Present:  
Councillor A. Samson (Chair)  
Councillor C. Collins (Vice Chair)  
Councillors D. Braden, P. Bruckler, M. Pearson,  
T. Whitehead

Absent with Regrets:  
Councillor M. Ferguson – Illness

Also Present:  
G. Peace – City Manager  
J. Rinaldo – General Manager, Finance and Corporate Services  
R. Male – Director, Financial Services  
T. Tollis – Director, Budgets and Finance  
D. Fisher – Assistant City Solicitor  
C. Biggs – Legislative Assistant, City Clerk’s

THE CORPORATE ADMINISTRATION COMMITTEE PRESENTS REPORT 06-003 AND RESPECTFULLY RECOMMENDS:

1. Customer Service – Telephones (City Wide) (FCS06018) (Referred from Corporate Administration Committee on September 21, 2005) (Outstanding Business Item N) (Item 5.1)

   (a) That Report FCS06018 respecting Customer Service – Telephones, be received;

   (b) That this item be deleted from the Outstanding Business List of the Corporate Administration Committee.
2. **FOI Quarterly Report (October 1 to December 31, 2005) (CL06002) (City Wide) (Item 5.2)**

That Report CL06002 respecting FOI Quarterly Report (October 1 to December 31, 2005), be received.

3. **Consent to Assignment of Ground Lease of the Sheraton Hamilton Hotel, 116 King Street West, by GGS Hotel Holdings Canada Inc. to a Limited Partnership to be Formed, and Related Transactions. Approval of Various Agreements Related to the Assignment of the Ground Lease (LS06006) (City Wide)**

(a) That the City, as landlord of the Sheraton Hotel, 116 King Street West, (pursuant to a ground lease dated May 3, 1983, as amended, the “Ground Lease”) grant consent to each of the following transactions subject to the conditions set out in clause 2 below:

(i) the amalgamation of GGS Hotel Holdings Canada Inc. with 3197301 Canada Limited (the amalgamated corporation is hereinafter referred to as “GGS”);

(ii) the assignment of the Ground Lease by GGS to a limited partnership to be formed (“New Clocktower”);

(iii) the release and discharge of a guarantee (the “Starwood Guarantee”) by Starwood Canada Corp. (“Starwood”) of the performance of the obligations of GGS Hotel Holdings Canada Inc. under the Ground Lease and other related agreements;

(iv) the assignment or transfer of other related rights and obligations in connection with the Sheraton Hotel by GGS to New Clocktower, such as for example the assignment of the rights and obligations of GGS under an interface agreement between GGS Hotel Holdings Canada Inc., the City, Second Phase Civic Square Limited and Fourth Phase Civic Square Limited and the transfer of GGS Hotel Holdings Canada Inc.’s leasehold parcel;

(v) the transfer of GGS’s partnership interest in New Clocktower to an unlimited liability corporation to be incorporated in Nova Scotia (“NSULC 1”) in exchange for shares of NSULC 1 and a promissory note;

(vi) the redemption by NSULC 1 of the shares in its capital stock held by GGS;

(vii) the sublease of the Sheraton Hotel by New Clocktower to an unlimited liability corporation to be incorporated in Nova Scotia (“NSULC TRS”);

(viii) the termination of the existing agreements regarding the management of the hotel and the use of the Sheraton name;
(ix) the execution of a franchise agreement between NSULC TRS and GGS; and

(x) the execution of a management agreement between NSULC TRS and Sheraton Overseas Management Corporation.

(b) The City’s consent and approval of the said transactions is subject to the following conditions:

(i) the terms and conditions of the existing agreements;

(ii) the assumption by New Clocktower of all obligations of GGS under those agreements;

(iii) the completion of the requisite due diligence to the satisfaction of the City Solicitor and City Treasurer;

(iv) the receipt by the City prior to each transaction of certified resolutions of the shareholders or directors of the counterparties regarding the proposed transactions, solicitor’s opinions, third party consents and other documents, all as the City Solicitor may require;

(v) the registration on closing of all documents as may be required by the City Solicitor in a form satisfactory to the City Solicitor;

(vi) the execution by Sheraton Holding Corporation (or if such corporation is not considered by the City’s financial advisors to be financially sound and well-capitalized, such other entity as the City’s financial advisors may consider to be financially sound and well-capitalized) of a guarantee agreement with the City substantially in the form of the Starwood Guarantee guaranteeing the performance of the obligations of New Clocktower under the Ground Lease and other related agreements;

(vii) the payment on closing by New Clocktower or GGS of the costs of the City’s external legal counsel and financial advisors retained to advise the City on the proposed transactions;

(viii) the proposed sublease being in compliance with the provisions of the Ground Lease; and

(ix) the carrying out of each of the transactions listed in clause 1 as one approved transaction.

(c) That the Mayor and the City Clerk, or other staff as appropriate, be authorized to execute all documents required to implement the foregoing in a form satisfactory to the City Solicitor, including the following:

(i) an assignment of the Ground Lease;

(ii) an assumption agreement for the Ground Lease;

(iii) an estoppel certificate addressed to New Clocktower and GGS regarding the Ground Lease, subject to any qualifications for matters which may be remaining to be completed or fulfilled by GGS;

(iv) a release and discharge of the Starwood Guarantee; and


5. **Code of Conduct and Election Campaigns (CL06003) (City Wide) (Item 8.2)**

That Report CL06003 respecting Code of Conduct and Election Campaigns, be received.

6. **Grants Sub-Committee Report 06-002 (Item 8.3)**

   (a) **Support Funding for Landscape Reconstruction of the Hindu Temple (PW06015) (City Wide) (Item 3)**

   That the City of Hamilton provide a “one time” financial contribution in the amount of $10,000 for the landscape reconstruction works at the site of the Hindu Temple from the 2005 Budget Surplus.

   (Councilor D. Braden indicated that he wished to be recorded as opposed to this item.)

   (b) **Fee Waiver Request for Council Against Abuse of Older Persons (CAAOP) (GRA06005) (City Wide) (Item 4)**

   That the fee waiver in the amount of $720 be approved for the Council Against Abuse of Older Persons (CAAOP) for the period of January to June, 2006 and September to November, 2006, to utilize the meeting Room at Sackville Seniors Centre, one occasion per month, two hours per occasion, nine months of the year.

   (c) **Fee Waiver Request for The Hamilton Scleroderma Group (GRA06005(a)) (City Wide) (Item 5)**

   That the fee waiver in the amount of $630 be approved for the Hamilton Scleroderma Group for the period of January to June, 2006 and September to November, 2006, to utilize the Meeting Room at Sackville Seniors Centre, one occasion per month, two hours per occasion, nine months of the year.
(d) Fee Waiver Request for Participation House (GRA06005(b)) (City Wide) (Item 6)

That the fee waiver in the amount of $800 be approved for Participation House (Hamilton and District) to conduct their Development and Community Relations Committee meetings in the Meeting Room at Sackville Seniors Centre, for the period of January to December, 2006, with the exception of the summer months July and August, one occasion per month, two hours per occasion, 10 months of the year.

(e) Fee Waiver Request for Pugliese Association (GRA06005(c)) (City Wide) (Item 7)

That the fee waiver in the amount of $825 be approved for the Pugliese Association to utilize facility space for the period of January to December 2006 at the Chedoke Twin Pad Arena, Chedoke Room, one occasion per month, three hours per occasion, 12 months of the year.

(f) Green Fee Waiver Request - 2006 Actifest Ontario Senior Games (GRA06005(d)) (City Wide) (New Business)

That the golf fees at both King's Forest and Chedoke Golf Courses for the 2-day Men's and Women's Golf Event, August 15-16, 2006, as part of the 2006 Actifest Ontario Senior Games, be waived.

7. Governance Review Sub-Committee Report 06-001 (Item 8.4)

(a) Governance Structure Proposed for the 2006-2009 Term of Council (City Wide) (CM06003) (Item 4)

(i) That Report CM06003 outlining a proposed Governance Structure for the 2006 – 2009 (December 2006 – November 2009) Term of Council be approved, as amended, as follows:

(aa) That the Standing Committee System be amended and replaced by a system comprising Committee of the Whole, the Board of Health and four (4) Standing Committees, as follows:

(A) Public Works (5 or 7 members)
(B) Economic Development and Planning (5 or 7 members)
(C) Emergency and Community Services (5 or 7 members)
(D) Audit and Administration (5 or 7 members)
(bb) That the Chair for the following four (4) Standing Committees be rotated on an annual basis:

(A) Public Works  
(B) Economic Development and Planning  
(C) Emergency and Community Services  
(D) Audit and Administration

(ii) That the Mayor stand as Chair for the term of Council for the following Committees:

(A) Committee of the Whole  
(B) Board of Health

(iii) That the responsibilities of Committee of the Whole, Board of Health, and the Standing Committees attached as Appendices A, B, C, D, E and F, as amended, be approved

(iv) That the schedule of meeting times, attached as Appendix G, be approved.

(vi) That the Procedural By-law, No. 03-301, be amended accordingly for the 2006-2009 term of Council.

8. Appointment of Citizens – Gay, Lesbian, Transgender, Bisexual Advisory Committee (New Business) (Item 9)

(a) That the following citizens be appointed to the Gay, Lesbian, Transgender, Bisexual Advisory Committee:

   Suzanne Foreman  
   Kazimierz Klonowski

(b) That the appointments be in effect for the balance of this term of Council, or until such time as their successors are appointed;

(c) That Item 6(a) of Corporate Administration Committee Report 04-008 approved by Council on May 12, 2004, respecting the appointment of citizens to various citizen committees, be amended accordingly.
9. Amendment to Citizen Composition of the Development Charges Stakeholders Sub-Committee (Item 9.2)

(a) That Item 7(e)(i) of Corporate Administration Committee Report 04-001 respecting the Re-establishment of Sub-Committees Reporting to the Corporate Administration Committee and the citizen composition of the Development Charges Stakeholders Sub-Committee, approved by Council on January 14, 2004, be amended by deleting the name of Bonnie Prior and replacing it with Kevin Antonides, as the representative of the Realtors Association of Hamilton-Burlington (formerly the Hamilton-Burlington Real Estate Board);

(b) That the appointment be in effect to the end of this term of Council.

FOR THE INFORMATION OF THE COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the agenda:

(i) Delegation Request

Request from Donna Lee Macdonald, Administrative Director, Hamilton Artists Inc., to appear before the Committee to present new information with respect to request for financial assistance – Added as Item 4.2

(ii) Report

Consent to Assignment of Ground Lease of the Sheraton Hamilton Hotel, 116 King Street West, by GGS Hotel Holdings Canada Inc. to a Limited Partnership to be Formed, and Related Transactions. Approval of Various Agreements Related to the Assignment of the Ground Lease (LS06006) (City Wide) – Added as Item 5.3

(iii) Motions

(aa) Motion respecting Appointment of Citizens to the Gay, Lesbian, Bisexual Transgender Advisory Committee – Added as Item 9.1

(bb) Motion respecting Amendment to the Citizen Composition of the Development Charges Stakeholders Sub-Committee – Added as Item 9.2
The agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the February 8, 2006 meeting of the Corporate Administration Committee were received and adopted as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Request from Ken Senephimmachack, President, Kenwell Industries Inc., to appear before the Committee respecting Tender C10-02-06 – Supply and Delivery of Furniture – Wentworth Lodge (Item 4.1)

On motion, the rules of order were waived in order to entertain the delegation at today’s meeting.

Mr. Senephimmachack appeared before the Committee to express his concerns that the tender documents, as issued, did not give independent furniture manufacturers the opportunity to bid on a portion of the City’s requirements. Mr. Senephimmachack distributed copies of supporting documentation, a copy of which is retained in the files of the City Clerk.

In his remarks, Mr. Senephimmachack indicated that he did not comply with the mandatory requirements in the tender.

Rick Male provided a summary of the tender requirements and reason for disqualification.

Councillor Whitehead asked the presenter to provide documentation of similar tenders issued in other municipalities and identify the differences between those tender processes vs the City of Hamilton experience. Mr. Senephimmachack indicated that he would provide this information.

On motion, the presentation from Mr. Ken Senephimmachack, President, Kenwell Industries Inc., respecting Tender C10-02-06 – Supply and Delivery of Furniture – Wentworth Lodge, and the concerns expressed, was taken under advisement, and the presentation received.
(ii) Request from Donna Lee Macdonald, Administrative Director, Hamilton Artists Inc., to appear before the Committee to present new information with respect to request for financial assistance (Item 4.2)

The request of Donna Lee Macdonald, Administrative Director, Hamilton Artists Inc., to appear before the Committee to present new information with respect to request for financial assistance was referred to the Grants Sub-Committee.

(e) COMPARISON OF FINANCIAL POWERS: MUNICIPAL ACT VS. BILL 53 (PROPOSED NEW CITY OF TORONTO ACT) (FCS06020) (CITY WIDE) (Item 8.1)

The Committee requested staff to review the proposed legislation and provide additional information with respect to the following issues:

- bonusing, in the context of economic development
- power of entry related to property standard issues i.e., what flexibility exists to clean up properties
- tools to give greater flexibility to grow the economy e.g., brownfield legislation, municipal write-offs, insurance issues in light of contamination, tax sales, etc.
- what has been left out/absent from the proposal and come up with a "made in Hamilton" solution.

J. Rinaldo advised that Legal staff is currently reviewing Bill 53 (Proposed New City of Toronto Act) to see if there are areas where Hamilton can follow suit. He also advised that he will continue to keep the Committee up to date on this issue, and that staff will pursue in a pro-active manner and allow input from Council.

(f) GOVERNANCE REVIEW SUB-COMMITTEE REPORT 06-001 (Item 8.4)

(i) Governance Structure Proposed for the 2006-2009 Term of Council (City Wide) (CM06003)

On motion, the following amendments CARRIED:

(aa) That all references to the Community and Social Services Standing Committee in sub-section (a) of Item 1 of Governance Review Sub-Committee Report 06-001 be amended to read "Emergency and Community Services" Standing Committee;

(bb) That Appendix “E”, being the Composition and Mandate of the Community and Social Services Committee, be amended to reflect the name change.
(cc) That sub-section (a)(i)(aa) to (dd) be amended by deleting “minimum of 7” and replacing it with “5 or 7 members” in lieu thereof.

(Councillors D. Braden and M. Pearson indicated that they wished to be recorded as opposed to (cc).)

(ii) Committee Vacancies Due to Illness (No Copy) (Item 5)

The City Clerk was directed to communicate via e-mail with all members of Council to find out who is interested in serving on the various standing committees on which Councillor Murray Ferguson is a member until such time as his recovery is complete, and to forward this information be to the Committee of the Whole for consideration and disposition.

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

(i) Outstanding Business Item M – Ottawa Street BIA re: sewer back ups and wet basements to businesses resulting from heavy rainfall – July 26, 2005 (Due Date: February 22, 2006) (Item 11.1)

J. Rinaldo advised that to date, no claims have been received from the businesses affected by the heavy rainfall. As a result, the Committee agreed to remove this item from the Outstanding Business List of the Corporate Administration Committee.

(ii) Councillor Whitehead expressed concern with respect to lamp posts in Ward 8 where the bulbs are burned out, and have not been replaced. He indicated that he was advised that the wait list is up to 7 months for replacement, and asked how this problem can be addressed. The City Manager requested Councillor Whitehead to provide him with additional information so this matter can be resolved.

There being no further business, the Committee adjourned at 11:40 a.m.

Respectfully submitted

Councillor A. Samson
Chairman
Corporate Administration Committee

Carolyn Biggs
Legislative Assistant
February 22, 2006

Council – March 1, 2006
COMMITTEE OF THE WHOLE

Composition: Committee of the Whole shall be composed of 16 members of Council:
- Mayor (as Chair)
- All members of City Council

Mandate:

General: To report and make recommendations to Council on matters relating to:
- Council Strategic Plan
- Corporate Strategic Plan
- MPMP, OMBI and Section 300
- Annual Operating and Capital Budgets
- G.R.I.D.S.
- Legal Services – litigation matters
- Human Resources – labour negotiations
- Boards and Agencies
- Hamilton Utilities Corporation
- any and all other matters which Council chooses to refer to Committee of the Whole for consideration

Specific duties shall include:
- To review and monitor the City’s and Council’s Strategic Plan
- To review corporate and program objectives and performance measures and make recommendations to Council
- To consider and recommend to Council on matters relating to budgets, budget monitoring, re-assessment and related tax policies
- To consider and recommend to Council on matters relating to G.R.I.D.S.
- To receive briefings on legal matters involving the City and give direction to the City Solicitor on litigation matters
- To receive information on Labour negotiations and provide direction to the Director of Labour Relations
- To consider and make recommendations to Council on matters regarding Boards and Agencies
- To meet as Shareholders of Hamilton Utilities, when required
BOARD OF HEALTH

Composition: The Board of Health shall be composed of 16 members of Council:
- Mayor (as Chair)
- All members of City Council

General: To ensure the City of Hamilton meets or exceeds its obligations as a Board of Health under the Health Protection and Promotion Act, and in all matters relating to Public Health in order to promote well-being and create opportunities to enhance the quality of life in our community

Specific duties shall include:

- To consider and recommend to Council on policy matters and emerging issues related to Public Health
- To provide advice and guidance to the Public Health Department including input to Departmental Strategic Planning initiatives to ensure alignment with Council’s Mission, Vision, Values and Goals, and the Social Development Strategy
- To receive delegations from the public and conduct public hearings as required by statute and Council
- To consider and recommend to Council the overall service levels in relation to the delivery of Public Health programs
- To consider and recommend to Council policies governing service delivery of the department
- To consider and monitor program implementation and performance through staff reports
- To consider the public health needs of the community and recommend advocacy by Council to address these needs.
PUBLIC WORKS COMMITTEE

Composition: The Public Works Committee shall be composed of 5 or 7 members of Council, plus the Mayor as ex-officio.

Mandate:

General: To report and make recommendations to Council on matters relating to:

- Water & Wastewater (Collection/Distribution, Treatment, and Compliance)
- Waste Management (Solid Waste Planning, Collection, and Disposal)
- Operations & Maintenance (Roads, Traffic, Forestry & Beautification, Parks & Cemeteries, and Trails)
- Transit (Operations and Transit Fleet, ATS)
- Fleet and Facilities (Central Fleet, Corporate Buildings, Energy Office)
- Capital Planning and Implementation (Strategic and Environmental Planning, Asset Management, Design and Construction, Open Space Planning)
- Major road construction projects
- Red Hill Valley Project

Specific duties shall include:

- To consider and recommend to Council, Service Programs, Service Levels for all direct and indirect services provided by the department (i.e. business plan, management plans, operating plans, and other relevant plans.)
- To consider and recommend to Council, Policies, By-laws, and procedures governing service delivery implemented by the department.
- To consider and recommend to Council, Asset Management Plans and Forecasts for all infrastructure managed by the department
- To consider and monitor program implementation and performance through staff reports and make recommendations to Council respecting program management initiatives (i.e. continuous improvement, budget performance, revenue generation and other relevant issues.)
- To consider and recommend to Council, procurement in accordance with corporate policies
- To receive delegations from the public and conduct public hearings as required by statute and Council
Appendix D to Item 7(a) of
Corporate Administration Committee Report 06-003

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE

Composition: The Economic Development and Planning Committee shall be composed of 5 or 7 members of Council, plus the Mayor as ex-officio.

Mandate:

General: To report and make recommendations to Council on matters relating to:

- Business Development, the Small Business Enterprise Centre, the Hamilton Incubator of Technology and Tourism Hamilton
- Long Range Planning, land use management, development planning and engineering, real estate, and downtown renewal, Real Estate
- Parking Operations and Enforcement, School Crossing Guards
- By-law Enforcement, Municipal Licensing, Lottery Licensing, Building Code issues.

Specific duties shall include:

- To consider and recommend to Council on the administration and enforcement of the Ontario Building Code, Zoning By-laws, the Property Standards By-laws, Licensing By-law, Animal Control By-law, Sign By-law and other relevant by-laws.
- To consider and recommend to Council on all matters related to the Planning Act, the Ontario Heritage Act, the Municipal Act, the Niagara Escarpment Act and other applicable legislation regarding planning, economic development and downtown issues.
- To consider and recommend to Council on the City’s Official Plan and Zoning By-laws and amendments thereto, pursuant to the Planning Act, and to conduct such related public meetings as many be required
- To consider and recommend to Council on applications for subdivision and condominium approval pursuant to the Planning and Act and Condominium Act, as applicable
- To consider and recommend to Council on matters such as community planning, urban design guidelines, heritage policy and related housing policy and programs in accordance with the directions contained in the Official Plan
- To advise and assist Council in any matters arising from the work of the Committee of Adjustment in considering applications for consent and minor variance under the Planning Act, including possible City participation at any Ontario Municipal Board Hearings to consider the appeal of Committee of Adjustment decisions
- To consider and recommend to Council on policy issues relating to economic development
- To consider and recommend to Council on all matters that rise in the administration, sale and acquisition of real property, and leases
- To consider and recommend to Council on all matters relating to Parking Operations and Enforcement.
- To receive delegations from the public and conduct public hearings as required by statute and Council.
EMERGENCY AND COMMUNITY SERVICES COMMITTEE

Composition: The Emergency and Community Services Committee shall be composed of 5 or 7 members of Council, plus the Mayor as ex-officio.

Mandate:

General: To report and make recommendations to Council on matters relating to:

- Social Development and Early Childhood Services
- Strategic Services
- Benefit Eligibility
- Community Programs
- Employment and Income Support
- Housing
- Macassa Lodge and Wentworth Lodge
- Culture and Recreation
- Fire protection, fire prevention, emergency medical services, corporate emergency planning & preparedness, and corporate radio communications

Specific duties shall include:

- To consider and recommend to Council service levels for all direct and indirect services provided by the department
- To consider and recommend to Council policies governing service delivery implemented by the department
- To consider and recommend asset management plans for all community facility infrastructure
- To consider and monitor program implementation and performance through staff reports
- To consider and recommend to Council procurement in accordance with corporate policies
- To receive delegations from the public
- To provide advice and guidance to the department including input to departmental strategic planning initiatives to ensure alignment with Council's mission, vision, values and goals
- To consider and recommend to Council on the delivery of protective services including fire operations, fire prevention, emergency medical services, corporate emergency planning & preparedness, and corporate radio communications.
AUDIT AND ADMINISTRATION COMMITTEE

Composition: The Audit and Administration Committee shall be composed of 5 or 7 members of Council, plus the Mayor as ex-officio.

Mandate:

General: To report and make recommendations to Council on matters relating to:

- Internal/external audits
- Oversight of internal control, financial reporting
- Human Resources - programs and services
- Programs related to Financial services, Customer Service, Information Technology, Legislative Services, Records Management, Legal Services, Procurement and Risk Management
- Access & Equity

Specific duties shall include:

- To consider and make recommendations to Council on matters of policy respecting human resources, including health and safety, union/management relations, organizational planning and development and compensation administration
- To consider and make recommendations to Council on matters of policy involving communications issues
- To consider and make recommendations to Council on matters of policy and oversight involving financial management, investment, reserves, debt, procurement and risk management
- To consider and make recommendations to Council on matters of policy involving general policies and procedures and administrative by-laws
- To consider and recommend to Council all audit matters, including promoting an appropriate environment for the management of public funds and the economy, efficiency and effectiveness of operations and a high level of accountability. Ensure compliance with laws, regulations, policies and support high standard of ethical conduct
- To consider and recommend to Council on matters of policy and direction related to Access and Equity
- To act as liaison to the Access & Equity volunteer advisory committees
- To consider recommendations from the Grants Sub-Committee
- To receive delegations from the public and conduct public hearings as required by statute and Council
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PW – Public Works
ED&P – Economic Development & Planning
A&A – Audit & Administration
E&CS – Emergency & Community Services
FOR RESPONSIBILITIES OF EACH COMMITTEE PLEASE REFER TO APPENDICES AS FOLLOWS:

COMMITTEE OF THE WHOLE: - **APPENDIX A**

BOARD OF HEALTH – **APPENDIX B**

PUBLIC WORKS COMMITTEE - **APPENDIX C**

ECONOMIC DEVELOPMENT & PLANNING COMMITTEE - **APPENDIX D**

COMMUNITY & SOCIAL SERVICES COMMITTEE – **APPENDIX E**

AUDIT & ADMINISTRATION COMMITTEE - **APPENDIX F**