Community Services Committee
REPORT 06-010
Tuesday, October 24, 2006
1:30 p.m.
Council Chambers
Hamilton City Hall

Present: Councillors T. Jackson (Chair), P. Bruckler, M. McCarthy, D. Mitchell, B. Morelli, A. Samson
Absent with Regrets: Councillor T. Whitehead (Vice Chair) – Personal Business
Also Present: Councillors B. Kelly and B. McHattie
G. Peace, City Manager
J. Priel, General Manager, Community Services Department
J. Kay, General Manager/Chief Hamilton Emergency Services
B. Fenwick, Director, Culture & Recreation Division
T. Tollis, Director, Budgets & Finance
M. Amorosi, Employment & Client Services
S. Paparella, Legislative Assistant, Clerk’s Office

THE COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 06-010 AND RESPECTFULLY RECOMMENDS:

1. 2007 Budget Request – Seniors Advisory Committee (FCS06109) (City Wide) (Item 5.1)

   (a) That the 2007 budget submission from the Seniors Advisory Committee be received and referred to the 2007 budget process.

   (b) That the Seniors Advisory Committee continue throughout the next term of Council.

   (c) That the Terms of Reference for the Seniors Advisory Committee (attached as Appendix A to Report 06-010) be approved.
2. **2007 Arts Advisory Commission Volunteer Budget Submission (CS06031) (City Wide) (Item 5.2)**

   (a) That the budget submission from the Arts Advisory Commission be received.

   (b) That the budget submission from the Arts Advisory Commission be referred to the 2007 budget deliberations for consideration.

   (c) That the Arts Advisory Commission continue through the next term of Council (December 2006 to November 2010).

   (d) That the Mandate and the Objectives of the Arts Advisory Commission, attached as Appendix B to Report 06-010, be approved.

3. **2007 Hamilton Historical Board Volunteer Budget Submission (CS06032) (City Wide) (Item 5.3)**

   (a) That the Budget Submission from the Hamilton Historical Board be received.

   (b) That the Hamilton Historical Board Budget Submission be referred to the 2007 budget deliberations for consideration.

   (c) That the Hamilton Historical Board continue through the next term of Council (December 2006 to November 2010).

   (d) That the Mandate and Goals of the Hamilton Historical Board, attached as Appendix C to Report 06-010, be approved.

4. **2007 Hamilton Veterans’ Committee Volunteer Budget Submission (CS06033) (City Wide) (Item 5.4)**

   (a) That the budget submission from the Hamilton Veterans’ Committee be received.

   (b) That the budget submission from the Hamilton Veterans’ Committee be referred to the 2007 budget deliberations for consideration.

   (c) That the Hamilton Veterans’ Committee continue through the next term of Council (December 2006 to November 2010).

   (d) That the Mandate and Goals of the Hamilton Veterans’ Committee attached as Appendix D to Report 06-010 be approved.
5. **Club 60 Seniors’ Centre Request for a New Seniors’ Centre at Community Park (CS06039) (Ward 9) (Item 5.5)**

   (a) That Report CS06039 – Club 60 Seniors’ Centre Request for a New Seniors’ Centre at Community Park be received.

   (b) That Item “K” – Club 60 Seniors’ Centre Request for a New Seniors’ Centre at Community Park be recognized as complete and removed from the Community Services Committee Outstanding Business list.

6. **Re-establishment of Sub-Committees Reporting to Emergency and Community Services Committee (CL06011) (City Wide) (Item 5.6)**

   That the following sub-committees be disbanded, as their mandates are now complete:

   (i) Grey Cup 40TH Anniversary Sub-Committee

   (ii) Request for Proposal Evaluation Committee (for Golf Courses/Winter Sports Park)

7. **Fire Station 24 Composite Renovations (HES06010) (Wards 14 & 15) (Item 8.1)**

   That the amount of $60,000 be transferred from the Simulated Fire and Rescue Complex (SFRC) Indoor Training Facility Capital Project (740054-1103) to the Station 24 Composite Renovations Capital Project (740054-1101) in order to commence renovations of Hamilton Emergency Services (HES) Fire Station 24.

8. **Mohawk 4 Ice Centre Annual Report (CS06037) (Ward 6) (Item 8.2)**

   (a) That the Mohawk 4 Ice Centre 2005 Audited Financial Statements be received as information.

   (b) That the Mohawk 4 Ice Centre Operating and Maintenance Amending Agreement (attached as Appendix E to Report 06-010), be approved.

   (c) That the Mayor and City Clerk be authorized and directed to execute the Mohawk 4 Ice Centre Operating and Maintenance Amending Agreement (attached as Appendix E to Report 06-010) as prepared by the City Solicitor.
9. Hamilton Thunderbirds Lease Agreement for Bernie Arbour Stadium (CS06038) (Ward 6) (Item 8.3)

(a) That the Mayor and Clerk be authorized and directed to execute all necessary documents to implement the Lease Agreement, which will be back-dated to reflect a commencement date of April 15, 2006 and will conclude on October 31, 2011, between the Canadian Elite Baseball Conference, Canadian Thunderbirds Baseball Club, Hamilton Thunderbirds Baseball Club and the City of Hamilton for use of the Bernie Arbour Stadium in a form acceptable to the City Solicitor

(b) That Outstanding Business Item “F” respecting the Hamilton Thunderbird Lease Agreement, for Bernie Arbour Stadium, be identified as complete and removed from the Community Services Outstanding Business list.

10. Dundas “Real McCoys” Ice Rates (CS06035) (Ward 13) (Item 8.4)

(a) That the request from the Dundas Real McCoys to have their ice rental rates reduced for the 2006/2007 hockey season, at the J. L. Grightmire Arena, from $183 plus GST per hour to $132 plus GST per hour, be approved.

(b) That staff prepare a policy that will identify circumstances under which adult hockey organizations could receive a reduction in arena rental rates.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA

The Clerk noted the following changes, which were approved:

(i) Item 7.1 - Changes have been made to the Ten Year Forecast Summary Chart on page 5. A revised copy is before you.

(ii) Item 7.2 – Hamilton Historical Board Report 06-003 respecting the Little Africa Plaque has been withdrawn from the agenda, at this time.

(iii) Councillors Kelly and McHattie have requested to have Item 12.1 moved up on the agenda in order that they may speak to the matter.
(b) DECLARATIONS OF INTEREST

There were none declared.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING

The Minutes of the October 10, 2006, meeting of the Community Services Committee meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

4.1 Mr. Don Robertson respecting Item 8.4 – Dundas Real McCoys’ Ice Rates

The request from Mr. Don Robertson, President of the Dundas Real McCoys, to speak to Committee at the October 24, 2006 meeting respecting Item 8.4 – Dundas Real McCoys’ Ice Rates was approved.

(e) Club 60 Seniors’ Centre Request for a New Seniors’ Centre at Community Park (CS06039) (Ward 9) (Item 5.5)

Councillor Bruckler directed staff to complete a Public Use Study, consider the demographics and utilize the Needs Assessment and Facility Program Report, which was completed by the former City of Stoney Creek, as well as the public consultation process with respect to the Public use Facility Study currently being conducted for the City of Hamilton.

(f) DELEGATIONS (Item 6)

6.1 Mr. Don Robertson respecting Item 8.4 – Dundas Real McCoys’ Ice Rates

Mr. Robertson, President of the Dundas Real McCoys, provided the Committee with an overview of the Dundas Real McCoys Major League Hockey Team and their involvement in the Community.

Committee was also advised, by Mr. Robertson, that the Team had lost its major sponsor two years ago. Therefore, Mr. Robertson was requesting, on behalf of the Team, a reduction in the 2006/2007 ice rates at J.L. Grightmire Arena from $182 plus GST per hour to $132 plus GST per hour.

The presentation was received.
(g) **Dundas “Real McCoys” Ice Rates (CS06035) (Ward 13) (Item 8.4)**

Item 8.4 – Dundas Real McCoys Ice Rates Report CS06035 was moved up on the agenda in order that Mr. Robertson would be present for discussion of the Report.

(h) **Golf Courses/Winter Sports Park – Staffing Changes (CS05008(b)) (City Wide) (Item 12.1)**

Item 12.1 – Golf Courses/Winter Sports Park – Staffing Changes Report CS05008(b) was moved up on the agenda in order that Councillors Kelly and McHattie may speak to the matter.

Committee moved In Camera as the matter pertained to a labour relations matter and reconvened in Open Session.

Staff received direction In Camera.

(i) **Golf Courses/Winter Sports Park RFP Process (CS05008(a)) City Wide) (Item 7.1)**

Report CS05008(a) – Golf Courses/Winter Sports Park RFP Process was deferred to the January 17, 2007 meeting of the Emergency and Community Services Committee.

(j) **Outstanding Business List Items – Due Date: October 24, 2006 (no copy) (Item 11.1)**

The following new due dates for the Community Services Outstanding Business list were approved:

(a) **MOU with the YMCA – Item A**

New Due Date: TBD

(b) **Fee Waiver Policy – Item C**

New Due Date: Q1-07

(c) **Arena Renovation/Replacement – Item E**

New Due Date: Q2-07

(d) **Saltfleet Arena – Persons with Disabilities Request – Item G**

New Due Date: Q4-07

Council – October 25, 2006
(e) Sanford Healthy Community Development Committee
Correspondence re: Impact on Norman Pinky Lewis Recreation Centre upon Closure of Sanford Avenue School – Item H
New Due Date: Q1-07

(f) City’s Strategy to Manage Greenspace and Open Space Deficiencies – Item J
New Due Date: TBD

(g) Ice Rates and Times for Non-Affiliated Clubs – Item L
New Due Date: Q1-07

(h) Eastdale Park Bocce Group – Upgrades to Bocce Lanes in Park
New Due Date: Q1-07

(k) **ADJOURNMENT**

There being no further business, the Committee adjourned at 2:55 p.m.

Respectfully submitted,

Councillor T. Jackson, Chair

Stephanie Paparella
Legislative Assistant
October 24, 2006
SENIORS ADVISORY COMMITTEE
TERMS OF REFERENCE

MISSION STATEMENT
The Seniors Advisory Committee shall be a credible communication vehicle regarding the quality of life for all older persons in the City of Hamilton. It will provide a forum for consumers and deliverers of seniors’ services and facilities to identify issues, explore possible remedies, and work to implement them.

VALUES
The Committee believes that all older persons should have multiple opportunities for healthy aging, and a full range of supports to assist them.

MANDATE
The Committee is empowered by City Council and is responsible to City Council for its activities; it reports to City Council through the Corporate Services Volunteer Coordinating Committee.

OPERATING GUIDELINES
1. To liaise with City Council representatives associated with the committee and where appropriate advise City Council members.

2. To liaise and where appropriate advise Municipal Staff in all Departments who are responsible for the direct delivery of services and programs to older persons.

3. To respond and advocate concerns affecting policies, services and facilities for older persons delivered by and funded by all levels of government.

4. To maximize full use of existing facilities, resources and skills in the community.

5. To fully explore, and where appropriate act and respond to all venues of information and resources available in the Community and through all levels of government related to all seniors services and issues.

6. To promote and disseminate all decisions relating to access, the provision of services, programs and facilities for older persons in the City of Hamilton.

7. To liaise with other organized groups when there are matters of mutual concerns.
8. To promote and advocate, wherever appropriate, the concept of healthy aging by encouraging improved and responsive programs and services in a timely fashion.

9. a) To increase the awareness of all residents of the issues, concerns and challenges faced by seniors/older persons from a diversity of backgrounds such as race, colour, religion, culture, sexual orientation, socio-economic status, family status, place of origin, marital status and disability.

   b) To ensure that a variety of outreach methods are utilized in order to reach seniors from communities of colour and seniors who are isolated from the community.

10. To promote activities and workshops and prepare special reports on issues appropriate to older persons.

COMMITTEE MEMBERSHIP

Membership of the committee shall be comprised of electorates within all geographic areas represented by the City of Hamilton with voting privileges. In total there shall be a minimum of 15 and a maximum of 19 committee members including the Chair of the Committee.

TERM OF OFFICE

In the event that there are sufficient members, at least one-third of the members shall be new members for the three-year term.
ARTS ADVISORY COMMISSION

MANDATE
The Arts Advisory Commission (AAC) is an appointed body of City Council. It selects and recommends the annual winners of the Hamilton Arts Awards; monitors and assists with the implementation of the Public Art Programme; reviews the “Policy for the Arts” annually; recommends educational and promotional activities for the stabilization and strengthening of the arts community.

OBJECTIVES
I) To review the terms of reference for the AAC
   a) Make appropriate recommendations to Council re: the role of the AAC
II) To inform and advise Council on arts related issues
   a) Develop and implement a communication plan for regularly reporting to the Community Services Standing committee and through that Committee to Council
   b) Review City of Hamilton policies: for the Arts, for Collections and Acquisitions, for Art in Public Places
   c) Implementation of Community Grants Program
   d) Maintain an informed awareness of arts related issues, research and trend for the education of AAC members and for the information of Council
III) To assist Council in the recognition of the achievements of individuals and organizations in the Hamilton arts community
   a) Administer the Arts Awards program annually
   b) AAC members or designates participate as adjudicators on Selection Panels for Public Art Projects
   c) AAC members adjudicate City Hall Exhibit Proposals
HAMILTON HISTORICAL BOARD

MANDATE

The mandate of the Hamilton Historical Board (HHB) is to advise City Council on heritage matters and to promote the awareness and appreciation of Hamilton’s history.

GOALS

I) To advise and recommend to City Council through the Community Services Standing Committee on matters pertaining to the evaluation, acquisition, development, operation, maintenance and disposition of city museums, their grounds, structures and collections. The provincial Ministry of Culture requires a separate board to oversee the operation of museums in order to meet qualifications to receive operating grants.

II) To advise and recommend action to City Council through the Volunteer Co-ordinating Committee on matters concerning all of the communities that comprise Hamilton’s prehistoric and historic heritage.

III) To promote public appreciation of the history and heritage of all of the communities that comprise Hamilton.

IV) To commemorate and celebrate events, individuals, structures and properties of enduring historical significance and interest in the city.

V) To foster special projects designed to further public awareness of and enjoyment in the prehistoric and historic heritage of Hamilton and its people.

VI) To promote broader understanding of the principles underlying and the necessity of heritage conservation by initiating and encouraging special projects.

VII) To encourage the collection, protection and preservation of Hamilton’s heritage in all forms.
VIII) To liaise with other public and private groups and agencies in order to formulate co-ordinated responses concerning heritage issues and to operate joint programs.

IX) To facilitate the appreciation of Hamilton’s history and heritage among the young people in the community.

DEFINITIONS

That the following definitions apply to this Mandate:

a) **Prehistorical Heritage**

The prehistorical legacy of Hamilton’s heritage may be defined primarily as those surviving remains of native or indigenous culture and settlement of this area. Typically these remains are not written records or buildings. They are sites, artifacts or remnants that are revealed through archaeological survey and excavation.

b) **Historic Heritage**

The historical legacy of Hamilton includes those artifacts such as written and documentary records, buildings, structures, places, streetscapes and landscapes that are associated with the settlement and development of Hamilton.

The historical legacy also includes less tangible matters such as associations with a person, groups, events or activities that have occurred in the past and contributed to the physical, cultural, social, and economic development of Hamilton.
HAMILTON VETERANS’ COMMITTEE

MANDATE
The mandate of the Hamilton Veterans’ Committee (HVC) is to report to City Council on all matters affecting the Veterans of the City of Hamilton.

GOALS
I) Act as liaison for the veterans of the City of Hamilton on all matters.
III) Administer all other matters directly relating to or of concern to Veterans.
THIS OPERATING AND MAINTENANCE AMENDING AGREEMENT made as of the ___ day of September, 2006.

BETWEEN:

CITY OF HAMILTON, a body corporate, under the Municipal Act, 2001 (Ontario)  
("Hamilton")  
(“the City”)

-AND-

HAMILTON ARENA PARTNERS INC., a body corporate under the Business Corporations Act (Ontario).  
("HAP")

WHEREAS Hamilton and HAP entered into an operating and maintenance agreement dated the 5th day of March, 2004 (the "OMA") wherein Hamilton appointed HAP as manager of the Facility and Facility Lands as described in the OMA and municipally known as 710 Mountain Brow Blvd., Hamilton, Ontario (the “Mohawk 4 Ice Centre within the Mohawk Sports Park”) upon the terms and conditions set out therein for an initial term of ten (10) years commencing on the 5th day of March, 2004 and expiring on the 4th day of March, 2014;

AND WHEREAS Hamilton and HAP have agreed to amend the terms of the OMA as hereinafter provided;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of TWO DOLLARS ($2.00) now paid by each party to the other and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each of the parties, each of Hamilton and HAP covenant and agree as follows:

1. The OMA is deemed to have been executed by the parties on the 5th day of March, 2004.

2. Commencing as of and from the 5th day of March, 2004, the Term of the OMA be and it is hereby deemed to start.

3. Section 4.2 of the OMA is hereby deemed to be amended by inserting the following proviso at the end of the last sentence of Section 4.2:
“Should the balance of funds in the Bank Account exceed $150,000.00 (less any outstanding cash advance) (the “Excess Amounts”) at any time, HAP shall transfer the Excess Amounts to the City’s bank account”.

4. Section 4.3 of the OMA is hereby deemed to be amended by deleting the following proviso from Section 4.3:

“HAP will forward to the City any fees received from a single payee in a lump sum payment in excess of twenty thousand dollars ($20,000.00) collected three months or more in advance of the period for which the fee is applicable together with a schedule indicating the periods for which the fees apply. Under no circumstances shall HAP be obliged to forward to the City any amounts on account of fees collected less than three months in advance of the period to which such fees apply. For greater certainty, however, where HAP receives fees from a single payee in a lump sum in excess of twenty thousand dollars ($20,000.00) and only part of the lump sum represents payment three months or more in advance of the period to which the fee applies, then if and only if that part of the lump sum representing payment three months or more in advance is greater than twenty thousand dollars ($20,000.00) shall HAP be obliged to forward any amount to the City. Said fees will be deposited into a special trust account that will be administered by the City. In accordance with the aforementioned schedule, the City will transfer the prepaid fees to HAP’s Bank Account one month prior to the period for which the fees apply. Notwithstanding anything else in this Agreement, however, HAP shall not be obliged to forward any amounts to the City hereunder if doing so would have the effect of reducing the Bank Account below an amount determined by FMRT to represent the amount required to pay Operating Expenses”.

5. Section 4.6 of the OMA is hereby deemed to be amended by inserting the following proviso to Section 4.6:

“f)

i) All non subsidized Ice and other receipts will be deposited to the Bank Account that is “In trust” for Hamilton.

ii) All costs for the Mohawk 4 Ice Centre within the Mohawk Sports Park will be paid out of the Bank Account that is “In trust” for Hamilton.

iii) At the end of each month, a journal entry will be provided to Hamilton summarizing the activity of the Mohawk 4 Ice Centre within the Mohawk Sports Park.
iv) At no time shall the Bank Account exceed $150,000.00 (less any outstanding advances).

v) Arrangements should be made to transfer funds from the Bank Account to Hamilton's bank account weekly to ensure balances do not exceed the amount in section iv above.

vi) Hamilton will create a Due to/From “Mohawk 4 Ice Centre within the Mohawk Sports Park” receivable account which will be used as a clearing account for all transactions occurring between the Mohawk 4 Ice Centre within the Mohawk Sports Park and Hamilton.

vii) Hamilton is responsible to report and submit GST and PST required filings for the Mohawk 4 Ice Centre within the Mohawk Sports Park along with any payment, if required. Support for the monthly filings of the Mohawk 4 Ice Centre within the Mohawk Sports Park will be provided to Hamilton, by HAP, on a timely basis to allow for Hamilton reporting to meet governmental deadlines. Support for the returns will include a detailed general ledger print out that will provide a listing of all customer and vendor charges. Source documents for all transactions will be kept at the Mohawk 4 Ice Centre within the Mohawk Sports Park and maintained in an organized fashion that will allow for review by Hamilton at its discretion. The Mohawk 4 Ice Centre within the Mohawk Sports Park will transfer funds to reimburse Hamilton for any payments required.

viii) HAP will maintain a separate set of accounting books for the Mohawk 4 Ice Centre within the Mohawk Sports Park. The revenues and expense of the Mohawk 4 Ice Centre within the Mohawk Sports Park are those of Hamilton and not those of HAP. HAP will charge the Mohawk 4 Ice Centre within the Mohawk Sports Park a monthly management fee as well as any payroll costs related to the arena.
ix) Mohawk 4 Ice Centre within the Mohawk Sports Park’s year end Statements will be audited by an external accounting firm chosen by Hamilton at its sole discretion by April 15th of each year. Year one is from March 5th, 2004 to December 31st 2005.

6. Except as otherwise specifically amended by this Operating and Maintenance Amending Agreement, all terms, covenants and conditions contained in the OMA shall apply to this Operating and Maintenance Amending Agreement and shall remain unchanged and shall remain in full force and effect and the OMA and this Operating and Maintenance Amending Agreement shall hereinafter be read together and shall have effect so far as practicable as though the provisions thereof and hereof are contained in one (1) agreement.

IN WITNESS WHEREOF the parties have executed this Agreement as of the day and year first above written.

CITY OF HAMILTON

Per: __________________________
    Name: Larry Di Ianni
    Title: Mayor

Per: __________________________
    Name: Kevin C. Christenson
    Title: City Clerk

HAMILTON ARENA PARTNERS INC.

PER: __________________________
    Name:
    Title:

PER: __________________________
    Name:
    Title:
“I/we have authority to bind the corporation.”