamilton upholds a zero tolerance to harassment and discrimination. Employees of the City of Hamilton are entitled to work in an environment free from Harassment and Discrimination, including Sexual Harassment that is based on the prohibited grounds under the Ontario Human Rights Code, which includes:

- Race
- Sex or gender (including pregnancy)
- Colour
- Disability or perceived disability (including mental or physical illness or injuries, and some addictions)
- Ancestry
- Sexual orientation
- Place of origin (where one was born)
- Age
- Ethnic origin
- Marital status (includes same sex partnership status)
- Citizenship
- Family status
- Creed (religion)
- Gender Identity
- Gender Expression
- Record of offence, for which a pardon has been granted (in employment only)
- Receipt of public assistance (in housing/accommodation only)

The City prohibits Harassment or Discrimination of or by any of its Employees, in the Workplace, or at any work-related and/or staff social functions, or in any other work-related circumstances. The City of Hamilton will refrain from any actions that contribute to Harassment and/or Discrimination in its Workplace. Discrimination, Harassment and Sexual Harassment are violations of the Ontario Human Rights Code, upon which this policy is based.
PURPOSE

The intention of this policy and its procedures is to prevent Discrimination and Harassment from taking place, and where necessary, to act upon complaints of such behaviour promptly, fairly, judiciously and with due regard to confidentiality for everyone involved. The most effective element in preventing Harassment and Discrimination is education. To this end, education programs and information sessions are provided to promote awareness of human rights and to foster an environment free of Discrimination and Harassment within the City of Hamilton.

The City of Hamilton has implemented a policy on Personal Harassment in addition to this policy on Harassment and Discrimination. The Personal Harassment Prevention Policy may provide means for addressing concerns which are not covered by the Harassment and Discrimination Prevention Policy. The City also has a Workplace Violence Prevention Policy that addresses concerns related to Workplace violence. Some Employees may also have rights under collective agreements. Any individual may approach the Human Rights Tribunal of Ontario, should he/she desire.

This policy defines “Harassment”, “Sexual Harassment” and “Discrimination” and identifies the rights and responsibilities of all Employees, including Management.

SCOPE

This policy applies to all Employees of the Employer (City of Hamilton), including but not limited to regular, temporary, contract and probationary Employees, and to contractors, consultants, volunteers, students, interns as well as applicants for employment. This policy also applies to elected officials.

Members of the general public, visitors to City facilities, and individuals conducting business with the City of Hamilton, are expected to refrain from Harassment and Discrimination against Employees. If such Harassment or Discrimination occurs, the City will take any reasonable and necessary steps to ensure a Workplace free from Harassment and Discrimination to the extent possible, which may include issuing trespass notices, contacting police, and involvement of Legal Services etc.
### DEFINITIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Abuse of Authority</td>
<td>An individual’s improper use of power or authority to intimidate, threaten or coerce an individual in a manner that is not consistent with City policies. Abuse of Authority must be linked to prohibited grounds as identified in the Ontario Human Rights Code to fall under this policy.</td>
</tr>
<tr>
<td>Complainant</td>
<td>Any person who makes a complaint.</td>
</tr>
<tr>
<td>Discrimination</td>
<td>Discrimination means differential treatment of an individual or group of individuals which is based, in whole or in part, on one or more of the prohibited grounds of Discrimination and which thus has an adverse impact on the individual or group of individuals. Discrimination may be intentional or unintentional, direct or indirect.</td>
</tr>
<tr>
<td>Employee</td>
<td>All Employees of the City of Hamilton, union and non-union including but not limited to, regular, temporary, probationary and contract Employees.</td>
</tr>
<tr>
<td>Employer</td>
<td>In accordance with the Occupational Health &amp; Safety Act, means a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services.</td>
</tr>
<tr>
<td>Frivolous</td>
<td>Characterized by a lack of seriousness or sense; of little or no weight, worth or importance, not worthy of serious notice.</td>
</tr>
<tr>
<td>Harassment</td>
<td>One or a series of Vexatious comments or instances of conduct that is known or ought reasonably to be known to be unwelcome or unwanted. “Vexatious” comment or conduct is a comment or conduct that is inappropriate, unnecessary, and one that a reasonable person would consider to be offensive, upsetting, distressing, demeaning, or would make a person uncomfortable. This comment or conduct may be offensive, intimidating, hostile or inappropriate, based on the prohibited grounds set out in the Ontario Human Rights Code. Refer to the Personal Harassment Prevention Policy for Harassment that is not based on the prohibited grounds of the Ontario Human Rights Code.</td>
</tr>
<tr>
<td><strong>Corporate Human Resources Policy</strong></td>
<td><strong>Content Updated: 2013-10-18</strong></td>
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<td></td>
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<tr>
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<td>Approval: 2014-MM-DD</td>
</tr>
</tbody>
</table>

### Management

Any individual responsible for directing the work of others, including but not limited to elected officials (when in a supervisory relationship with City Employees), the City Manager, General Managers, Executive Directors, Directors, Managers, Supervisors, and team leaders. These individuals are considered a part of the “directing mind” of the organization and the City of Hamilton could be held liable by a court or tribunal if these individuals violate the Code themselves or do nothing to prevent and stop Harassment or Discrimination in the Workplace.

### Poisoned Work Environment

Is a work environment where inappropriate comments, behaviour or the display of offensive material has an adverse impact on an individual or a group. The offending behaviour does not need to be directed towards an individual, but may have an adverse impact in the Workplace that goes beyond the original incident. The adverse impact can include psychological suffering. A Poisoned Work Environment may result from a pattern of events or a single, serious remark or action.

### Respondent

Any person who is the subject of a complaint (i.e. a complaint is made against them).

### Sexual Harassment

Unwanted or unwelcome actions or comments of a sexual or gender-related nature. Sexual Harassment does not have to be sexually related. Stereotypical comments or actions about one gender or the other can be a form of Sexual Harassment. Sexual Harassment happens most often to women, but does happen to men or between members of the same sex. Usually Sexual Harassment is a pattern of behaviour that occurs over a period of time. However a single incident can be serious enough to be considered Sexual Harassment.

### Adverse Effect Harassment/Discrimination

Policies, practices, procedures, actions or inactions that appear neutral, but have an adverse impact on persons identifiable on a prohibited ground set out in the Ontario *Human Rights Code*.

### Systemic Discrimination

Is similar to adverse effect discrimination but arises out of long-standing stereotypes and value assumptions resulting in discriminatory effects which are more subtle in appearance. In some cases the action/decision may appear to be justified but in fact relies on stereotypes/value assumptions.

### Trivial

Of very little importance or value; insignificant.
Vexatious Workplace

Conduct that is inappropriate, unnecessary, and that a reasonable person would consider to be offensive, upsetting, distressing, demeaning or would make a person uncomfortable.

Any building or part of a building in which one or more Employees work, including Employee eating, changing and lounge areas, and any vehicle or conveyance, or any area including outside worksites, where Employees perform their duties (construction site, open field, parking lot, road, park). A workplace also includes any work-related function or circumstances. In some instances, harassing or discriminatory behaviour which occurs outside of the physical Workplace and/or adversely affects relationships in the work environment may be covered under this policy (e.g., work-sanctioned social functions, conferences, etcetera).

TERMS & CONDITIONS

1. Discriminatory or Harassing Behaviours

The following terms and conditions apply to this Policy:

Discriminatory or harassing behaviour results from actions directed at specific individuals or groups, which are unwelcome or unwanted; or, may be actions which are not directed at a particular individual, but have created a "Poisoned Work Environment" which is hostile, intimidating or offensive. To be covered under this policy, the harassing or discriminatory behaviours must be linked to one or more of the prohibited grounds.

Examples of discriminatory or harassing behaviours include, but are not limited to:

- Racial or ethnic slurs
- Written or verbal abuse or threats based on a prohibited ground
- Unwelcome remarks, jokes, nicknames, taunts, suggestions related to a person’s body, attire, age, marital status, sex or gender, ethnic or racial origin, religion, disabilities, sexual orientation, or any prohibited grounds
- Practical jokes related to a prohibited ground which result in embarrassment or insult or negatively affect work performance
- Abuse of Authority which undermines performance or threatens careers, based on a prohibited ground
- Vandalism of personal property (if the employee is targeted because he/she is identifiable on a prohibited ground)
2. Complaints

Complainants and Respondents have the right to confidential, unbiased advice from the Human Rights Specialist for the City of Hamilton.

The Procedures (Resolving Harassment and Discrimination Issues) outline the steps for handling of complaints, including the following options:

- Complaint to the City of Hamilton, through an Employee’s Supervisor
- Complaint directly to the Human Rights Specialist in Human Resources

Examples of sexual harassing behaviours include but are not limited to:

- Unwanted touching or patting
- Sexually suggestive or obscene remarks or gestures
- Leering (suggestive staring) at a person’s body
- Display of sexually offensive material
- Making sexual requests or suggestions
- Unwelcome sexual flirtations, advances, propositions
- Sexual assault
- Sexist jokes causing embarrassment or offence, told or carried out after the joker has been advised that they are embarrassing or offensive, or that is by their nature, clearly embarrassing or offensive.
- Derogatory or degrading remarks directed toward members of one sex or sexual orientation
- Verbal abuse or threats of a sexual nature.

Displays of racist or other offensive or derogatory material
Derogatory cartoons or graffiti based on a prohibited ground
Patronizing or condescending behaviour or language which reinforces stereotypes and undermines self-respect
Inappropriate references to racist organizations or individuals
Accessing, displaying, transmitting or storing (including on the City’s technology systems, including computer network etc.) material which violates any Canadian federal or provincial law or City by-law or directive, or is harassing, discriminatory, or obscene and conducive to a Poisoned Work Environment. (See City of Hamilton Computer Acceptable Use Policy).
3. Confidentiality

The City of Hamilton will make every reasonable effort to maintain confidentiality for Employees involved in Harassment and Discrimination complaints or incidents. Confidentiality extends to all records relating to complaints, including but not limited to meetings, interviews and investigation results. Breaches of confidentiality may be subject to appropriate disciplinary action. Complainants, Respondents and witnesses will be advised to maintain confidentiality concerning complaints or incidents. Any record of discipline which occurs as a result of a complaint will be included in the disciplined Employee’s file. However, all records are subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act and may be subject to disclosure under the Act or to a court of law.

4. Procedural Fairness

The rules of procedural fairness govern all activities occurring under this policy.

5. Reprisal

Any form of retaliation against a Complainant or a witness will be considered a serious violation of this policy and will not be tolerated. Such retaliatory actions may be subject to disciplinary action up to and including termination of employment.

6. Trivial, Frivolous/ Vexatious Complaints

The City of Hamilton prohibits complaints that are trivial, frivolous, vexatious or made in bad faith. Any Employee found to have lodged such a complaint may be subject to appropriate disciplinary action, up to and including dismissal.

RESPONSIBILITIES

Shared Responsibility (All Employees)

All Employees have the right to work in an environment free from Harassment and Discrimination. All Employees share the responsibility to support human rights and equality. The particular responsibilities of the Employer, Management and non-Management Employees are specified below.

Employees share in the responsibility to ensure that their work environment is free from Harassment and Discrimination.
### Employer Responsibility

| o | Provide a Workplace free from Harassment and Discrimination (including Sexual Harassment), that is based on the prohibited grounds under the Ontario Human Rights Code. |
| o | Ensure corporate policies and procedures comply with the Ontario Human Rights Code. |
| o | Provide Human Rights awareness education to all Employees. |
| o | Create an environment that encourages the reporting of all incidents of Harassment and Discrimination. |
| o | Provide a process to handle and investigate Harassment and Discrimination complaints in the most effective, fair and timely manner, given the circumstances. |

### Management Responsibility

Management is responsible for providing a Workplace that is free of Harassment and Discrimination, and for intervening if Harassment or Discrimination occurs. They must ensure that Harassment and Discrimination are not tolerated, ignored or condoned.

Management is responsible for not only their own actions, but also for dealing with the actions of staff under their supervision. In order to prevent Harassment and Discrimination, address perceived Harassment and Discrimination, and to address Employee complaints with respect to Discrimination or Harassment on the basis of the prohibited grounds under the Ontario Human Rights Code,

Management will undertake the following actions:

| o | Set a good example by never engaging in, tolerating or
condoning Harassment or Discrimination.

- Make all reasonable efforts possible to protect Employees from Harassment and Discrimination.

- Consult with the Human Rights Specialist on all matters that may pertain to this policy.

- If Harassment or Discrimination is suspected, or if an Employee complains that he or she is being harassed or discriminated against, action must be taken in accordance with this policy and the associated procedures (Resolving Harassment & Discrimination Issues). Accordingly, Management must consult with the Human Rights Specialist as soon as possible, upon learning or suspecting that Harassment or Discrimination may be occurring. In consultation with the Human Rights Specialist, Management must approach an Employee if Harassment or Discrimination is suspected because some Employees may be embarrassed and/or reluctant to complain.

- Respond immediately to any Harassment or Discrimination complaints by contacting the Human Rights Specialist. Only the Human Rights Specialist may formally investigate a Harassment or Discrimination Complaint (see the associated procedures – Resolving Harassment and Discrimination Issues). Management that are aware of Harassment or Discrimination and do not take corrective action in consultation with the Human Rights Specialist, may be subject to disciplinary action, up to and including termination of employment.

- In consultation with the Human Rights Specialist/Labour Relations, take remedial action with Employees who violate this policy, including disciplinary action, training, education or any other action deemed appropriate given the circumstances.

**COMPLIANCE**

Any Employee who is found to have violated this Harassment and Discrimination Prevention Policy may be disciplined according to the severity of the actions, up to and including termination of employment with cause and without termination pay/severance. Such terminations will be communicated to City Manager and Council.

**RELATED**

The following related documents are referenced in this Policy:
**Corporate Human Resources Policy**  
Work Environment

**Supersedes Policy:** Harassment and Discrimination Prevention Policy (April 27, 2005)

Policy No: HR-61-13  
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Approval: 2014-MM-DD

### DOCUMENTS

- Personal Harassment Prevention Policy
- Violence in the Workplace Prevention Policy
- Resolving Harassment and Discrimination Issues Procedures
- Occupational Health and Safety Act
- Municipal Freedom of Information and Protection of Privacy Act
- Ontario Human Rights Code

**Contact:** For more information on this Policy, contact a Human Rights Specialist in Human Resources, City Manager’s Office.

### HISTORY

This Policy replaces previous Harassment and Discrimination Policy, approved by Council on April 27 2005 (Report HUR05005).

The Corporate Policy Review Group and an Employment Lawyer, specializing in Human Rights, were consulted in the revisions made to this Policy.

This Policy was reviewed by Senior Management Team 2013-06-28, updated 2013-10-18, and approved by SMT 2013 -10-24

Approved by Council of the City of Hamilton 2014-MM-DD
# Procedure for Resolving Harassment & Discrimination Issues

## PURPOSE

This Procedure outlines steps to be taken to address issues of harassment and/or discrimination by employees of the City of Hamilton. They are in accordance with the **Harassment and Discrimination Prevention Policy** and the **Personal Harassment Prevention Policy**. Please refer to these policies for further information.

## SCOPE

This Procedure applies to all Employees of the City of Hamilton, including but not limited to regular, temporary, probationary and contract Employees, and to consultants, volunteers, students and interns. This Procedure also applies to elected officials.

## ROLES & RESPONSIBILITIES

### Employee

Any Employee who has a complaint alleging violation of either, the **Harassment and Discrimination Prevention Policy** or the **Personal Harassment Prevention Policy** is encouraged to attempt the following before a formal complaint is filed;

- if possible, make your disapproval known to the person who is causing the offence and
- ask that all offensive behaviour stop (If an Employee approaches you in this regard it is expected that you will make all reasonable efforts to resolve the matter); and/or
- discuss concerns with your immediate Supervisor or another member of management; and/or
- seek advice from a union representative (where applicable); and/or
- contact the Human Rights Specialist in Human Resources for advice/consultation even if there is no intent to file a complaint.

**Do not discuss** the alleged harassment or discrimination or intent to file a complaint with other co-workers, as this could be a potential breach of the Harassment Prevention Policies.

Where possible, Employees who feel that they have been subjected to Harassment or Discrimination should maintain a written record of the nature of the alleged Harassment, date(s), time(s), behaviour, impact and list of witness(es).
## Procedure for Resolving Harassment & Discrimination Issues

| **Human Rights Specialist** | If the Harassment or Discrimination continues, or the Complainant is uncomfortable speaking to the person who is causing offence, or to his/her own Supervisor or another member of management, the Complainant may bring the matter to the attention of the Human Rights Specialist as a complaint (see Complaint Procedures for next steps). The Human Rights Specialist works in Human Resources and acts as an impartial counsellor and advisor to any City Employee (including Management representatives). The Human Rights Specialist maintains a fair and unbiased attitude to all complaints, and to all those involved in complaints, at all times. The Human Rights Specialist is responsible for providing education and information concerning all forms of Harassment and Discrimination, initiating efforts to resolve complaints, and investigating complaints. |
| **Manager/Supervisor** | A Manager/Supervisor who receives a complaint, whether in writing or not, must contact the Human Rights Specialist immediately (if the matter warrants it – e.g. if police involvement required) or within 24 hours for all other matters, preserving anonymity (as far as possible) for the Complainant if he/she so requests. The Human Rights Specialist may suggest any of the following steps be taken by management:  
  - take immediate action in the event of a real or potential threat to personal safety; and/or  
  - provide a copy of the policy and procedures to the Complainant to ensure awareness of the options under the policy, including protection from reprisal; and/or  
  - provide contact information (name, telephone number, office location) of the Human Rights Specialist to the Complainant. |
| **COMPLAINT PROCEDURES** | The City’s complaint procedures are intended to be a timely forum to address harassment and discrimination complaints when no other avenues of recourse are being actively pursued to resolve the complaint. Any costs incurred by the parties during |
Procedure for Resolving Harassment & Discrimination Issues

1. Complaint Assessment Phase

Once a complaint has been received, the Human Rights Specialist shall assess the complaint to determine appropriate next steps. This may involve a preliminary fact finding process to ascertain:

- Type of behaviour complained about and whether it is covered under the Harassment/Discrimination prevention policies or procedure
- Severity of the situation
- Identification of parties to make initial inquiries with (i.e. Complainant, Respondent, Management)
- Whether other initial steps need to be taken (i.e. Police involvement, involvement of Health, Safety and Wellness Specialist, separation of parties to the complaint etc.)
- Whether or not there is a need to intervene further on an informal basis or to investigate

At any point during the Assessment Phase it may be determined by the Human Rights Specialist that no intervention from Human Resources is required or that an investigation into the matter is not required. The Human Rights Specialist has discretion to decide not to intervene or investigate or may discontinue an intervention or investigation, or may refuse to take action on any complaint in situations where:

- the complaint is made more than one year after the date of the last incident of harassment or discrimination;
- the complaint is determined to be trivial, frivolous, vexatious or made in bad faith;
- the actions complained of have also been the subject of criminal charges;
- the action(s) complained of do not fall within the definitions of Harassment and Discrimination or personal harassment as defined in the Harassment and Discrimination Policies.
# Procedure for Resolving Harassment & Discrimination Issues

## 2. Complaint Informal Resolution Phase

Wherever possible and appropriate, the Human Rights Specialist will attempt to facilitate an informal resolution of complaints under the Harassment and Discrimination Prevention Policy and the Personal Harassment Prevention Policy, before a formal investigation. Depending upon the circumstances or the Complainant’s desired outcome, the Human Rights Specialist may pursue informal resolution without receiving a written complaint and/or without informing the Respondent. The Human Rights Specialist may refuse to take action on any **Personal Harassment** complaint where the Complainant refuses to participate in informal resolution.

The goal of many Employees who seek assistance is to stop the offending behaviour. Informal resolution facilitated by the Human Rights Specialist can often be effective in addressing unwanted comments or conduct. Each situation is unique and creativity may be necessary in devising options for informal resolution. If the matter is addressed through the informal resolution phase, there will be no formal findings of fact. In most circumstances, informal resolution efforts should be completed within 30 days.

Some examples of informal resolution include:

- **Education/Training** - for a group of Employees, or one-on-one where appropriate. In some cases, education and training can be conducted without the Respondent being identified;
- **Involving Manager/Supervisor** - informing a Supervisor of...
Procedure for Resolving Harassment & Discrimination Issues

3. Complaint Investigation Phase

Concerns and developing a management plan to ensure a respectful and supportive workplace;

- Changing work responsibilities - to minimize contact between the Complainant and Respondent where operationally feasible;

- Alternative Dispute Resolution – The Human Rights Specialist may determine that some form of Alternative Dispute Resolution (ADR) or Mediation may be tried in order to settle the complaint. Any discussions concerning settlement will take place on a “without prejudice” basis. (This means that the rights of the parties involved will not be lost or waived by entering into talks to resolve the complaint). A settlement may need to be approved by the General Manager(s) of the Department(s) involved, or his/her designate. A written record of any settlement agreed to by the parties will be retained by the Human Rights Specialist, and where deemed appropriate by the Human Rights Specialist and by the Supervisor(s) for both parties. ADR can address multiple complex issues but should generally conclude within 60 days. If the parties are not agreeable to ADR or a settlement is not successful, the Human Rights Specialist may decide to conduct an investigation.

If a resolution is not obtained in the Informal Resolution Phase, or if the nature of the complaint warrants, an investigation may begin, as determined by the Human Rights Specialist.

The Human Rights Specialist has discretion to require a signed written complaint from the person making the complaint before an investigation may begin. The written complaint should be submitted to the Human Rights Specialist setting out in detail the nature of the complaint, any information in support of the complaint including the specific incidents of Harassment and the names of possible witnesses.

In general, the Human Rights Specialist will conduct investigations. Supervisors or Managers may conduct an investigation only at the discretion of the Human Rights Specialist, and must receive authorization from the Human Rights Specialist.
**Procedure for Resolving Harassment & Discrimination Issues**

Specialist prior to doing so.

Investigations may also be undertaken by an external investigator engaged by the City. Any investigation of a complaint made against a member of Council, against staff reporting to a member of Council, or against Senior Management will be carried out by an external investigator.

A Complainant cannot be compelled to proceed with a complaint. Under some circumstances, the City of Hamilton may be obligated to proceed with an investigation in the absence of a formal written complaint if the allegation or allegations constitute a serious violation of the Harassment and Discrimination Prevention Policy or Personal Harassment Prevention Policy, or are criminal in nature. In these cases, the City of Hamilton will proceed with either informal resolution or an investigation, with the intent of stopping the alleged behaviour and/or preventing further incidents from occurring if there has been a violation of the policies.

The investigator will notify the Executive Director, Human Resources once a written complaint has been received. Complaints are investigated by interviewing the Complainant(s), the Respondent(s), any witnesses and reviewing any available documentation. An investigation report should normally be completed within 90 days after a written complaint has been filed. The length of an investigation depends on many variables including but not limited to, the number of witnesses, complexity of the investigation, workplace schedules etc. If a report cannot be completed within the established timelines of this procedure, the parties to a complaint will be advised of the delays and any reasons why.

In some circumstances, special arrangements may be advisable (where possible) to separate the Complainant and the Respondent in the workplace, temporarily re-locate either party to a complaint, or re-assign alternate duties to either party to a complaint (depending on the circumstances), pending the results of an investigation. The Human Rights Specialist may recommend and facilitate such arrangements.
Procedure for Resolving Harassment & Discrimination Issues

Alternative Dispute Resolution or mediation is to remain available (subject to mutual consent) to the parties prior to or during an investigation. As above, any settlement discussions will be held 'without prejudice' and separate from the investigation process.

Any Employee (including Manager or Supervisor) interviewed by the investigator is entitled to be accompanied by one other person of his/her choice, as a support person. The investigator will make every effort to determine the identity of the support person prior to the meeting, to ensure that the presence of that particular support person would not present a conflict of interest in regards to the ongoing investigation. Unionized Employees may be represented by their respective unions. Employees are also encouraged to utilize the City's Employee Assistance Program for additional support or Lifespeak resources available on the City's e-Net.

Respondent(s) to any complaint being investigated are entitled to know the allegations against them and have the opportunity to respond in full. A written notice of the complaint will be provided to the Respondent. If necessary, statements from the Respondent(s) are disclosed back to the Complainant(s).

Interviews will be arranged and completed with witnesses and any other individuals who may have information pertinent to the investigation, as deemed necessary by the Human Rights Specialist. In certain circumstances the Human Rights Specialist may determine that a witness/witnesses will not be interviewed. At the end of each interview, Complainants, Respondents and witnesses will be asked to review the notes describing the interview and initial them to indicate accuracy. The investigator has the authority to access documents relevant to the complaint.

The investigator will consider all the evidence gathered and decide whether or not there has been a violation of policy using the standard of proof called the “balance of probabilities”.

Once the investigation is complete, the investigator will forward a report of the findings to the Executive Director, Human
**Procedure for Resolving Harassment & Discrimination Issues**

<table>
<thead>
<tr>
<th>4. Complaint Investigation Findings Phase</th>
<th>Resources, who will make recommendations based on the findings to the General Manager or designate of the affected department.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The General Manager of the affected department will forward to the Human Rights Specialist, within ten working days after receiving the recommendations, a letter stating the action taken or to be taken in response to the findings of the investigation.</td>
</tr>
<tr>
<td></td>
<td>The Complainant(s) and Respondent(s) will be given a written summary of the findings resulting from the investigation. Any Employee who is found to have violated the City's policies prohibiting harassment and discrimination may be disciplined according to the severity of the actions, up to and including termination of employment. Such disciplinary action shall be determined in consultation with Employee and Labour Relations, Human Resources.</td>
</tr>
<tr>
<td></td>
<td>Note: Any of the above steps may be altered when investigations are in response to a Human Rights Tribunal Application.</td>
</tr>
</tbody>
</table>

**COMPLAINTS AGAINST ELECTED OFFICIALS**

In addition to the steps under “Complaint Procedures” the following applies to complaints from Employees, Consultants, Volunteers, Students and Interns against elected officials of the City of Hamilton:

- The Employee may bring the matter to the attention of the Human Rights Specialist, the General Manager of his/her department or his/her Supervisor, Manager or Director. The Supervisor, Manager or Director shall immediately inform the General Manager of the department of the complaint.

- The General Manager of the Employee’s department and the Human Rights Specialist shall consult with the Executive Director, Human Resources and the City Manager.

- Employees of the City of Hamilton shall not conduct the
Procedure for Resolving Harassment & Discrimination Issues

- investigation of any complaint against an elected official. The Executive Director of Human Resources shall refer the matter to the Integrity Commissioner and shall advise the Integrity Commissioner that, where an investigation is to be conducted, Human Resources will retain a third party Human Rights Investigator.
  
  - The Human Rights Investigator shall follow the Procedures as outlined for the Human Rights Specialist under Complaint Procedures, including wherever possible and appropriate, pursuing informal resolution.
  
  - Should an investigation be warranted, the Human Rights Investigator will gather and examine the facts relating to the complaint and make the findings and recommendations to the Integrity Commissioner. A matter referred to the Integrity Commissioner pursuant to this Procedure shall be deemed a complaint to the Integrity Commissioner duly filed under the Integrity Commissioner By-law.
  
  - If the findings of the Investigation substantiate in whole or in part that the elected official violated any City policy on harassment and discrimination, the Integrity Commissioner shall determine an appropriate sanction and report accordingly to the General Issues Committee.
  
  - Where a Human Rights Investigation has been conducted, no further investigation may be conducted by the Integrity Commissioner.
  
  - Where the Executive Director of Human Resources, in consultation with the Human Rights Specialist, determines that no third party investigation is warranted, the Executive Director of Human Resources shall refer the complaint to the Integrity Commissioner to carry out a similar procedure used by the Human Rights Specialist in Human Resources for Assessment and Informal Resolution (by the Integrity Commissioner).
### Procedure for Resolving Harassment & Discrimination Issues

<table>
<thead>
<tr>
<th>Complaints Against Staff of Elected Officials</th>
</tr>
</thead>
<tbody>
<tr>
<td>o The Integrity Commissioner shall provide a written summary of the findings resulting from the complaint, including a written summary of the findings of the third party investigation, if any, to the Complainant(s) and Respondent(s).</td>
</tr>
<tr>
<td>In addition to the steps under “Complaint Procedures” the following applies to complaints from Employees, Consultants, Volunteers, Students and Interns against staff of elected officials of the City of Hamilton:</td>
</tr>
<tr>
<td>o The Employee may bring the matter to the attention of the Human Rights Specialist, the General Manager of his/her department or his/her Supervisor, Manager or Director. The Supervisor, Manager or Director shall immediately inform the General Manager of the department of the complaint.</td>
</tr>
<tr>
<td>✗ The General Manager of the Employee’s department and the Human Rights Specialist shall consult with the Executive Director, Human Resources and the City Manager.</td>
</tr>
<tr>
<td>o Employees of the City of Hamilton shall not conduct the investigation of any complaint against staff who report to an elected official. The Executive Director of Human Resources shall retain a third party Human Rights Investigator.</td>
</tr>
<tr>
<td>o The Human Rights Investigator shall follow the Procedures as outlined for the Human Rights Specialist under Complaint Procedures, including wherever possible and appropriate, pursuing informal resolution.</td>
</tr>
<tr>
<td>o Should an investigation be warranted, the Human Rights Investigator will gather and examine the facts relating to the complaint and make the findings and recommendations to the Executive Director, Human Resources and the City Manager.</td>
</tr>
</tbody>
</table>
**Procedure for Resolving Harassment & Discrimination Issues**

<table>
<thead>
<tr>
<th><strong>COMPLAINTS AGAINST CITY MANAGER</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>o If the findings of the Investigation substantiate in whole or in part that the staff of the elected official violated any City policy on harassment and discrimination, the City Manager shall report the findings and recommendations to the General Issues Committee. The General Issues Committee will determine the appropriate action, up to and including termination of employment, which will then be reported to City Council for ratification.</td>
<td></td>
</tr>
<tr>
<td>In addition to the steps outlined under “Complaint Procedures”, the following applies to complaints from employees against the City Manager:</td>
<td></td>
</tr>
<tr>
<td>o The employee may bring the matter to the attention of the Human Rights Specialist, the General Manager of his/her department or his/her supervisor, manager or director. The supervisor, manager or director shall immediately inform his/her General Manager of the complaint.</td>
<td></td>
</tr>
<tr>
<td>o The General Manager of the employee’s department and the Human Rights Specialist shall consult with the Executive Director, Human Resources and they shall jointly provide a confidential report advising of the complaint to the Mayor and Members of the Audit, Finance and Administration Committee.</td>
<td></td>
</tr>
<tr>
<td>o Employees of the City of Hamilton shall not conduct an investigation of any complaint against the City Manager.</td>
<td></td>
</tr>
<tr>
<td>o The Mayor and Members of the Audit, Finance and Administration Committee shall retain an external human rights investigator to gather and examine the facts relating to the complaint and to make findings and recommendations.</td>
<td></td>
</tr>
<tr>
<td>o The external investigator shall report his/her findings and recommendations for action to the Mayor and to the General Issues Committee. The Mayor and the General Issues Committee shall provide City Council with a report</td>
<td></td>
</tr>
</tbody>
</table>
### Procedure for Resolving Harassment & Discrimination Issues

- summarizing the findings and recommendations for appropriate action.
  - If the investigation substantiates in whole or in part that the City Manager violated any City policy on harassment and discrimination, City Council shall determine an appropriate sanction.
  - When City Council has determined what action, if any, will be taken against the City Manager, the Mayor shall provide a written summary of the findings resulting from the investigation to the complainant(s).

In addition to the steps outlined under “Complaint Procedures”, the following applies to complaints from employees against a General Manager:

- The Employee may bring the matter to the attention of the Human Rights Specialist, or his or her Supervisor, Manager or Director, or to the City Manager. If the matter is brought to the attention of the Human Rights Specialist or supervisor, manager or director, it shall immediately be directed to the City Manager.

- Employees of the City of Hamilton shall not conduct an investigation of any complaint against the General Manager. The City Manager will retain an external human rights investigator to gather and examine the facts relating to the complaint and to make findings and recommendations.

- The external investigator shall report his/her findings and recommendations for action to the City Manager who will determine the appropriate action.

- When the City Manager has determined what action, if any, will be taken against the General Manager, the City Manager and Executive Director of Human Resources shall provide a written summary of the findings resulting
**Procedure for Resolving Harassment & Discrimination Issues**

<table>
<thead>
<tr>
<th>HARASSMENT ALLEGATIONS INVOLVING MEMBERS OF THE PUBLIC</th>
</tr>
</thead>
<tbody>
<tr>
<td>If non-City persons are deemed to have violated the City's Harassment Prevention Policies, all reasonable efforts will be made to stop the Harassment/Discrimination which may involve, banning a person(s) from City facilities, issuing trespass notices, refusal to continue to provide City services, involvement of internal legal services or police involvement.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>External Investigator</th>
</tr>
</thead>
<tbody>
<tr>
<td>In complaints where an external investigator is retained, the external investigator shall have regard for the City of Hamilton’s Harassment and Discrimination Prevention Policy, the Personal Harassment Prevention Policy, the Complaint Procedures relating to those policies and any relevant law. The external investigator may, in his or her discretion, modify the investigation process as appropriate to the circumstances, subject to the review of any modifications with the Human Rights Specialist, and shall make determinations with regard to applicable policies, procedures and any relevant law.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Confidentiality</th>
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</thead>
<tbody>
<tr>
<td>All information about complaints is confidential. Employees who are involved in any way in complaints or incidents of Harassment or Discrimination must not disclose to anyone in the workplace the details of the complaint or incident, except as required by this procedure and the City’s policies on Harassment and Discrimination. Confidentiality extends to all records relating to complaints, including but not limited to, records of meetings, interviews and investigation results. Breaches of confidentiality may be subject to appropriate disciplinary action up to and including termination of employment.</td>
</tr>
<tr>
<td>The Human Rights Specialist will retain documentation related to complaints in a secure file for seven years from the date of the complaint. All records are subject to the provisions of the <em>Municipal Freedom of Information and Protection of Privacy Act</em> and may be subject to disclosure under the Act, or to a court of law.</td>
</tr>
</tbody>
</table>
### Procedure for Resolving Harassment & Discrimination Issues

| Requests for Review | Either the Complainant(s) and/or the Respondent(s) may make a Request for Review of the findings of the investigation if he or she has new and relevant information that was not previously available or has substantive reasons why the findings were not reasonable. The intent to file a Request for Review must be made known to the Human Rights Specialist in writing within ten calendar days of the date the parties were notified of the findings. Thereafter, there will be a discussion between the person(s) making the Request for Review, and the Human Rights Specialist as to when the request must be submitted (never to exceed more than 20 calendar days from the date of this discussion). The Request for Review must include a statement of the reasons why the findings of the investigation were not reasonable and should be re-considered. If the Request for Review does not include new and relevant information that was not previously available or does not provide substantive reasons why the investigation findings were not reasonable, the Executive Director, Human Resources shall deny the request.

If it appears that there are substantive grounds to reconsider the findings of the investigation, Complainant(s) or Respondent(s) will be informed that a Request for Review has been made and will be given an opportunity to reply.

The Executive Director, Human Resources will make a final decision on the final disposition of the review. |
<p>| COMPLIANCE | Any Employee who is found to have violated this Procedure or any of its associated Policies may be disciplined according to the severity of the actions, up to and including termination of employment without termination pay/severance. |</p>
<table>
<thead>
<tr>
<th>RELATED DOCUMENTS</th>
<th>The following related documents are referenced in this Procedure:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• <em>Personal Harassment Prevention Policy</em></td>
</tr>
<tr>
<td></td>
<td>• <em>Harassment and Discrimination Prevention Policy</em></td>
</tr>
<tr>
<td></td>
<td>• <em>Violence in the Workplace Prevention Policy</em></td>
</tr>
<tr>
<td></td>
<td>• <em>Integrity Commissioner By-law</em></td>
</tr>
<tr>
<td></td>
<td>• <em>Occupational Health and Safety Act</em></td>
</tr>
<tr>
<td></td>
<td>• <em>Municipal Freedom of Information and Protection of Privacy Act</em></td>
</tr>
<tr>
<td></td>
<td>• <em>Ontario Human Rights Code</em></td>
</tr>
</tbody>
</table>

**Contact:** For more information on this Procedure contact a Human Rights Specialist in Human Resources, City Manager’s Office.

<table>
<thead>
<tr>
<th>HISTORY</th>
<th>This Procedure replaces the Procedure approved by Corporate Management Team of the City of Hamilton on April 7, 2005. Procedure was last updated June 21, 2013.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Corporate Policy Review Group, Legal Services, and an Employment Lawyer specializing in Human Rights, were consulted in the revisions made to this Procedure.</td>
</tr>
<tr>
<td></td>
<td>This Procedure was reviewed by Senior Management Team 2013-06-28, updated 2013-10-18, and approved by SMT 2013-10-24.</td>
</tr>
<tr>
<td></td>
<td>Approved by Council of the City of Hamilton 2014-MM-DD.</td>
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</tbody>
</table>
## VIOLENCE IN THE WORKPLACE PREVENTION POLICY
*(In accordance with the Occupational Health & Safety Act)*

### POLICY STATEMENT

The City of Hamilton is committed to providing a respectful, supportive, healthy, safe, accessible and inclusive work environment for all employees, as they are entitled to work in an environment free from Workplace Violence. **The City upholds a zero tolerance to acts of Workplace Violence.** The City is also committed to providing a safe and respectful environment for all those who enter its facilities and access its services.

### PURPOSE

The City will be proactive in working with its employees to prevent violence in the Workplace by establishing and implementing a comprehensive Workplace Violence prevention program to fulfill the requirements of relevant legislation including the:

- **Occupational Health and Safety Act**
- **Criminal Code of Canada**
- **Ontario Human Rights Code**
- **Workplace Safety and Insurance Act**

This policy defines Workplace Violence (violence) and identifies the responsibilities of Employees and Management. It identifies behaviours that constitute violence and identifies the process for reporting and resolving incidents of violence.

### SCOPE

This policy applies to all Employees of the City of Hamilton which includes but is not limited to regular, temporary and contract employees. This policy also applies to volunteers, students and interns. For the purpose of this policy, collectively these classifications will be called “Employees”. This policy also applies to elected officials.

Members of the general public, visitors to City facilities, individuals conducting business with the City of Hamilton and employees of contractors or other organizations providing services to the City are expected to refrain from violence towards employees.

This policy does not apply to Workplace Harassment. Refer to the Harassment and Discrimination Prevention Policy and Personal Harassment Prevention Policy in response to incidences of Workplace Harassment.
**Corporate Human Resources Policy**

**Health, Safety & Wellness**

**Violence in the Workplace Prevention Policy**

<table>
<thead>
<tr>
<th>Policy No: HR-63-13</th>
<th>Approval: 2014-MM-DD</th>
</tr>
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<tbody>
<tr>
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**PRINCIPLES**

The City prohibits violence in any Workplace, or at any work related and/or staff function, or in any other work-related circumstances.

The City will make every effort to ensure an appropriate level of privacy and confidentiality in circumstances where an incident of Workplace Violence has occurred or when a victim comes forward requesting assistance from the Employer. Private information will only be shared as required to comply with the law.

---

**DEFINITIONS**

**Domestic Violence**

The exercise, attempt or threat of physical force by a person who has a personal relationship with an Employee such as a spouse or former spouse, current or former intimate partner or a family member that may be directed towards an Employee or Employee(s) at the Workplace.

**Employer**

In accordance with the *Occupational Health & Safety Act*, means a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services.

**Management**

Any individual responsible for directing the work of others, including but not limited to elected officials (when in a supervisory relationship with City Employees), the City Manager, General Managers, Executive Directors, Directors, Managers, Superintendents, Supervisors, Team Leaders, Project Managers and Forepersons.

**Vexatious**

Conduct that is inappropriate, unnecessary, and that a reasonable person would consider to be offensive, upsetting, distressing, demeaning, or would make a person uncomfortable.

**Workplace**

Any building or part of a building in which one or more Employees work, including Employee eating, changing and lounge areas, and any vehicle or conveyance, or any area including outside worksites, where Employees perform their duties (construction site, open field, parking lot, road, park). A workplace also includes any work-related function or circumstances.
**Corporate Human Resources Policy**

**Health, Safety & Wellness**

**Violence in the Workplace Prevention Policy**

<table>
<thead>
<tr>
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<tr>
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</table>

**Content Updated:** 2013-10-18

**Supersedes Policy:**

Violence in the Workplace Prevention Policy (Appendix A, Code of Conduct) dated November 17, 2005

**Approval:** 2014-MM-DD

### Workplace Harassment

Engaging in a course of vexatious comment or conduct against an employee in the Workplace that is known or ought reasonably to be known to be unwelcome.

### Workplace Violence

Includes any and/or all of the following actions:

- the exercise of physical force by a person against an employee, in a Workplace, that causes or could cause physical injury to the employee
- an attempt to exercise physical force by a person against an employee, in a Workplace, that causes or could cause physical injury to the employee
- a statement or behavior that is reasonable for an employee to interpret as a threat to exercise physical force against the employee, in a Workplace, that could cause physical injury to the employee.

### RESPONSIBILITIES

**Employer (Management)**

- Develop a Workplace Violence prevention program, in consultation with Joint Health and Safety Committees (JHSCs) that includes measures and procedures to identify, eliminate or minimize risks that are likely to expose an employee to violence in the Workplace. This includes conducting regular risk assessments, implementing control measures specific to the various Workplaces across the City, and providing instruction and information to employees on violence prevention in the Workplace.
- Ensure that measures and procedures in Workplace Violence prevention program is carried out and hold Management accountable for responding to and resolving complaints of violence.
- Ensure information and instruction on the content of a Workplace Violence prevention program is shared with all employees.
- Take every precaution reasonable in the circumstances for the protection of the employee if the employer becomes aware, or ought reasonably to become aware, that Domestic Violence would likely expose an employee to physical injury in the Workplace.
Managers and Supervisors

- Develop a reporting process for incidents of Workplace Violence.
- Investigate all incidents, complaints or reports of Workplace Violence in a prompt, objective and sensitive way in accordance with the Violence in the Workplace Prevention Procedure. Monitor trends and take corrective action.
- Create an environment that encourages victims of violence and witnesses to report all incidents of violence.
- Ensure the Violence in the Workplace Prevention Policy and other associated policies are reviewed on an annual basis in consultation with Joint Health & Safety Committees.
- Subject to any limitations and/or disclosure requirements of the Municipal Freedom of Information and Protection of Privacy Act and the Personal Health Information Protection Act, provide information to employees, including personal information, related to risk of Workplace Violence from a person with a history of violent behavior, if,
  a) the employee can be expected to encounter the person in the course of his/her work, and
  b) the risk of Workplace Violence is likely to expose the employee to physical injury
- Ensure that Workplace Violence is not tolerated, ignored or condoned.
- Assess the risk of Workplace Violence.
- Provide instruction and education on violence prevention programs including emergency response measures to take regarding violent incidents.
- Ensure measures and procedures are in place in the Workplace for summoning assistance if Workplace Violence is occurring or is likely to occur.
- Ensure this policy and associated procedures are reviewed with all employees annually and posted in the Workplace in conspicuous locations.
- Investigate Workplace Violence in accordance with accident investigation procedures and contact Ministry of Labour and Police as required. Ensure measures are taken to correct the situation and safeguard employees.
Corporate Human Resources Policy

Health, Safety & Wellness
Violence in the Workplace Prevention Policy

Policy No: HR-63-13
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Employees

- Document reports of Workplace Violence, hazards and measures taken to address them.
- Consult Human Resources for support concerning options to resolve incidents.
- Discipline those employees, in consultation with Human Resources, found to have violated this policy. Reporting of Workplace Violence or risk of violence made in good faith cannot be used as the basis of reprisal against the reporting Employee.
- Provide employees who have been directly or indirectly involved in violent incidents with appropriate supports, e.g., First Aid, medical assistance, debriefing by a skilled professional through Employee and Family Assistance Program (EFAP), and support through Critical Incident Peer Support (CIPS) Team.

- Refrain from threatening violence or engaging in any violent behaviour in the Workplace, at any work related functions, or in any other work-related circumstances.
- Immediately report all incidents or injuries arising from Workplace Violence to Supervisors or directly to Human Resources.
- Participate in information updates and instruction concerning violence in the Workplace.
- Be aware of the impact of professional obligations and legislation on the right to refuse unsafe work based on Workplace Violence.
- Understand and comply with all Workplace Violence policies and procedures.
- Report violent criminal acts, or suspected violent criminal acts, to the Police and notify Human Resources.
- Co-operate fully in any investigation of a violent incident.
- Contribute to Workplace Violence risk control measures and risk assessments.
- Participate in the review of the Workplace Violence Prevention Program.
- Seek support through Management, JHSC, Union (if applicable).
Joint H&S Committee

- Make recommendations to the Employer regarding the development, review and implementation of a Workplace Violence prevention program.
- Review the Violence in the Workplace Prevention Policy annually.
- Monitor trends associated with incidents or injuries as a result of Workplace Violence and recommend appropriate controls.
- Participate in the investigation of critical injuries as a result of violence.
- Provide support and referrals (internal and external) to Employees with situations concerning actual or potential violence so that they can receive prompt assistance and advice.

Human Resources

- Monitor legislative requirements, leading practices and standards related to Workplace Violence.
- Develop assessment tools, information packages and training programs.
- Assist in investigations of Workplace Violence.
- Assist Workplaces in developing Violence Prevention programs.

COMPLIANCE

Any employee who is found to have violated this Violence in the Workplace Prevention Policy may be disciplined according to the severity of the actions, up to and including termination of employment with cause and without termination pay/severance. Such terminations will be communicated to City Manager and Council.

Any form of retaliation against Employees exercising their rights under this policy will be considered a serious violation of this policy and will not be tolerated. Such retaliatory actions may be subject...
to disciplinary action, up to and including termination of employment with cause and without termination pay/severance. Such terminations will be communicated to City Manager and Council.

Any Employee found to have lodged or otherwise supported a false accusation will be subject to appropriate disciplinary action up to and including termination of employment with cause and without termination pay/severance. Such terminations will be communicated to the City Manager and Council.

### EXAMPLES OF WORKPLACE VIOLENCE

Examples of behaviours that constitute Workplace Violence behaviours include, but are not limited to, the following:

- Verbally threatening to attack an employee
- Leaving threatening emails or notes referencing physical force against the Employee
- Shaking a fist in an Employee’s face
- Hitting or trying to hit an Employee
- Throwing an object at an Employee
- Sexual abuse against an Employee
- Making threatening calls to an Employee
- Trying to run down an Employee using a vehicle or equipment such as a forklift
- Wielding a weapon at work

### RELATED DOCUMENTS

- *Violence in the Workplace Prevention Procedure - COH-RQ-WI-005*
- *Personal Harassment Prevention Policy*
- *Harassment and Discrimination Prevention Policy*
- *Resolving Harassment and Discrimination Issues Procedure*
- *Accident Reporting Guideline COH-RQ-GD-018*

### HISTORY

This policy replaces the former policy named Violence in the Workplace Prevention Policy (Appendix A, Code of Conduct) dated Nov. 17/05

The Occupational Health and Safety Advisory Committee and Policy Review Group were consulted in the creation of this Policy.

This policy was reviewed by Senior Management Team 2013-06-
<table>
<thead>
<tr>
<th><strong>Corporate Human Resources Policy</strong></th>
<th><strong>Content Updated: 2013-10-18</strong></th>
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</thead>
<tbody>
<tr>
<td>Health, Safety &amp; Wellness</td>
<td>Supersedes Policy:</td>
</tr>
<tr>
<td>Violence in the Workplace Prevention Policy</td>
<td>Violence in the Workplace Prevention Policy (Appendix A, Code of Conduct) dated November 17, 2005</td>
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</tbody>
</table>

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27, updated 2013-10-18 and approved 2013-10-24

Approved by Council of the City of Hamilton **2014-MM-DD**
## 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>Extra Work and Change Orders</td>
<td>That the status of funding sources and</td>
<td>Agreed. Contract Status is reported to standing committees on a regular basis. This disclosure will be added to that reporting. To start with the June 2014 reporting cycle.</td>
</tr>
<tr>
<td></td>
<td>The construction contracts agreed to between the City and the contractor specify the work to be performed at specific geographic locations. Similarly, a formal purchase order is also created between the contractor and the City specifying the same geographic location where the work is to be performed.</td>
<td>expenditures for individual projects be disclosed in regular Council reporting along with reasons for the completed project surplus or deficit and details of extra work and/or change orders.</td>
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<td>Both construction contracts reviewed included extra work and/or change orders, some of which were necessary to accommodate work by the same contractor but carried out at a different location than that stipulated in the original contract and corresponding purchase order.</td>
<td>That the City’s Procurement Policy requiring both a purchase order and the written legal agreement for construction contracts of $100,000 or greater be adhered to when assigning extra work and/or change orders to contractors.</td>
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<td>For one of the two projects reviewed, the value of the work at the different location totaled $285,000. This represented approximately 11% of the value of the total work performed under that Purchase Order. As the work at this different location exceeded $100,000 and there was neither a separate purchase order nor a written legal agreement for this work, the project violated the City’s Procurement Policy #7. The inclusion of work not related to the original contract in these projects’ costs results in inaccurate contract costing and reporting as well as making further analysis time consuming.</td>
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Policy 7 and Policy 11 requirements will be strictly enforced.
## Contract Administration

The materials used and the work performed by the contractor are tracked each day by the Inspector using a journal. At the end of each month, the amounts in the journals are summarized and submitted by the Inspector to the Project Manager. The volume of the work tracked is used to calculate the progress payment remitted to the contractor for the work performed.

A comparison of the Inspectors’ journals with the total progress payments indicated that, at the completion of the project, the contractor was paid only for the work performed and the materials used. However, for the first two progress payments of one of the contracts reviewed, the contractor was pre-paid for work before it was recorded by the Inspector. Such pre-payment for work and materials is not a good practice as it removes the urgency of completing the work in a timely manner by the contractor. It also places the City’s funds at risk should the contractor meet with financial or performance difficulties.

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<th>MANAGEMENT ACTION PLAN</th>
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<tr>
<td>2.</td>
<td><strong>Contract Administration</strong>&lt;br&gt;The materials used and the work performed by the contractor are tracked each day by the Inspector using a journal. At the end of each month, the amounts in the journals are summarized and submitted by the Inspector to the Project Manager. The volume of the work tracked is used to calculate the progress payment remitted to the contractor for the work performed.&lt;br&gt;&lt;br&gt;A comparison of the Inspectors’ journals with the total progress payments indicated that, at the completion of the project, the contractor was paid only for the work performed and the materials used. However, for the first two progress payments of one of the contracts reviewed, the contractor was pre-paid for work before it was recorded by the Inspector. Such pre-payment for work and materials is not a good practice as it removes the urgency of completing the work in a timely manner by the contractor. It also places the City’s funds at risk should the contractor meet with financial or performance difficulties.</td>
<td>That progress payment quantities agree with quantities as noted in the Inspectors’ diaries on a payment-to-payment basis in order to ensure the contractor is only paid for completed work.</td>
<td>Agreed. It is current practice that the payment certificate quantities are based on Inspector diary measurement notations. There may be instances where there is a minor variance between certificate payment quantities and Inspectors’ notes. These minor temporary variances are a function of pending work and rationalization of available resources. All final quantities are subject to multiple levels of review and work flow scrutiny.</td>
</tr>
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</table>
### OBSERVATIONS OF EXISTING SYSTEM

3. Procedures

Management in Construction Services has no written formal procedures to guide its staff in the identification, tracking and correction of contract deficiencies during the warranty period.

When written procedures do not exist, staff carrying out the process 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.

### RECOMMENDATION FOR STRENGTHENING SYSTEM

That comprehensive procedures for the identification, tracking and correction of contract deficiencies during the warranty period be written, approved by management and implemented by staff in the Construction Services section.

### MANAGEMENT ACTION PLAN

Agreed. Construction Services will formalize and document existing policies and procedures with respect to warranty period issues.
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<th>OBSERVATIONS OF EXISTING SYSTEM</th>
<th>RECOMMENDATION FOR STRENGTHENING SYSTEM</th>
<th>MANAGEMENT ACTION PLAN</th>
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</thead>
</table>
| 1. | Procedures  
There are no documented policies and procedures in place to provide detailed instruction regarding how cash, revenue and inventory should be handled and reconciled at the City’s golf courses.  
When written procedures are lacking documentation on current practices, employees use personal understanding and experience to carry out duties which could result in incorrect, incomplete or inconsistent application. It would also be problematic and inefficient for the successor to commence his/her duties within a short period of time. | That management develop, approve and implement cash handling and inventory management procedures. The procedures should be reviewed annually by management and bear evidence of such review (sign-off). | Agreed. There is an older Cash Handling Procedures document from when Golf was part of Recreation. The Cash Handling policy is currently being revised at the corporate level. Once completed, the policy will be adopted by the golf course management.  
Golf course management will also develop inventory management procedures and will review them yearly for any necessary changes. The expected completion date is mid 2014. |
## OBSERVATIONS OF EXISTING SYSTEM

### 2. Timely Deposit of Funds

Daily deposits of cash and cheques from revenues collected are retained in the safe at the golf courses until deposited at the bank. A review of deposits from June 2013 identified:

- Average deposits of $9,400, including four days sales at King’s Forest;
- Average deposits of $7,500 including five days sales at Chedoke; and
- Two instances at King’s Forest of daily deposits exceeding $10,000 and taking six days to be deposited in the City’s bank account.

Cash kept on site for long periods before being deposited in the bank provides the opportunity for misappropriation, lapping or theft of funds. In addition, at Chedoke, deposit slips were not used in sequential order. When deposit slips are not used in sequence, there is no ready confirmation that all deposits have been accounted for and the time spent accounting for missing or outstanding deposits increases.

## RECOMMENDATION FOR STRENGTHENING SYSTEM

That time or dollar value thresholds for accumulated cash receipts that will trigger a deposit be developed and stated in the written procedures.

## MANAGEMENT ACTION PLAN

Agreed. The normal days to do deposits have always been on Monday and Friday. Wednesday will be added as a third deposit day in order to reduce the amount of cash on hand at any one time. It will begin January 1, 2014.

Agreed. Deposits slips will be watched to make sure the next deposit book selected is in the correct order. It will begin January 1, 2014.
<table>
<thead>
<tr>
<th>#</th>
<th>OBSERVATIONS OF EXISTING SYSTEM</th>
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<th>MANAGEMENT ACTION PLAN</th>
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<tbody>
<tr>
<td>3.</td>
<td>Safeguarding Cash</td>
<td>That the extra change float be kept in a locked box in the bottom portion of the safe. Access to revenues awaiting deposit and petty cash should be restricted to the Clubhouse Supervisor.</td>
<td>Agreed. To be implemented beginning January 1, 2014.</td>
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<tr>
<td></td>
<td>The Clubhouse Supervisor and two Servers at Chedoke have access to the top portion of the safe. In addition to the extra change float to which the Servers require access when the Clubhouse Supervisor is not present, the revenues awaiting deposit and the petty cash are also stored in the top portion of the safe. When unnecessary staff have access to reconciled revenues awaiting deposit or petty cash funds, the risk of misappropriation is increased.</td>
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<td>4.</td>
<td>Void / Refund Documentation</td>
<td>That management develop, approve and implement a refund policy. All voids and refund transactions should be supported with adequate documentation and reasons and approved by the Clubhouse Supervisor.</td>
<td>Agreed. Refunds are minimal in golf operations ($165 during the 2013 test period at King's Forest). Tighter controls will be implemented by requiring staff to include a copy of the refund in the deposit envelope along with a reason for the refund. These will be attached to the copy of the Pay Type Summary and reviewed when the daily balancing is completed by the supervisor. To be completed by March 1, 2014.</td>
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<tr>
<td></td>
<td>Refund and void transactions are not being reviewed by management. No reason is provided by staff who enter void and refund transactions. The risk of fictitious refunds or voids is increased as there is no documentation to support the transaction. An opportunity exists to process a void or refund for cash to offset misappropriated funds.</td>
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| 5  | Records Retention / Review – Cash and Revenues  
Documents used by staff to record and reconcile cash and revenues are not consistently retained or signed off by management. The following documents are not consistently retained and it could not be determined if they were signed off by staff and reviewed by management:  
- Daily Cash Envelopes  
- Beverage Cart Daily Inventory Control Sheets  
- HW (Halfway House) Daily Inventory Control Sheets  
In addition, the Pay-Type Summary Report does not bear evidence of management review of cash and revenues reconciliation.  
Audit Services could not fully test the accuracy and completeness of cash and revenues as supporting documentation was not available. Without proper supporting records and sign-off, there is no adequate evidence of management review of key cash and revenue reconciliations for accuracy and completeness. | That management maintain adequate records to support the cash and revenue reconciliations processes and ensure adequate evidence of review on reconciliation documentation. | Agreed. Currently, daily car and HW inventory sheets are retained for a month until it is known that the FA has balanced the deposits. They will now be retained for the entire year.  
Deposit envelopes, which are used by the supervisor to verify the deposit, will also be kept for a period of one year. This will begin March 1, 2014.  
The Pay Type Summary Report is completed after the fact by the Supervisor in order to balance the day’s sales which is evidence of review. At that time, the completed and initialed deposit slip is attached to the summary. Moving forward, the Pay Type Summary Report will also be initialed. This report is sent downtown to the FA. This report is run after the day being reviewed and cannot be altered in any way. Management does review the Pay Type Summary on a daily basis. |
# OBSERVATIONS OF EXISTING SYSTEM | RECOMMENDATION FOR STRENGTHENING SYSTEM | MANAGEMENT ACTION PLAN
---|---|---
6. Alcohol Purchasing
  Three alcohol inventory purchases were identified as violations to the City of Hamilton’s Procurement Policy By-Law No. 12-155 as they were made through unauthorized vendors.
  In addition, alcohol inventory purchases are not tracked and amounts are not applied against the purchase order in PeopleSoft.
  Without proper tracking of alcohol inventory purchases, the risk of inventory ordered in excess of authorized PO limits is increased.
  That Food Services’ alcohol inventory purchases comply with the City of Hamilton’s procurement policies, including using approved vendors.
  That alcohol inventory purchases be tracked to ensure they are within authorized limits on the purchase order.
  Agreed. This has been addressed by a PO system put in place this year for the first time ever in golf operations where purchases are tracked within the business unit.
  Agreed. The FA will deplete all POs as purchases are made in order to ensure purchases are within the POs’ limits. To be completed by March 1, 2014.
### OBSERVATIONS OF EXISTING SYSTEM

7. **Inventory Reconciliation**

The City’s golf courses currently use Jencess to process sales of various food and beverage inventory items. Golf course inventory is being counted regularly for reordering purposes but is not reconciled against usage. Audit Services prepared a reconciliation of beer inventory from April 1 – September 29, 2013 at Chedoke Golf Course. Sales in Jencess were higher than expected by 387 premium cans and lower than expected by 407 domestic cans. This was explained as a result of Servers incorrectly selling a domestic brand but recording it as premium in error. This error went undetected as inventory reconciliations were not performed.

Records of counts are not consistently retained and individual items are not always counted (i.e. beer is counted by the case at King’s Forest) making inventory reconciliations of other items not possible. Counts are not signed off by staff performing them to provide accountability.

The City’s risk of misappropriation of inventory going undetected increases when inventory is not reconciled to usage. The completeness and accuracy of inventory counts cannot be confirmed and variances are not investigated.

### RECOMMENDATION FOR STRENGTHENING SYSTEM

That inventory reconciliations be prepared regularly and thresholds set for acceptable variances. Variances beyond this level should be followed up by management with required corrections or explanations of differences documented.

That individual inventory items be counted, counts be signed off and all count records be retained by the Clubhouse Supervisor.

### MANAGEMENT ACTION PLAN

Agreed. As suggested during the audit, the Jencess PO system will be used to receive pre-packaged ready sale items into the on hand counts. During the weekly physical counts, these counts will be compared to the Jencess on hand counts and any areas of concern will be identified and dealt with. To be completed by March 1, 2014.

Agreed. Inventory items are counted weekly for new orders to be placed, to compare purchases vs sales and to verify that the margin is within an acceptable tolerance which will be formally established in the inventory management procedures being developed in #1. The count sheets will be modified to include a column for initials of the person counting and retained by the Supervisor. To be completed by March 1, 2014.
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<td>8.</td>
<td>Jencess Inventory Reconciliation</td>
<td>That all single sale inventory items be recorded in Jencess upon receipt. Inventory counts should be compared to Jencess and variances and waste adjusted regularly in Jencess by the Clubhouse Supervisor.</td>
<td>Agreed. All single sale items are already in the Jencess system but the system has not been utilized as a perpetual inventory system, (its PO System). Instead, the system has been allowed to count the quantities sold and these amounts have been used to compare against the purchases in order to ensure our margins within an acceptable tolerance. Moving forward, all purchases of pre-packaged supplies will be input into Jencess for single sale items which will allow management to see, at any given time, what on hand inventories should be when physical counts are conducted. The on hand inventory will be adjusted for items, like waste, as required. To be completed by March 1, 2014.</td>
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In addition to Jencess sales not being reconciled to amounts used (as noted in #7), inventory received is not entered into Jencess. Without fully utilizing the Jencess system, it cannot be used to monitor inventory and review items quickly to determine if reordering is required instead of performing a full count. Utilizing capabilities in Jencess will also make the inventory counts and reconciliation processes more efficient.

Bulk inventory (i.e. draft beer, liquor, various ingredients in restaurant meals – chicken, French fries) cannot be reconciled in Jencess. These items are not being reconciled against usage increasing the risk of misappropriation of inventory going undetected.

That a sample of higher value bulk inventory items be reviewed and documented regularly to determine that bulk inventory usage is plausible and in line with yield expectations. Agreed. A sample of higher value bulk inventory items will be reviewed and documented regularly to determine that bulk inventory usage is plausible and in line with yield expectations which will be determined in the inventory management procedures being developed in #1. To be completed by March 1, 2014.
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<td>9</td>
<td><strong>Inventory Waste</strong>&lt;br&gt;Clubhouse Waste Sheets at King’s Forest require a reason for the waste to be provided. However, they are not consistently signed by staff incurring the waste. No reasons were provided for waste from the food and beverage carts at King’s Forest and Chedoke and no documentation was available for review from the halfway house at Chedoke.</td>
<td>That Inventory Waste Sheets, Beverage Cart Daily Inventory Control Sheets and HW Daily Inventory Control Sheets be modified to include an area for providing a reason for the waste. These documents should consistently be signed off by staff incurring the waste.</td>
<td>Agreed. An area to provide the waste reason will be added to the control sheets and the documents will be checked to verify they are signed off by staff. Where ever possible, the evidence of the waste will be presented to a second staff to verify. To be completed by March 1, 2014.</td>
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For waste sheets that were available, there was no evidence that they had been reviewed or that significant waste had been authorization by management. For example, at Chedoke 49 domestic beer cans were indicated as moldy and disposed of without evidence of authorization.

When all inventory waste is not adequately tracked or reviewed, efforts cannot be made to identify and minimize waste. Without management monitoring and authorizing unusual or significant instances, recording of variances as waste can mask misappropriation of inventory items.

<p>|  |  | That management develop guidelines for when management authorization and signoff is required for significant waste. |
|  |  | That inventory waste be regularly monitored by the Clubhouse Supervisor. |
|  |  | Agreed. A second signature line will be added for waste sheets to be signed at the time of the waste by another present staff person. Any amounts over $20 will require that the Supervisor be notified. To be completed by March 1, 2014. |
|  |  | Agreed. The Supervisor will regularly check waste sheets and initial them as proof that they were examined. To be completed by March 1, 2014. |</p>
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</table>
| 10. | Inventory Oversight  
Inventory removed from stock for sale on the food and beverage carts and amounts returned at the end of the shift require the initials of the Servers and a second staff member on the Beverage Cart Daily Inventory Control Sheet as verification of the amounts taken / returned. During the month of August, there were three instances at Chedoke and ten instances at King’s Forest of inventory being taken or returned without proper control sheet signoff by a second staff member.  

Inventory removed for sale through the halfway house at Chedoke did not require signoff of the control sheet by a second staff for verification until September 2013. There was insufficient information available to verify if this requirement is currently being met.  

When a second staff member does not verify inventory taken and returned, the Server has the opportunity to manipulate documentation, conceal shortages and misappropriate inventory. | That all inventory taken for sale on the food and beverage carts have a second staff initial for verification on the Beverage Cart Daily Inventory Control Sheet. Management should follow up on non-compliance. | Agreed. A second staff initial is already required and will be closely monitored by the Supervisor/Chief Cook to ensure initialing is always happening. To be completed by March 1, 2014. |

<p>|  | | That all inventory taken for sale at the halfway house be recorded on the HW Daily Inventory Control Sheet and a second staff initial the sheet as verification. Management should follow up on non-compliance. | Agreed. The halfway house (HW) at Chedoke has already adopted the same method used for the beverage carts for inventory taken for sale. Compliance with the procedure will be routinely checked. Already completed in September 2013. |</p>
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<td>11</td>
<td><strong>Inventory Sales</strong>&lt;br&gt;Inventory sales calculated by Servers on the Beverage Cart Daily Inventory Control Sheets for amounts sold from the cart do not match sales recorded in Jencess. This is primarily the result of the cost of items charged to the customer not including HST, including HST at the wrong rate or the prices of items in Jencess not matching prices on the Control Sheets. These differences are offset by Servers’ tips. At Chedoke, the sale quantities of four items over a one week period were input into Jencess at a lower amount by Servers so that there would not be an effect on tips earned.&lt;br&gt;When all sales are not recorded in the register as determined/reconciled on the Control Sheets, revenues in the financial records will not be appropriately reflected and inventory will not reconcile.</td>
<td>That amounts charged to the customer and costs in Jencess be adjusted as required to match the price of all items sold through the cart and halfway house.&lt;br&gt;That the Jencess transaction receipt be included in the DCE, matched to the calculated sales on the Beverage Cart / HW Daily Inventory Control Sheets and be reviewed by the Clubhouse Supervisor.</td>
<td>Agreed. Inventory count sheets prices will be matched as closely as possible to the Jencess system taking into account HST variances. To be completed by March 1, 2014.&lt;br&gt;Agreed. The transaction receipts will be attached to the Daily Inventory Control sheets for the cart and HW on a daily basis and reviewed when the daily cash is being balanced. To be completed by March 1, 2014.</td>
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| 12.| Catering Agreements  
There is no formal document or contract signed by a customer entering into a catering agreement. All correspondence regarding costs and services to be provided are agreed to via email.  
When there is no signed agreement in place, the City is at risk of financial loss if there are disputes or the customer decides to cancel the event at the last minute. Any terms may become unenforceable. | That management develop and implement the use of a catering contract. This contract should detail the services to be provided and the cost and be signed by both the customer and Food Services management. | Agreed. A newer catering/tournament contract has already been created and will be used in 2014 with both parties signing it. To be completed by March 1, 2014. |
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<tr>
<td>13</td>
<td>Catering Revenue&lt;br&gt;The Clubhouse Supervisor prepares the invoice for catering events, collects payment from the customer, processes the payment through Jencess and deposits the payment in the City bank account. Catering revenue is not recorded until payment is received. In reviewing seven functions, two had revenues recorded in a period subsequent to when they occurred and payment was received for one that no invoice had been prepared. In addition, billings and collection do not flow through the City’s Accounts Receivable process.&lt;br&gt;The lack of segregation of duties and the non-recording of amounts owing for catering services in the City’s financial records increase the risk of catering revenue being misappropriated, being incorrectly reflected in the City’s financial reports or its collection being missed.</td>
<td>That pre-numbered catering contracts, invoices and details of payments be provided to a secondary staff member for review to ensure all events have been billed and payments collected. This individual should maintain a listing of all events, outstanding amounts and follow up with the Clubhouse Supervisor, as required. In this manner, a record of catering activity and accounts receivable would be maintained by a party other than the Clubhouse Supervisor, providing a better segregation of duties.</td>
<td>Agreed. The FA will track catering activity. To be completed by March 1, 2014.</td>
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</table>
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.

**Floats**

1. Cash floats are not regularly reconciled to the ledger and amounts are not confirmed with the cash custodian to ensure floats are still intact. Cash floats differed from the general ledger by $209.10 as HST was taken on the cheque to issue the Chedoke floats in error. This was not identified as floats are not regularly reconciled.

*It is recommended:*
*That cash floats be reconciled and confirmed to be intact at least quarterly.*

**Management Response:**
*Agreed. While the section was previously under Recreation, quarterly float reports were prepared and submitted. This practice will resume again with the FA in Public Works. Implementation date: January 2014.*

**Petty Cash**

2. Petty cash floats of $500 at Chedoke and $200 at King’s Forest were not used during the 2013 season indicating the petty cash floats at each course may be too large. More cash is on hand than required for daily operations, increasing the risk of misappropriation.

*It is recommended:*
*That petty cash floats be reduced and funds deposited back into the City bank account.*

**Management Response:**
*Agreed. The amount of petty cash will be reduced moving forward into 2014.*
## CITY OF HAMILTON
### 2014 PROPERTY AND LIABILITY INSURANCE RENEWAL
#### COVERAGES AND LIMITS

<table>
<thead>
<tr>
<th>TYPE OF COVERAGE</th>
<th>COVERAGE</th>
<th>DEDUCTIBLE</th>
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<tbody>
<tr>
<td>Municipal Liability</td>
<td>*5,000,000</td>
<td>250,000</td>
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<tr>
<td>Errors &amp; Omissions Liability</td>
<td>Included</td>
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<tr>
<td>Non Owned Auto</td>
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<tr>
<td>Excess Liability</td>
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<td></td>
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<tr>
<td>Municipal Conflict of Interest</td>
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<tr>
<td>Legal Expense</td>
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<tr>
<td>Comprehensive Crime</td>
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<tr>
<td>Property</td>
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<td>Boiler</td>
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<tr>
<td>City Auto</td>
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<tr>
<td>Garage Liability Insurance</td>
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</tr>
<tr>
<td>Environmental Impairment Liability (including WWTP)</td>
<td>10,000,000</td>
<td>500,000</td>
</tr>
<tr>
<td>HSR Rolling Stock (Transit)</td>
<td>(Included in Property)</td>
<td>50,000</td>
</tr>
<tr>
<td>HSR Auto Fleet</td>
<td>*5,000,000</td>
<td>100,000</td>
</tr>
<tr>
<td>Excess Umbrella</td>
<td>*45,000,000</td>
<td>NIL</td>
</tr>
<tr>
<td>Directors' And Officers' Liability</td>
<td>3,000,000</td>
<td>35,000</td>
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</table>
THE EMERGENCY AND COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 14-001 AND RESPECTFULLY RECOMMENDS:

1. Land Ambulance Service Grant (LASG) Agreement Approval (CES14010) (City Wide) (Item 5.1)

That the General Manager of Community and Emergency Services be authorized and directed to enter into and execute current and future agreements with the Ministry of Health and Long-Term Care (MOHLTC), to receive grants for Land Ambulance Services, in a form satisfactory to the City Solicitor.

2. Procurement Policy 11 Approval of the Extension of the Contract with Del Management Solutions Inc. (CES14008) (City Wide) (Item 5.2)

(a) That an extension of up to one year of the Procurement Policy 11 be approved for a single source contract with Del Management Solutions Inc. (DMS) for the administration of the centralized wait list for social housing applicants in the annual amount of $335,198, to be charged to DeptId and account 625010-57010.

(b) That a payment to Del Management Solutions Inc. (DMS) in the amount of $27,298.34 for remaining expenses in 2013 for administration of the centralized wait list for social housing applicants be charged to DeptId and account 625010-57010.
3. Hamilton Arena Partners (HAP) Operating Agreement Extension - Mohawk 4Ice Centre (CES14002) (Ward 6) (Item 5.3)

(a) That the City of Hamilton renew the Operational and Maintenance Agreement with Hamilton Arena Partners (HAP) to operate the Mohawk 4Ice Centre from March 6, 2014 to March 5, 2019 based on the terms of the existing agreement, with updates to the terms where required;

(b) That the General Manager, Community and Emergency Services Department, be authorized and directed to execute a Renewal Agreement between the City of Hamilton and Hamilton Arena Partners, in a form satisfactory to the City Solicitor.

4. Hamilton Centre for Civic Inclusion – Follow-up (FCS14009) (City Wide) (Outstanding Business List Item) (Item 5.4)

That Report FCS14009 respecting Hamilton Centre for Civic Inclusion – Follow-up be received.

5. Establishment of Polling Stations in Rental Buildings (CL14002) (City Wide) (Outstanding Business List Item) (Item 5.5)

That Report CL14002 respecting Establishment of Polling Stations in Rental Buildings be received.

6. Hamilton Municipal Senior of the Year Awards Ceremony (CS13023(a)) (City Wide) (Item 5.6)

That Report CS13023(a) respecting Hamilton Municipal Senior of the Year Awards Ceremony be received.

7. Seniors Advisory Committee – Shared Bike Program (Report # SAC14004) (Item 5.7)

That Report SAC14004 respecting Seniors Advisory Committee – Shared Bike Program be received.
8. **Seniors Advisory Committee – Urban Hamilton official Plan and Housing and Homelessness Action Plan (Report # SAC14001) (Item 5.8)**

That Report SAC14001 respecting Seniors Advisory Committee – Urban Hamilton official Plan and Housing and Homelessness Action Plan be received.

9. **Seniors Advisory Committee – Pedestrian Mobility Plan (Report # SAC14002) (Item 5.9)**

That Report SAC14002 respecting Seniors Advisory Committee – Pedestrian Mobility Plan be received.

10. **Seniors Advisory Committee – Recreation Programs for Hamilton’s Ethno-Cultural Groups (Report # SAC14003) (Item 5.10)**

That Report SAC14003 respecting Recreation Programs for Hamilton’s Ethno-Cultural Groups be received.

11. **Seniors Advisory Committee – Annual Presentation (Report SAC14-005) (Item 7.1)**

That Report SAC14-005 respecting Seniors Advisory Committee – Annual Presentation be received.

12. **Access to Services for Undocumented Individuals (CES14003) (City Wide) (Item 8.1)**

(a) That the City of Hamilton’s anti-racism staff training program entitled “Equipped to Serve” be revised to ensure that all staff support the City of Hamilton’s commitment to provide access to services without fear for immigrants without full status or without full status documents;

(b) That the City of Hamilton continue to work with the Hamilton Community Legal Clinic and other community stakeholders to develop a public education strategy to generate awareness regarding the issues that face immigrants without full status or without full status documents when accessing services in the community;

(c) That the City of Hamilton request the Federal government review its current Immigration and Refugee policies and programs and identify ways to better assist residents with undocumented status in Canada to regain their full status;

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(d) That the City of Hamilton request that the Provincial government review its policies for all provincially funded programs to include residents of Ontario without full status or without full status documents.

13. Renewal of Incontinence Products (CES14009) (Wards 6 & 13) (Item 8.2)

That TENA® adult incontinent products continue to be specified as standard products, and remain on the City of Hamilton’s Approved Products Listing for the Incontinence Management Program within Macassa Lodge and Wentworth Lodge.

14. Renewal of Homelessness Partnering Strategy (CES14005) (City Wide) (Item 8.3)

(a) That the General Manager of Community and Emergency Services be authorized to enter into and execute an Agreement with Service Canada to:

(i) Become the Community Entity for the facilitation and administration of the Homelessness Partnering Strategy Program and;

(ii) Execute any further documents or agreements as may be required to give effect to the foregoing, in a form satisfactory to the City Solicitor;

(b) That the General Manager of Community and Emergency Services be authorized:

(i) To approve funding for those projects that have been selected through either the Homelessness Partnering Strategy Program Call for Applications or as identified within the Homelessness Partnering Strategy Community Plan;

(ii) To enter into and execute agreements with the agency(s) responsible for the delivery of those projects and;

(iii) To execute any further documents or agreements, as may be required, to give effect to the foregoing, in a form satisfactory to the City Solicitor.

(c) That the Homelessness Partnering Strategy Agreement between the City of Hamilton and Service Canada be effective April 1, 2014 until March 31, 2019.
15. Social Service Utilization by Individuals From Outside Hamilton (CES14006) (City Wide) (Item 8.4)

That Report CES14006 respecting Social Service Utilization by Individuals From Outside Hamilton be received.

16. Transfer of Outstanding Business Item to the General Issues Committee
Budgets (Enhancements) Committee Meeting

That Item B of the Outstanding Business list respecting a follow-up report regarding the Hamilton Health Sciences ABC Program pre and post conditions after one year be referred to the General Issues Committee Budgets (Enhancements) Committee meeting.

FOR THE INFORMATION OF COUNCIL:

Chair Farr welcomed Councillor Robert Morrow to the Committee.

A. CEREMONIAL ACTIVITIES

1. Acknowledgment of the Hamilton Fire Department Combat Challenge Team receiving World Recognition

Chair Farr presented the following members of the Hamilton Fire Department Combat Challenge Team with Certificates congratulating them on receiving world recognition for their achievements in various competitions: Firefighters Dean Morrow, Louis Boiteau, Mike Cascioli, Danny Folino, Justin Couperus, Mike Jones and Andy Waldron.

2. Recognition to the citizens that assisted the victims of a stabbing incident on Eastbourne Avenue

Chair Farr presented Certificates in recognition of the bravery of the following residents who by their fast, selfless acts on Eastbourne Avenue last September 3, 2013 saved the lives of a young mother and her baby daughter who were the victims of a stabbing incident:

Paul Ferrante
Ben Washington
Tracey McLeod
Jeanne Dacey
Shelly Portman-Secuur

The following residents were not able to attend today’s meeting but they were recognized and certificates will be delivered to them:

Marie Treasa Levasseur
Fabrizio Calviso
Trina Weber
Steve Kudlacek

The Chair also read out the names of the Hamilton Paramedics who responded to the emergency and who were in attendance at today’s meeting:

First Response - Naomi Henderson
Transport - Hugh Hart and Daniel Drobotenko
Transport - Zoran Crevar and Jose Dias
Transport - Dave Dean and Jeff Zondag
Transport - Chris Bayards and Vince Giampapa
Supervisor - Liz Bates
Supervisor Jeremy Knight
Supervisor Craig McCleary

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised that at the request of the delegations listed in Item 6.1, the order that they will be addressing Committee has been changed. A copy of the amended speaking order was distributed. Also, the delegations will address Committee at Item 8.1.

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 December 9, 2013 meeting were approved as presented.
(d) PRESENTATIONS (Item 7)

(i) Seniors Advisory Committee – Annual Presentation (Report SAC14-005) (Item 7.1)

Ron Smithson, Chair of the Seniors Advisory Committee provided a verbal overview of the Annual report outlining the Advisory Committee's achievements over the past year.

Chair Smithson responded to questions from Committee.

On a motion Committee received the presentation and the report.

Councillor Jackson recognized the leadership of Chairman Ron Smithson and the contributions of the Seniors Advisory Committee.

For disposition of this matter refer to Item 11.

(e) DISCUSSION ITEMS (Item 11)

(i) Access to Services for Undocumented Individuals (CES14003) (City Wide)

Paul Johnson, Director of Neighbourhood and Community Initiatives provided a brief verbal introduction to the Report. He thanked the staff, particularly Marie Antelo, and the students from the Hamilton Community Legal Clinic who contributed information used to prepare the Report.

Paul Johnson responded to questions from the Committee.

Delegations:

1. Caitlin Craven from the Hamilton Sanctuary Coalition and Maria Antelo, from the Hamilton Community Legal Clinic respecting making Hamilton a Sanctuary City (Item 6.1)

Caitlin Craven and Josee Oliphant from the Hamilton Sanctuary Coalition addressed Committee presenting recommendations copies of which were distributed and a copy is included in the Clerk’s record and has been uploaded onto the City’s website.

Maria Antelo from the Hamilton Community Legal Clinic addressed Committee and spoke in support of the recommendations. She
thanked City staff and the community researchers who assisted in this initiative.

2. **Karol Johana Pulgarin Velazquez, regarding making Hamilton a Sanctuary City**

   Karol Johana Pulgarin Velazquez spoke in support of the recommendations from the Hamilton Sanctuary Coalition and the staff report.

3. **Doctor Gary Warner, respecting making Hamilton a Sanctuary City**

   Doctor Gary Warner spoke in support of the recommendations from the Hamilton Sanctuary Coalition and the staff report.

4. **Hodan Ali, from Refugee Hamilton Centre for Newcomer Health, respecting making Hamilton a Sanctuary City**

   Hodan Ali, from Refugee Hamilton Centre for Newcomer Health was not in attendance.

5. **Christopher Cutler, regarding making Hamilton a Sanctuary City**

   Christopher Cutler spoke in support of the recommendations from the Hamilton Sanctuary Coalition and the staff report.

6. **Blake McCall, regarding making Hamilton a Sanctuary City**

   Blake McCall, representative of the Canadian Union of Public Employees spoke in support of the recommendations from the Hamilton Sanctuary Coalition and the staff report.

7. **Ines Rios, from the Immigrant Women’s Shelter, regarding making Hamilton a Sanctuary City**

   Ines Rios, from the Immigrant Women’s Shelter spoke in support of the recommendations from the Hamilton Sanctuary Coalition and the staff report.

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8. Erin Crickett will speak in place of Sandra Lemus, from the Sexual Assault Centre of Hamilton & Area (SACHA), respecting making Hamilton a Sanctuary City

Erin Crickett from the Sexual Assault Centre of Hamilton & Area (SACHA) spoke in support of the recommendations from the Hamilton Sanctuary Coalition and the staff report.

9. Nora Melara-Lopez, from the Ecumenical Support Committee for Refugees, respecting making Hamilton a Sanctuary City

Nora Melara-Lopez, from the Ecumenical Support Committee for Refugees spoke in support of the recommendations from the Hamilton Sanctuary Coalition and the staff report.

10. Scott Jones, from Micah House Refugee Reception Services, respecting making Hamilton a Sanctuary City

Scott Jones, from Executive Director of Micah House Refugee Reception Services spoke in support of the recommendations from the Hamilton Sanctuary Coalition and the staff report.

11. Krista D’Aoust, from the Neighbour to Neighbour Centre, respecting making Hamilton a Sanctuary City

Krista D’Aoust, from the Neighbour to Neighbour Centre spoke in support of the recommendations from the Hamilton Sanctuary Coalition and the staff report.

12. Omselama Abdul Sied, Chair of the Canadian African Multicultural Association (CAMA), respecting making Hamilton a Sanctuary City.

James Puok of the Canadian African Multicultural Association (CAMA) addressed Committee in place of Omselama Abdul Sied and spoke in support of the recommendations from the Hamilton Sanctuary Coalition and the staff report.

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13. **Pauline Kajiura, from Community Information Hamilton, respecting making Hamilton a Sanctuary City**

Pauline Kajiura, from Community Information Hamilton spoke in support of the recommendations from the Hamilton Sanctuary Coalition and the staff report.

On a motion, Committee received the delegations.

For disposition of this matter please refer to Item 12.

(f) **MOTIONS (Item 9)**

(i) **Condo Conversion Program (Item 9.1)**

Committee approved the following motion:

That staff be directed to review and assess the Condo Conversion Program to determine the following:

(a) Is the 2% threshold adequate?

(b) Has there been an impact on rental rates?

(c) Has it resulted in lower quality rental units?

(d) What are the tax implications as a result of a conversion?

(g) **GENERAL INFORMATION (Item 11)**

(i) **Outstanding Business List**

On a motion, Committee approved the following changes to the Outstanding Business list:

(1) The due dates of the following Items were amended as indicated:

(i) Item “G“ - Staff to report back on options to update fee waiver policy.
New Due Date: April 14, 2014

(ii) Item “M“ - Staff to report back with an update and recommendations for the Affordable Transit Program.
New Due Date: September 8, 2014
(iii) Item “N” - That staff report back re: Petition from residents of the St. Thomas More Precinct respecting concerns with the negative effects on the neighbouring residents when the sports field at St. Thomas More High School is rented out to outside groups.
New Due Date: March 24, 2014

(2) The following items were identified as completed and removed from the outstanding business list:

(i) 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

(ii) Item “H” - Staff to report back on the financial implications of the Senior of the Year Awards Ceremony.

(iii) 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.

(iv) Item “O” - That staff report back 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.

(h) PRIVATE AND CONFIDENTIAL

(i) Private and Confidential Minutes of the December 9, 2013 meeting (Item 12.1)

On a motion, Committee approved the Private and Confidential Minutes of the December 9, 2013 meeting as presented and directed that they remain private and confidential and restricted from public disclosure.
(i) ADJOURNMENT

There being no further business, the Emergency & Community Services Committee meeting adjourned at 3:31 p.m.

Respectfully submitted,

Councillor J. Farr, Chair
Emergency & Community Services Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk