

To: City Council

From: Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

Report Number: CNCL-25-59

Date of Report: September 24, 2025

Date of Meeting: September 29, 2025

Subject: Recommended Candidates for Municipally Appointed Hamilton-Oshawa Port Authority Board of Directors

Ward: Ward 5

File: 12-03-3532

1.0 Purpose

The purpose of this Report is to seek Council's endorsement of the Hamilton-Oshawa Port Authority's ("H.O.P.A.") recommended candidates for the municipally appointed director to the H.O.P.A. Board of Directors, to be jointly appointed by the cities of Oshawa and Hamilton.

Attachment 1 is a copy of the H.O.P.A. Letters Patent, issued by the Department of Transport on June 8, 2019 in the Canada Gazette, Vol. 153, No. 23. Owing to the size of the document, it is not attached to this Report, but it can be viewed at the following link: <https://gazette.gc.ca/rp-pr/p1/2019/2019-06-08/html/sup2-eng.html>.

Attachment 2 is a copy of the notice issued by H.O.P.A. on April 16, 2025, advertising the opportunity to apply for the vacant, municipally appointed director position on the H.O.P.A. Board of Directors.

Confidential Attachment 3 is a copy of a letter dated June 24, 2025 from H.O.P.A. staff recommending three (3) highly qualified candidates for the municipally appointed director to the H.O.P.A. Board of Directors, in order of preference, for the City of Oshawa's consideration. A copy of each candidate's Curriculum Vitae and Biography is enclosed.

2.0 Recommendation

It is recommended to City Council:

1. That, based on Report CNCL-25-59 dated September 24, 2025, City Council endorse the Hamilton-Oshawa Port Authority's recommended candidates, in order of

preference, as outlined in Confidential Attachment 3 of said Report, for the municipally appointed director to the Hamilton-Oshawa Port Authority Board of Directors; and,

2. That, a copy of Council's decision on the matter of the municipal appointment to the Hamilton-Oshawa Port Authority Board of Directors be forwarded to the Hamilton-Oshawa Port Authority, the City of Hamilton and the City of Burlington.

3.0 Input From Other Sources

The following have been consulted in the preparation of this Report:

- Chief Administrative Officer
- City Solicitor
- H.O.P.A.

4.0 Analysis

4.1 Hamilton-Oshawa Port Authority – Letters Patent

On February 9, 2019, based on a recommendation from the federal Minister of Transport, the Governor General in Council issued notice of a Certificate of Intent to amalgamate the Oshawa and Hamilton Port Authorities. The objective of the proposal was to strengthen the Canadian supply chain in Ontario by providing a coordinated approach to port development, land use and marketing.

On March 4, 2019, City Council endorsed City Comments on the Government of Canada's proposal to amalgamate the Oshawa and Hamilton Port Authorities, as contained in Report DS-19-34 dated February 22, 2019, a copy of which can be viewed at the following link: https://app.oshawa.ca/agendas/development_services/2019/02-25/ds-19-34.pdf.

One of the City's comments, as contained in Report DS-19-34, was that each host municipality (Hamilton and Oshawa) should be given a seat on the new H.O.P.A. Board of Directors to ensure a fair decision-making process. The City's recommendation in this regard was not accepted by the Department of Transport.

On June 8, 2019, the Department of Transport issued a Certificate of Amalgamation of port authorities to create the new H.O.P.A. The Certificate of Amalgamation included the Letters Patent of the H.O.P.A. (see Attachment 1). According to the H.O.P.A. Letters Patent, as issued by the Department of Transport on June 8, 2019, the H.O.P.A. Board of Directors shall be composed of seven (7) directors appointed to hold office as follows:

- (a) the Governor in Council appoints one (1) individual nominated by the Minister of Transport;
- (b) the City of Hamilton and the City of Oshawa, in consultation with the City of Burlington, appoint one (1) individual;
- (c) the Province of Ontario appoints one (1) individual; and,

- (d) the Governor General in Council appoints four (4) remaining individuals nominated by the Minister of Transport in consultation with the users selected by the Minister or with the classes of users.

The H.O.P.A. Letters Patent does not provide direction on how Hamilton and Oshawa are to collectively appoint their one (1) director. The Letters Patent does, however, identify a list of individuals who may not be selected as a director. This list is as follows:

- (a) an individual who is a mayor, councillor, officer or employee of one of the municipalities described in subsection 4.4(b) below;
- (b) an individual who is a member of the legislature of the Province of Ontario, or an officer or employee of the public service or of a Crown corporation of the Province of Ontario;
- (c) a Senator or a member of the House of Commons;
- (d) an Officer or employee of the federal public administration, a federal Crown corporation or a port authority;
- (e) an individual who is not a resident Canadian, as defined in subsection 2(1) of the Canada Business Corporations Act;
- (f) an individual who is a director, officer or employee of a person who is a user of the port;
- (g) an individual who is under 18 years of age;
- (h) an individual who has been declared mentally incompetent by a court in Canada or elsewhere; or,
- (i) an undischarged bankrupt.

4.2 Hamilton-Oshawa Port Authority Board of Directors

As previously noted, the H.O.P.A. Board of Directors is comprised of seven (7) appointed directors, one (1) of whom is to be jointly appointed by the City of Hamilton and the City of Oshawa, in consultation with the City of Burlington.

The H.O.P.A. Board of Directors meets regularly throughout the year, with one (1) of the meetings being an annual strategic planning session, and one (1) being the Annual General Meeting. Occasionally the H.O.P.A. Board of Directors will hold special-purpose meetings to address specific items. Directors also participate in port tours as part of onboarding. All regularly scheduled board meetings are in-person, with the majority of meetings held in Hamilton and a lesser amount held in Oshawa. Special purpose meetings are usually virtual. Per-meeting compensation is the same whether the meetings are in-person or virtual.

Each individual who is appointed to the H.O.P.A. Board of Directors is required to serve a three (3) year term.

4.3 Joint Hamilton-Oshawa Working Group Meeting

On February 27, 2023, pursuant to Report ED-23-28 dated February 1, 2023, City Council adopted the recommendation of the Economic and Development Services Committee to form a joint working group made up of four (4) City of Oshawa elected officials and four (4) City of Hamilton elected officials, whose sole purpose was to determine a process for jointly appointing the municipally appointed director to the H.O.P.A. Board of Directors.

A Joint Hamilton-Oshawa Working Group meeting was held on February 2, 2024, where H.O.P.A. staff 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 and City of Hamilton staff also provided a joint presentation concerning a process and options for jointly appointing a director to the H.O.P.A. Board of Directors.

After questions, discussion and debate, the resulting recommendation of the Joint Hamilton-Oshawa Working Group was as follows:

“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 a working group 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 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 immediately amended to allow for two municipal appointees, one from each municipality, on the H.O.P.A Board of Directors ("H.O.P.A. Board"); and
- b. That the H.O.P.A. Board 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; and,
- c. That the members of the Joint Hamilton-Oshawa Working Group recommend to their respective Councils the following:
 - i. 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;
 - ii. That each municipality ensure that notice of the opportunity to apply to be the municipal appointee be provided in both Hamilton and Oshawa;
 - iii. That the City Manager of Hamilton and the C.A.O of Oshawa be directed and authorized to develop a common set of core skills and requirements for the municipal appointee."

Having made the above noted recommendation to each respective City Council, the Joint Hamilton-Oshawa Working Group served the purpose for which it was established and therefore no further meetings are required.

4.4 Council-adopted Process to Jointly Appoint a Director

On February 26, 2024, Oshawa City Council considered the recommendation of the Joint Hamilton-Oshawa Working Group but ultimately adopted its own recommended four-part process for jointly appointing a director to the H.O.P.A. Board of Directors, which was forwarded to Hamilton City Council for its consideration, as follows:

"Whereas, in accordance with the Letters Patent of the Hamilton-Oshawa Port Authority, both the City of Hamilton and the City of Oshawa, in consultation with the City of Burlington, shall appoint one (1) individual to the Hamilton-Oshawa Port Authority Board of Directors; and,

Whereas, although jointly appointed by the City of Hamilton and the City of Oshawa, the municipally appointed director has a fiduciary duty to act solely in the best interest of the Hamilton-Oshawa Port Authority, and as such, has no role to advance the interests of one or both of the host municipalities who appointed said individual; and,

Whereas, the Letters Patent of the Hamilton-Oshawa Port Authority is silent on the process by which the City of Hamilton and the City of Oshawa are to jointly appoint one (1) individual to the Hamilton-Oshawa Port Authority Board of Directors,

Therefore be it resolved that the Council of the City of Oshawa recommend to the Council of the City of Hamilton, that the following process be adopted for jointly appointing a new director to the Hamilton-Oshawa Port Authority Board of Directors:

- a. Coinciding with the municipal election cycle and council term, the Hamilton-Oshawa Port Authority releases, on behalf of the City of Hamilton and the City of Oshawa, an open call for interested individuals who wish to serve on the Hamilton-Oshawa Port Authority Board of Directors as the municipally appointed director.
- b. The Hamilton-Oshawa Port Authority evaluates all applications received for the municipally appointed director, and provides a recommended candidate based on qualifications and eligibility criteria, for the City of Hamilton and City of Oshawa's consideration and endorsement.
- c. The municipally appointed director shall serve a four (4) year term, coinciding with the municipal election cycle and council term, understanding that the first director so appointed will serve a truncated term so as to synchronize with the current council term.
- d. City of Hamilton and City of Oshawa staff shall work with Hamilton-Oshawa Port Authority staff to develop a recruitment package to ensure consistency and fairness in the recruitment process, with such recruitment package to include, but not necessarily be limited to, a role description, eligibility criteria and minimum qualifications."

On October 9, 2024, Hamilton City Council adopted the City of Oshawa's recommended four-part process, together with a proposed fifth part. Oshawa City Council, at its November 25, 2024 meeting, ultimately accepted Hamilton's proposed fifth part, resulting in the following jointly adopted process to be followed moving forward:

- i) Coinciding with the municipal election cycle and council term, the H.O.P.A. releases, on behalf of the City of Hamilton and the City of Oshawa, an open call for interested individuals who wish to serve on the H.O.P.A. Board of Directors as the municipally appointed director.
- ii) The H.O.P.A. evaluates all applications received for the municipally appointed director, and provides a recommended candidate based on qualifications and eligibility criteria, for the City of Hamilton and City of Oshawa's consideration and endorsement.
- iii) The municipally appointed director shall serve a four (4) year term, coinciding with the municipal election cycle and council term, understanding that the first director so

appointed will serve a truncated term so as to synchronize with the current council term.

- iv) City of Hamilton and City of Oshawa staff shall work with H.O.P.A. staff to develop a recruitment package to ensure consistency and fairness in the recruitment process, with such recruitment package to include, but not necessarily be limited to, a role description, eligibility criteria and minimum qualifications.
- v) If either the City of Hamilton or the City of Oshawa does not endorse the H.O.P.A.'s candidate, the Board shall put forth the next highest-ranking candidate for endorsement, until such time that both Councils endorse the same candidate.

4.5 Recruitment Process

Pursuant to the above-noted process, H.O.P.A. staff developed a recruitment package in consultation with Oshawa and Hamilton staff. The notice advertising the vacant director position was posted by H.O.P.A. on April 16, 2025 to the H.O.P.A. Ports website and was promoted across all of their online/social media channels (see Attachment 2).

Corporate Communications staff posted the notice on the City's website (under the Public Notice newsfeed which is emailed to subscribers), reshared H.O.P.A.'s social media posting on LinkedIn and shared the notice with all City Councillors and the Corporate Leadership Team, as information.

By letter dated June 24, 2025, H.O.P.A. staff advised City of Oshawa and City of Hamilton staff of the results of the recruitment process, and provided their recommended short list of qualified candidates, in order of preference, for consideration by each respective City Council (see Confidential Attachment 3).

4.6 Next Steps

Now that H.O.P.A. staff have undertaken the recruitment process and selected their top three recommended candidates, it is up to each respective City Council to either endorse, or not endorse, the recommended candidates. It is recommended that City Council endorse the H.O.P.A.'s recommended candidates, in order of preference as identified within their letter. In doing so, Oshawa City Council would be endorsing candidate Number 1 in Confidential Attachment 3 as the jointly appointed director to the H.O.P.A. Board of Directors. In the event that Hamilton City Council does not concur with the selection of candidate Number 1, it would be the position of Oshawa City Council to endorse candidate Number 2 as the jointly appointed director to the H.O.P.A. Board of Directors, and so on.

In the event Oshawa City Council adopts the recommendation contained in Section 2.0 of this Report, City of Oshawa staff would notify H.O.P.A, the City of Hamilton and the City of Burlington of its decision. Provided that Hamilton City Council also endorses the H.O.P.A.'s recommended candidates, in order of preference as listed in H.O.P.A.'s letter, then the candidate listed as Number 1 in Confidential Attachment 3 would be jointly appointed by the City of Oshawa and the City of Hamilton as director to the H.O.P.A. Board of Directors.

If Hamilton City Council does not endorse candidate Number 1 as the jointly appointed director and instead endorses candidate Number 2, and if Oshawa City Council adopts the recommendation contained in Section 2.0 of this Report [thereby endorsing all three (3) candidates in order of preference identified within Confidential Attachment 3], then candidate Number 2 would be jointly appointed. Likewise, if Hamilton City Council chooses not to endorse either candidate Number 1 or candidate Number 2 but instead endorses candidate Number 3, then candidate Number 3 would be jointly appointed.

5.0 Financial Implications

There are no financial implications associated with the recommendation contained in this Report.

6.0 Relationship to the Oshawa Strategic Plan

This Report responds to the Oshawa Strategic Plan Priority Area:

“Lead: Governance and Service Excellence” with the goal to provide transparent, efficient, and responsible fiscal stewardship and use of resources.



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Economic and Development Services Department



HOPA Notice: Hamilton-Oshawa Port Authority seeks nominees for municipal Board appointment

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On behalf of the City of Oshawa and the City of Hamilton, The Hamilton-Oshawa Port Authority is currently recruiting potential nominees for the municipal appointment to its Board of Directors (one Director).

It is the responsibility of the Hamilton-Oshawa Port Authority's Board of Directors to exercise oversight of the activities of HOPA, acting honestly and in good faith in the best interests of the port authority. Directors shall possess relevant business, transportation sector and/or community experience, and extensive knowledge/experience related to one or more of the following skills:

- Transportation / marine industry
- Real estate / property development
- Industry sectors relevant to port business
- Finance & accounting
- Board / governance

- Engineering / project management
- Government relations
- Communications / marketing
- Legal
- First Nations engagement
- Human resources
- Land use / community planning
- Knowledge of HOPA's communities of operation

This is a paid, part-time role, primarily based in Hamilton, with occasional travel to our facilities in Niagara and Oshawa. Directors are expected to attend approximately 12 in-person meetings per year. This position is concurrent with the Ontario municipal election cycle, with the opportunity for renewal.

About HOPA

As an integrated port network, HOPA manages port and marine assets in Hamilton, Oshawa and Niagara. An efficient, multimodal network on the Great Lakes, HOPA supports Ontario industries and facilitates trade. By investing in high-quality infrastructure and prioritizing sustainability, HOPA helps build prosperous working waterfronts in Ontario communities. Overseeing more than 1,400 acres and more than 140 tenant companies, 40,000 Ontario jobs are connected to the cargo that passes through HOPA's integrated ports.

Who is Not Eligible

The following persons are not eligible to be directors of a port authority (per Canada Marine Act, Section 16):

- An individual who is a mayor, councillor, officer or employee of a municipality mentioned in the Port's Letters Patent (Hamilton, Oshawa, Burlington);
- An individual who is a member of the Legislature of a Province, or an officer or employee of the Public Service or of a Crown corporation of a Province (Ontario);
- A Senator or a member of Parliament or an officer or employee of the federal public service or of a federal Crown corporation;
- An individual who is not a resident Canadian, as defined in Subsection 2(1) of the Canada Business Corporations Act;
- An individual who is a director, officer or employee of a person who is a user of the Port;
- An individual who is under eighteen years of age;

- An individual who has been declared mentally incompetent by a court in Canada or elsewhere, or;
- An individual who is an undischarged bankrupt

As part of our commitment to inclusivity, diversity, equity and accessibility, our goal is a workforce and Board that reflect the communities we serve. We welcome all qualified applicants to apply including individuals with disabilities, those who identify as Black, Indigenous or persons of colour, members of the LGBTQ2S+ community and others. We are happy to honour accommodations at any part of the recruitment process and invite you to let us know how we can help.

Apply today with your resume and cover letter: jobs@hopaports.ca

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