Committee of the Whole
REPORT 09-035
As Amended by City Council on December 9, 2009
9:30 a.m.
December 7, 2009
Albion Room
Hamilton Convention Centre

Present:
Mayor F. Eisenberger
Deputy Mayor B. Morelli

Absent with regrets:
Councillor B. Clark – illness
Councillor R. Pasuta – Personal

Also Present:
C. Murray, City Manager
R. Rossini, General Manager, Finance and Corporate Services
G. Davis, General Manager, Public Works
T. McCabe, General Manager, Planning and Economic Development
J. Kay, General Manager, HES, Fire Chief
Dr. E. Richardson, Medical Officer of Health
P. Barkwell, City Solicitor
M. Gallagher, Co-ordinator, Council and Committee of the Whole/Budgets

COMMITTEE OF THE WHOLE PRESENTS REPORT 09-035 AND RESPECTFULLY RECOMMENDS:

1. 2010 Corporate Priority Plan (CM09021) (City Wide) (Item 7.1)

   (a) That the 2010 Corporate Priority Plan which aims to optimize economic opportunities in the lower city to the benefit of the entire
City of Hamilton; and establish a long range strategy for managing service delivery costs that meet the needs of citizens, be approved;

(b) That Senior Management Team report back to Council in the first quarter of 2010 with a Work Plan that integrates and focuses the broad array of services SMT can implement to address item (a) of Report CM09021.


That Appendix “A” attached hereto respecting the City of Hamilton Customer Service Guidelines for Accessibility be approved.

3. **Policy Approval – O. Reg. 429/07 Accessibility Standards for Customer Service, pursuant to the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) (FCS09101(b) (City Wide) (Item 7.3)**

That Appendix “B” attached hereto respecting the Accessible Customer Service Policies be approved and implemented effective January 1, 2010.

4. **2009 Annual Accessibility Plan – Ontarians with Disabilities Act Report (FCS09121 (City Wide) (Item 7.4)**

(a) That the 2009 Annual Accessibility Plan for the City of Hamilton attached as Appendix A to Report FCS09121, be approved and be made available to the public;

(b) That the Advisory Committee for Persons with Disabilities (ACPD) be thanked for their advice and contribution towards the completion of the accessibility plan.

5. **Performance Review Process for City Manager (HUR09024) (Item 8.2)**

That the performance review process for the position of City Manager, as detailed in Appendix “C” and “D” attached hereto, be approved.

6. **Interest Arbitration Award – City of Hamilton and CUPE Local 5167 (HUR09022) (Item 8.3)**

That Report HUR09022 respecting Interest Arbitration award – City of Hamilton and CUPE Local 5167 be received.
7. Amendment of the Police Services Board Protocol for Sharing respecting Policy AI-001 Framework for Annual Reporting (City Wide) (PSB020-030a) (Item 8.4)

(a) That the Council of the City of Hamilton approve by resolution, in accordance with the provisions of s.220.1 of the *Municipal Act*, R.S.O. 1990, c.M.45, as amended, the attached *amended* Protocol for the Sharing of Information between the Hamilton Police Services Board and the City of Hamilton to ensure compliance with the Adequacy and Effectiveness Regulation;

(b) That the Protocol for Sharing of Information come into force on the date of approval by Council of the City of Hamilton.

8. Community Policing Partnerships (CPP) Program Agreement with Ministry of Community Safety and Correctional Services for Additional Funding for Front-line Officers (City Wide) (PSB98-069g) (Item 8.5)

That the Mayor and City Clerk be authorized and directed to execute the Community Policing Partnerships (CPP) Program Agreement respecting additional funding for front-line officers between the Province of Ontario, the City of Hamilton and the Hamilton Police Services Board, such agreement to be in a form satisfactory to Corporate Counsel.

9. Hamilton Utilities Corporation – Resolution of Shareholders – Appointment to Board of Directors (Item 11.1)

(a) That Joseph Rinaldo, be approved to serve as a new independent Director, as put forth by the Nominating Committee and supported by the Board of Directors of Hamilton Utilities Corporation,

(b) That the corresponding term of office is approved for the period commencing December 10, 2009 and ending June 30, 2011.

10. Report 09-004 of the Accountability and Transparency Sub-Committee (Item 8.6)

(a) That Earl Basse be appointed as the Integrity Commissioner for the City of Hamilton for a period of two years, commencing no later than the 1st day of January, 2010;

(b) That subject to the finalization of the required appointment and contractual details, the Mayor and City Clerk be authorized to sign all necessary documents in a form satisfactory to the City Solicitor.
FOR THE INFORMATION OF COUNCIL:

(a) **CHANGES TO THE AGENDA**

4th Report of the Accountability and Transparency Sub-Committee. Added as Item 8.6

The Agenda was adopted as amended.

(b) **DECLARATIONS OF INTEREST**

Councillor Morelli declared an interest in Item 11.2 as the matter involves a litigation and vacated the room during the closed session.

Councillor Whitehead declared an interest in Item 8.6 due to a recent complaint matter and vacated the room during the closed session.

(c) **ADOPTION OF MINUTES**

3.1 November 9, 2009

The Minutes of November 9, 2009 were adopted as presented.

3.2 November 23, 2009

The Minutes of November 23, 2009 were adopted as presented.

(d) **DELEGATION REQUESTS**

Request to address Committee by Mark DeNobile, and Steve Howse, Canadian Football Hall of Fame respecting the relocation of the Canadian Football Hall of Fame and Museum

The delegation request was approved.

(e) **2010 Corporate Priority Plan (CM09021) (City Wide) (Item 7.1)**

Chris Murray, City Manager provided an overview of the 2010 Corporate Priority Plan. Highlights of the presentation included:
- City Manager observations
- Challenges
- Opportunities
- Priority Plan
- Next Steps

The presentation was received.
Staff will provide committee with a report which provides an update on:
- Low unemployment and high poverty – differentials
- Where we are now including Ontario Works pressures.
- Include working poor numbers

(f) **2009 Annual Accessibility Plan – Ontarians with Disabilities Act Report (FCS09121 (City Wide) (Item 7.4))**

Maxine Carter provided a power point presentation highlighting the following:
- Purpose of the AODA
- Regulations
- Regulatory Standards
- Customer Service Standards
- Accessible Customer Service Principles
- Feedback and Tracking complaints
- Policies
- Financial Implications

(g) **Advisory Committee for Persons with Disabilities Report 09-007 (Item 8.1)**

This report was received and referred to staff for a report back.

(h) **Establishment of a Pan Am Games Infrastructure Committee (Item 9.1)**

As Councillor Clark was absent this motion was not put.

Whereas the Toronto Pan Am Games Bid has been approved with the City of Hamilton receiving a new stadium, and a velodrome and McMaster receiving a new Olympic pool;

Whereas the City of Hamilton has committed 50 million for Capital and 10 Million for land

Whereas, there is a history of international games exceeding their approved budgets

Be it resolved,

That the council create a Pan Am Games Infrastructure committee with Councillor Ferguson appointed as Chair to ensure construction is on budget and on time.

Council – December 9, 2009
(i) PRIVATE AND CONFIDENTIAL

Committee moved into Closed Session on the following sections of the City’s Procedural By-law and the Ontario Municipal Act:

8.1(b) Personal Matters about identifiable individuals, including municipal or local board employees

8.1(e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality

8.1(f) Receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose

Committee reconvened in Open Session with the following report:

(i) Licensing and Standards Litigation matter (11.2)

Staff direction provided in closed session.

(ii) Closed Session Minutes of November 23, 2009 (11.3)

Minutes of the closed session meeting of November 23, 2009 were approved as presented.

There being no further business the meeting adjourned at 2:00 p.m.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
Council/Committee of the Whole/Budgets
December 7, 2009
## City Manager
### 2010 Performance Review Cycle

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Cycle Repeats
POLICY STATEMENT
OF COMMITMENT TO ACCESSIBILITY AND PERSONS WITH DISABILITIES

The City of Hamilton is committed to ensuring that Council, all levels of corporate management and staff, plan, implement and evaluate strategies and opportunities that sustain and maintain the rights of persons with disabilities and their families to barrier-free programs, services and opportunities. In so doing, the City implements the Human Rights Code and the Accessibility for Ontarians with Disabilities Act, 2005 according to the legislation’s standards for: Customer Service (already approved); Transportation; Employment; the Built Environment; Information and Communications.

The City of Hamilton is committed to providing customer service to persons with disabilities in a manner that:

- Respects their dignity and independence.
- Is integrated as fully as practicable into the method of service delivery.
- Ensures reasonable efforts are made to provide equitable opportunities to accessing goods and services.
- Allows persons with disabilities to benefit from the same services, programs and opportunity in ways that are based on their own needs and self-determination.
COMMUNICATION POLICY

Policy Statement: The City of Hamilton’s Mayor, Councillors and staff will communicate with persons who have disabilities in ways that are respectful and take into account the person’s disability.

Guiding Principles: To ensure that all persons enjoy unhindered and respectful access to goods, services, programs and opportunities provided by the City of Hamilton, irrespective of their method of communication, while maintaining their dignity and independence.

Purpose: To ensure that all persons providing goods and services on behalf of the City of Hamilton, shall take into account the communication needs of persons with disabilities.

Goals: To facilitate efficient, effective and respectful provision of goods, services, programs and opportunities to persons with disabilities.

To ensure that staff know how to provide service in various manners or know who is able to and/or assigned to provide same including accessing American Sign Language interpreters, interveners, large print, audio formats, Braille, hand-writing and texting formats.

Definition: Communication is a process of providing, sending, receiving and understanding information. Communication must take place in a manner that takes into account the individual’s disability. This means that you must consider how the disability affects the way that the person expresses, receives or processes communications.
DISRUPTION NOTICE
POLICY

Policy Statement: The City of Hamilton will, in advance, where possible and in a timely manner, provide notice when services are temporarily disrupted, particularly those services used by or relied upon by persons who have disabilities.

Guiding Principles: To ensure all persons who use goods, services and programs provided by the City of Hamilton shall enjoy unhindered and respectful access while maintaining their dignity and independence.

Purpose: To ensure that persons with disabilities are advised of service interruptions, in a timely manner and in locations accessible to the person using the service.

Goals: To facilitate efficient, effective and respectful provision of goods, services, programs and opportunities to persons who have disabilities.

Definitions: Disruption of service may include closure of a service or program, whether temporary or permanent and any disruption in service that would normally be considered unanticipated or unexpected. You must provide a notification of disruption of service for any location, that a person with a disability must use, in order for the goods, services and programs to be accessible to them.

Examples of disruption of service can be due to one or more of the following:

- Inaccessibility to entrances.
- Lack of safety when accessing an entrance.
- Automatic door openers not working.
• Elevating devices not working.
• Lack of technical aids routinely provided by the City of Hamilton.
• Insufficient lighting for persons with low vision.
• Building maintenance.
• Lack of availability of Interpreters.
ASSISTIVE DEVICES POLICY

Policy Statement: The City of Hamilton welcomes and provides equitable access to all goods, services, programs and opportunities to persons with disabilities who use personal assistive devices. They must be permitted to use their personal assistive devices unless prohibited by law. Persons with disabilities must be made aware of any assistive devices, services and service methods, supplied by the City of Hamilton, that may assist with the provision of goods, services, programs and opportunities. Staff must know how to use the devices and equipment available in their specific areas. Assistive devices must be offered in a manner that respects a person’s dignity and independence.

Guiding Principles: To ensure that all persons enjoy barrier-free and equitable access to City of Hamilton goods, services, programs and opportunities while maintaining their dignity and independence.

Purpose: To remove potential barriers by ensuring equitable access to goods, services, programs and opportunities for persons with disabilities who use personal assistive devices.

Goals: To provide a respectful and welcoming environment that maintains the dignity and independence of all persons with disabilities who use personal assistive devices.

Definitions: A Personal Assistive Device is any technical aid, communication device or medical aid that is designed, made, adapted or customized to assist a person with a disability, to increase, maintain, or...
perform a particular task. Assistive devices include but are not limited to, canes, crutches, walkers, wheel chairs, white canes, identity canes, oxygen tanks, hearing aids, word boards, electronic communication devices, augmentative and alternative devices, Bell Relay and telephone amplifiers.
SERVICE ANIMALS
POLICY

Policy Statement: The City of Hamilton welcomes and provides equitable access for persons with disabilities accompanied by a guide dog or service animal to all facilities. The person will be permitted to enter the facility with the service animal and will be permitted to keep the animal with her/him unless the animal is excluded, by law, from the premise.

Guiding Principles: To ensure that all citizens enjoy equitable access to the City of Hamilton services, programs and opportunities, while maintaining their dignity and independence.

Purpose: To remove potential barriers by ensuring equitable access to programs and services and equity of opportunity for persons with disabilities who use service animals.

Goals: To provide a respectful, safe and welcoming environment for all persons with disabilities who use service animals.

Definitions: Service animals are animals that are individually trained to carry out tasks for persons with disabilities. Service animals are generally dogs, but may include other types of animals such as, but not limited to, cats, rabbits or reptiles. Such service animals may be used to assist a person who is blind, has a vision impairment or low vision; a person who is deaf, deafened or hard of hearing; a person who has a mobility disability or difficulties with strength or dexterity; a person who has autism, an intellectual disability or a developmental disability; a
person who has a mental health disability and many other reasons.
SUPPORT PERSONS FOR PERSONS WITH DISABILITIES
POLICY

Policy Statement: The City of Hamilton welcomes and is committed to ensuring equitable access to all goods, services, programs and opportunities for persons with disabilities who are accompanied by support persons. There may be a need to require a person with disabilities to be accompanied by a support person but only if a support person is necessary to protect the health and safety of the person with disability or the health and safety of others on the premise. There will be no fees charged for support persons.

Guiding Principles: To ensure that all citizens enjoy equitable access to City of Hamilton services, programs and opportunities while maintaining their dignity and independence.

Purpose: To remove potential barriers to ensuring equitable access to services for persons with disabilities who are accompanied by their support persons.

Goals: To provide a respectful, safe and welcoming environment for all persons with disabilities who are accompanied by their support persons.

Definitions: A support person is an individual hired or chosen by a person with a disability, to provide services or assistance with communication, mobility, personal care, medical needs or with access to goods, services, programs and opportunities.
RESIDENT AND VISITOR FEEDBACK AND COMPLAINTS
POLICY

Policy Statement: The City of Hamilton will establish an accessible two-way process for receiving and responding to feedback and complaints about the manner in which goods, services, programs and opportunities are provided to persons who have disabilities. The process will be made known to the public, including what happens to complaints or feedback when they are received.

Guiding Principles: All persons who receive goods and services and access programs in the City of Hamilton, shall have the opportunity to provide feedback on what is being done well by the City, what can be improved and an avenue for complaints.

Purpose: To provide a genuine opportunity through accessible means for persons who have disabilities to give feedback and make complaints regarding the provision of goods, services, programs and opportunities provided by the City of Hamilton.

Goals: To assess and continually improve goods and services provided to persons who have disabilities.
TRAINING POLICY

Policy Statement: The City of Hamilton will ensure that the Mayor, Councillors and all staff, individuals who develop policies and procedures, volunteers and agents acting on behalf of the City, are appropriately trained, knowledgeable and skilled in providing goods, service, programs and opportunities to persons with disabilities. Training will be provided in an ongoing manner as long as there are changes to policies, procedures and practices governing the provision of goods, services and opportunities to persons with disabilities.

Guiding Principles: The training will embrace the core principles of ongoing respect for human dignity, independence, integration and equity of opportunity, while recognizing that persons who have disabilities are “People First”.

Purpose: To ensure that the Mayor and Councillors, all staff, individuals who develop policies and procedures, volunteers and third parties acting on behalf of the City are appropriately trained, knowledgeable and skilled in providing goods, services and opportunities to persons with disabilities pursuant to the Customer Service Standard.

Goals: To provide accessibility and inclusion training that will facilitate efficient, effective and respectful provision of services, programs and opportunities to all persons with disabilities.
APPENDIX

KEY DEFINITIONS

The Accessibility for Ontarians with Disabilities Act, (AODA) 2005 defines a disability as:

a) Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device.

b) A condition of mental impairment or a developmental disability.

c) A learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language.

d) A mental disorder.

e) An injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997; (“handicap”)

In addition, the AODA defines a barrier as:

Anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability,
including a physical barrier, an architectural barrier, an information
or communications barrier, an attitudinal barrier, a technological
barrier, a policy or a practice; (“obstacle”).

Making an organization accessible requires you to have regard for
visible and invisible barriers to participation. Some of these
barriers are:

**Architectural or structural** barriers may result from the design of
a building such as stairs, doorways, the width of hallways and even
room layout.

**Information and communications** barriers can make it difficult
for people to receive or convey information. Things like small print
size, low colour contrast between text and background, confusing
design of printed materials and the use of language that is not clear
or plain, can all cause difficulty.

**Technology** or lack of it, can prevent people from accessing
information. Everyday tools like computers, telephones and other
aids can all present barriers.

**Systemic** barriers can occur through policies and procedures.
These are any practices or rules that restrict people with disabilities
– for example, denying access to a person with a service animal.

**Attitude** is perhaps the most difficult barrier to overcome. Some
people don’t know how to communicate with those who have visible
or non-visible disabilities or they simply discriminate against them
because of stereotypes and myths and misconceptions that
perpetuate. Some people may feel that they could offend the
individual with a disability by offering help or they ignore or avoid
people with disabilities altogether.
### City Manager 2010 Performance Review Cycle

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Council Members Contributing to Review:

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### Part B

#### City Manager’s Leadership of the Senior Management Team

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**General Comments**
### Part C

**Demonstration of Organization’s Values**

- Honesty
- Accountability
- Innovation
- Leadership
- Respect
- Excellence
- Teamwork

**General Comments**
Appendix D of Item 5
Committee of the Whole Report 09-035

Part D

Evaluators’ Overall Assessment/Comments

Progressive Step Awarded (if applicable)  Yes ☐  No ☐

Mayor’s Signature  __________________________  Date _________________

Part E

Employee’s Comments

City Manager’s Signature  __________________________  Date _________________