

**Joint Hamilton-Oshawa Working Group Meeting
Minutes**

**February 2, 2024, 9:30 a.m.
Council Chamber**

Present: Councillor Nicholson, City of Oshawa
Deputy Mayor Chapman, City of Oshawa
Councillor Gray, City of Oshawa
Councillor Marimpietri, City of Oshawa
Mayor Horwath, City of Hamilton
Councillor Francis, City of Hamilton
Councillor Nann, City of Hamilton
Councillor Hwang, City of Hamilton

Also Present: Councillor McConkey, City of Oshawa
Councillor Lee, City of Oshawa
Laura Davis, Deputy City Clerk, City of Oshawa
T. Adams, C.A.O., City of Oshawa
A. Ambra, Commissioner, Economic and Development Services
Department, City of Oshawa
M. Harrington, Manager, Policy, City of Oshawa
Samuel Yoon, City Solicitor, City of Oshawa
M. Cluckie, City Manager, City of Hamilton
J. Thorne, General Manager of Planning and Economic
Development, City of Hamilton
N. Schleeahn, Director of Economic Development, City of
Hamilton
J. Lane, Council-Committee Coordinator, City of Oshawa
L. Kelsey, Legislative Coordinator, City of Hamilton

Call to Order

Councillor Nicholson called the Joint Hamilton-Oshawa Working Group meeting to Order and stated that Councillors Chapman, Gray and Marimpietri participated from the Oshawa Council Chamber and Councillors Francis, Nann, Kwang and Mayor Horwath were participating electronically. (City of Oshawa Councillors Lee and McConkey entered the meeting to participate from the Oshawa Council Chamber at 9:40 a.m.).

Purpose

The Chair announced the purpose of this Working Group is to discuss a fair and equitable process for jointly appointing a new municipal representative to the Hamilton-Oshawa Port Authority Board of Directors.

Land Acknowledgement

The City of Oshawa is situated on lands within the traditional and treaty territory of the Michi Saagiig and Chippewa Anishinaabeg and the signatories of the Williams Treaties, which include the Mississaugas of Scugog Island, Curve Lake, Hiawatha and Alderville First Nations, and the Chippewas of Georgina Island, Rama and Beausoleil First Nations.

We are grateful for the Anishinaabeg who have cared for the land and waters within this territory since time immemorial.

We recognize that Oshawa is steeped in rich Indigenous history and is now present day home to many First Nations, Inuit and Métis people. We express gratitude for this diverse group of Indigenous Peoples who continue to care for the land and shape and strengthen our community.

As a municipality, we are committed to understanding the truth of our shared history, acknowledging our role in addressing the negative impacts that colonization continues to have on Indigenous Peoples, developing reciprocal relationships, and taking meaningful action toward reconciliation.

We are all Treaty people

Background Information

City of Oshawa Report ED-23-28 - Establishing a Process to Appoint a Municipal Representative to the Hamilton-Oshawa Port Authority Board of Directors

City of Oshawa Report ED-23-28 was provided as background information for the meeting.

City of Hamilton Report PED23021 - Establishing a Process to Appoint a Municipal Representative to the Hamilton Oshawa Port Authority Board of Directors

City of Hamilton Report PED23021 was provided as background information for the meeting.

Additional Agenda Items

None

Declarations of Pecuniary Interest

None

Presentations

Hamilton-Oshawa Board Authority - Board Overview

Larissa Fenn, H.O.P.A. Ports provided an overview of the H.O.P.A. Board of Directors including its function, the roles and responsibilities of Board members and their fiduciary duties.

City of Oshawa Councillors Lee and McConkey entered the Oshawa Council Chamber during the presentation.

Larissa Fenn responded to questions from members of the Joint Hamilton-Oshawa Port Authority Working Group.

City of Oshawa/City of Hamilton - Process and Options for Appointment

Meaghan Harrington, City of Oshawa and Norm Schleeahn, City of Hamilton provided a presentation concerning a process and options for jointly appointing a new municipal representative to the Hamilton-Oshawa Port Authority Board of Directors.

Meaghan Harrington and Norm Schleeahn responded to questions from members of the Hamilton-Oshawa Port Authority Working Group.

JHOWG-24-01 - Process and Options for Appointment

Moved by Mayor Horwath, City of Hamilton

That the Joint Hamilton-Oshawa Port Authority Working Group recommends to each of their respective City Councils:

Whereas on February 9, 2019, the federal Ministry of Transport issued a Certificate of Intent to amalgamate the Hamilton and Oshawa Port Authorities;

Whereas on June 8, 2019, the federal Ministry of Transport issued the certificate of Amalgamation and Letters Patent creating the amalgamated Hamilton Oshawa Port Authority (H.O.P.A.);

Whereas the Hamilton Oshawa Port Authority Board of Directors is composed of seven directors;

Whereas the Letters Patent states that only one director be appointed by the City of Hamilton and the City of Oshawa, in consultation with the City of Burlington;

Whereas prior to the amalgamation of the Port Authorities, the City of Hamilton and the City of Oshawa each had municipally-appointed representatives on their respective Port Authorities;

Whereas both the City of Oshawa and the City of Hamilton have expressed to the federal government that a shared representative is not an effective means of governance, and that both municipalities should be allocated a municipally-appointed representative on the Hamilton Oshawa Port Authority Board of Directors;

Whereas the federal government, to date, has not indicated a willingness to amend the Letters Patent of the Hamilton Oshawa Port Authority to permit both municipalities to have a municipally-appointed representative on the Board, and therefore the municipalities are required to appoint a shared representative;

Whereas the City of Oshawa and the City of Hamilton established working groups to establish a process for appointing a shared municipal appointee to the Hamilton Oshawa Port Authority Board of Directors;

Therefore be it resolved:

- a. That the members of the working groups of the City of Oshawa and City of Hamilton recommend to their respective Councils the following:
 - i. That the municipal appointee to the Hamilton Oshawa Port Authority Board of Directors alternate between the two municipalities, with the City of Oshawa term to

commence immediately with a three-year appointment followed by a four-year appointment by the City of Hamilton, and alternating four years for the City of Oshawa and four years for the City of Hamilton thereafter;

- ii. That the H.O.P.A. Board of Directors consider the establishment of a non-voting member position for the off-term municipality;
- iii. That each municipality determine their own process for selecting the appointee when it is their municipality's term, but that the non-selecting municipality be offered the opportunity to participate as a non-voting member or observer of any selection committee;
- iv. That each municipality ensure that notice of the opportunity to apply to be the municipal appointee be provided in both Hamilton and Oshawa;
- v. That the City Managers of Hamilton and Oshawa be directed and authorized to develop a common set of core skills and requirements for the municipal appointee;
- vi. That the Mayors of the City of Oshawa and City of Hamilton provide a joint letter to the federal Ministry of Transport requesting the Letters Patent be amended to allow for two municipal appointees, one from each municipality, on the H.O.P.A. Board; and
- vii. That the H.O.P.A. Board of Directors be requested to provide a letter to the federal Ministry of Transport requesting the Letters Patent be amended to allow for two municipal appointees, one from each municipality, on the H.O.P.A. Board.

Amendment:

Moved by Councillor Francis, City of Hamilton

That the motion be amended to:

- move Part a) vi) to be Part a); and,
- move Part a) viii) to be a new Part b) and that the existing Part a) be renumbered as Part c); and,
- replace Part c) i) (formerly part a) i)) with the following: "That until the change in letters patent be provided, the municipal appointee to the Hamilton Oshawa Port Authority Board of Directors alternate between the two municipalities, with the City of Hamilton term to commence immediately with a three-year appointment followed by a four-year appointment by the City of Oshawa, and alternating four years for the City of Hamilton and four years for the City of Oshawa thereafter"

The Chair advised that each amendment would be considered and voted on separately, and advised that the replacement of Part c) i) was contrary to the motion on the floor.

The vote to move Part a) vi) regarding a joint letter from the Mayors of the City of Oshawa and the City of Hamilton seeking two municipal appointees to become a new stand alone Part a).

Motion Carried

The Chair declared Part a) carried as amended.

The vote move Part a) vii) regarding a request to the H.O.P.A. Board of Directors to provide a letter to the federal Ministry of Transport requesting an amendment to the Letters Transport to become a new Part b).

Motion Carried

The Chair declared Part b) carried as amended.

Moved by Mayor Horwath, City of Hamilton

That Part c) i) (formerly Part a) i) of the original motion) concerning the order of appointments between the two municipalities be withdrawn.

Motion Carried

Moved by Councillor Francis, City of Hamilton

That the following be inserted as Part c) i): "That until the change in letters patent be provided, the municipal appointee to the Hamilton Oshawa Port Authority Board of Directors alternate between the two municipalities, with the City of Hamilton term to commence immediately with a three-year appointment followed by a four-year appointment by the City of Oshawa, and alternating four years for the City of Hamilton and four years for the City of Oshawa thereafter;"

Affirmative (4): Mayor Horwath, City of Hamilton, Councillor Francis, City of Hamilton, Councillor Nann, City of Hamilton, and Councillor Hwang, City of Hamilton

Negative (4): Councillor Nicholson, City of Oshawa, Deputy Mayor Chapman, City of Oshawa, Councillor Gray, City of Oshawa, and Councillor Marimpietri, City of Oshawa

Motion Lost (4 to 4)

Moved by Councillor Francis, City of Hamilton

That the meeting recess for 15 minutes.

Motion Carried

The meeting recessed at 11:25 a.m. and reconvened at 11:40 a.m. with all members of the Joint Hamilton-Oshawa Working Group in attendance. Also in attendance were City of Oshawa Councillors Lee and McConkey.

The vote to adopt Part c) ii) to request the HOPA Board of Directors consider the establishment of a non-voting member position for the off-term municipality.

Motion Lost

The vote to adopt part c) iii) concerning each municipality determining a process for selection with non-voting observation by the non-selecting municipality.

Affirmative (5): Councillor Nicholson, City of Oshawa, Mayor Horwath, City of Hamilton, Councillor Francis, City of Hamilton, Councillor Nann, City of Hamilton, and Councillor Hwang, City of Hamilton

Negative (3): Deputy Mayor Chapman, City of Oshawa, Councillor Gray, City of Oshawa, and Councillor Marimpietri, City of Oshawa

Motion Carried (5 to 3)

The vote to adopt Part c) iv) directing that the opportunity to apply to be the municipal appointee be provided in both Hamilton and Oshawa.

Affirmative (6): Councillor Nicholson, City of Oshawa, Councillor Gray, City of Oshawa, Mayor Horwath, City of Hamilton, Councillor Francis, City of Hamilton, Councillor Nann, City of Hamilton, and Councillor Hwang, City of Hamilton

Negative (2): Deputy Mayor Chapman, City of Oshawa, and Councillor Marimpietri, City of Oshawa

Motion Carried (6 to 2)

The vote to adopt Part c) v) directing the City Managers of Hamilton and Oshawa to develop a common set of core skills and requirements for the municipal appointee.

Affirmative (8): Councillor Nicholson, City of Oshawa, Deputy Mayor Chapman, City of Oshawa, Councillor Gray, City of Oshawa, Councillor Marimpietri, City of Oshawa, Mayor Horwath, City of Hamilton, Councillor Francis, City of Hamilton, Councillor Nann, City of Hamilton, and Councillor Hwang, City of Hamilton

Motion Carried (8 to 0)

Moved by Councillor Francis, City of Hamilton

That the motion be further amended to add the following:

"That the municipal appointee to the Hamilton Oshawa Port Authority Board of Directors alternate between the two municipalities, with the City of Oshawa term to commence immediately with a three-year appointment followed by a four-year appointment by the City of Hamilton, and alternating four years for the City of Oshawa and four years for the City of Hamilton thereafter."

Moved by Councillor Francis, City of Hamilton

That the amendment be withdrawn.

Motion Carried

Adjournment

Moved by Councillor Marimpietri, City of Oshawa

That the meeting adjourn at 11:50 a.m.

Motion Carried