

## RED HILL VALLEY PARKWAY INQUIRY

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### AFFIDAVIT OF LORA FONTANA (affirmed September 14, 2022)

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I, **LORA FONTANA**, of the City of Hamilton, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am currently the Executive Director, Human Resources of the City of Hamilton (the "City"). I have held this role since March 2016. I have been in the human resources department of the City since 2008. I have knowledge of the matters set out below, except where this knowledge is based on information and belief, in which case I state the source of that information and verily believe it to be true.

2. In my role as Executive Director, Human Resources, I am part of the City's Senior Leadership Team. I am responsible for human-resources functions for the City as a whole, including policy and collective agreement administration, return-to-work services, the health and safety of the organization, employee compensation and benefits, organizational development, staffing and recruitment, human rights administration and employee grievances, disciplinary issues, terminations, or any other type of employee or labour relations related issues.

#### ***Reorganizations within the City***

3. There was a review of the Public Works department conducted by COREinternational Inc. ("Core") in January 2017, which resulted in a restructuring of the

department. This reorganization is referenced in HAM0062343\_0001, attaching HAM0062344\_0001 and HAM0062345\_0001. Dan McKinnon (General Manager, Public Works) initiated this review with Core. In my role, I had final oversight to ensure that the review complied with the City's organizational design principles, and that the reporting structure as outlined in the recommended structure was not inconsistent with the City's overall principles. I recall that there was a question about whether the Public Works department was too large to be managed by one General Manager, but I cannot recall who raised this issue or when it was raised.

4. To my knowledge, the restructuring of Engineering Services set out in the report titled "Organizational Structure Changes for Public Works Department (CM17021) (City Wide)" referenced in HAM0062347\_0001 was not in response to concerns within Engineering Services or notice of Gary Moore's retirement as Director, Engineering Services. The City periodically and consistently reviews its departments and organizational structures. It is not unusual for a review to be conducted to ensure that the City has the right people, in the right roles, doing the right things.

5. Core continued its review into 2019, which Mr. McKinnon managed. In January 2019, Core identified some further opportunities for efficiencies in terms of realignment of work, which led to the report titled, "Public Works Divisional Realignment (PW19007) (City Wide), as set out in HAM0061813\_0001.

**Gary Moore**

6. No issues or complaints were brought to me concerning Mr. Moore in my current position or in my prior position as the Director of Employee Health and Labour Relations. I was not aware of any issues related to Mr. Moore.

***Public Disclosure of the Tradewind Report***

7. Although I attend Senior Leadership team meetings, I do not recall discussions about the RHVP at these meetings. It is possible I did not attend the *in camera* part of these meetings and do not have any information on whether the RHVP may have been discussed *in camera*. The Senior Leadership Team goes *in camera* to discuss confidential matters, and minutes are not taken during these discussions. Only the Senior Leadership Team is allowed to attend *in camera* sessions, unless an individual has specific information or expertise on the subject matter discussed *in camera*.

8. I do not recall being involved in the preparation or implementation of any action plan set out in a document titled "Confidential RHVE action plan", as set out in HAM0062093\_0001, attaching HAM0062094\_0001. To my knowledge, the reference to "Employee considerations" in the action plan does not relate to any specific employee that would require my input or involvement.

9. On January 28, 2019, I attended a meeting with Mr. McKinnon and Mike Zegarac (Interim City Manager). I have only a vague recollection of this meeting. City documents, such as HAM0035991\_0001, list Gord Muise (Director, Employee and Labour Relations) and Nicole Auty (City Solicitor, Legal & Risk Management Services) as attendees at this

meeting, but I do not recall Mr. Muise or Ms. Auty being in attendance. I believe the purpose of this meeting was to discuss an upcoming meeting with Mr. Moore scheduled for January 31, 2019. I do not recall the details of this meeting.

10. I also attended the meeting with Mr. Moore, Mr. Zegarac, and Mr. McKinnon on January 31, 2019. I believe the purpose of this meeting was to ask Mr. Moore some questions about the Tradewind Report. This was the first time I had met with Mr. Moore about the RHVP or the Tradewind Report. I understood my role at the meeting was to address any employee-related issue that may arise. Mr. Moore was inquisitive about the reason for the meeting, and rather indifferent about the reason for my presence. I took notes of the meeting, which are set out at HAM0035868\_0001, attaching HAM0035869\_0001. I do not recall the meeting in detail, although my sense was that Mr. Moore did not know the purpose of the meeting before it started. However, he was able to provide a history and background of the RHVP and steps to friction testing of the RHVP, respond to questions from those in attendance, and defend or provide a rationale for the decisions he made. I found Mr. Moore to be responsive to the questions put to him. He gave clear and concise answers, and seemed very knowledgeable about his work. I do not recall if Mr. Moore was asked or advised if he gave the Tradewind Report to anyone at the City or sent it to the City's external legal counsel, or if any City staff had asked for it. I also do not recall if anyone at the meeting advised Mr. Moore of any intention to disclose the Tradewind Report to Council at the February 6, 2019 GIC meeting

11. I was not involved in preparing for the February 6, 2019 GIC meeting, and do not recall attending the meeting.

***Discipline and Investigation After Public Disclosure of the Tradewind Report***

12. To my knowledge, no current or former City employee, including Mr. Moore, was disciplined for their involvement in the failure to obtain or disclose the Tradewind Report after February 6, 2019 (HAM0062644\_0001).

13. In March 2019, Audit Services and others received an anonymous letter, as set out in HAM0058822\_0001 and RHV0000890. The Human Resources department did not investigate the allegations about individual employees or the workplace culture set out in this letter, because of the anonymous nature of the complaints.

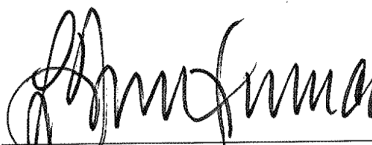
14. To my knowledge, this letter is not an accurate description of the culture within the Public Works department. I am not aware of any significant concerns or complaints raised from anyone at the Public Works department or Engineering Services, in relation to or in support of any of the allegations in the letter. I do not have any direct or indirect knowledge of Mr. Moore making comments of the nature attributed to him in the letter.

15. I make this affidavit for use in the Red Hill Parkway Inquiry.

Affirmed remotely by Lora Fontana the City of Hamilton before me in the City of Toronto in the Province of Ontario, this 14<sup>th</sup> day of September, 2022, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely



A Commissioner for Taking Affidavits



Lora Fontana