

RED HILL VALLEY PARKWAY INQUIRY

AFFIDAVIT OF NICOLE AUTY (affirmed April 27, 2023)

I, **NICOLE AUTY**, of the City of Hamilton, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am the former City Solicitor of the City of Hamilton. I held that role from February 2017 to February 2021. As such, 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. I reviewed a number of documents that were recently identified and which have Ms. MacNeil – a former Solicitor at the City – listed as the custodian. I provide this information in response to Commission Counsel’s request that I review these documents and confirm whether I wish to provide further comment. A list of the documents I reviewed is attached as Appendix “A”.

3. In Ms. MacNeil’s affidavit, she states that she emailed Mr. McGuire on December 7, 2018 (HAM0062007_0001) to obtain information to include in a draft retainer letter to CIMA (“Draft CIMA Retainer Letter”) (HAM0064418_0001), although she does not recall why.

4. I previously provided evidence to the Inquiry that while I was not copied on Ms. MacNeil's email to Mr. McGuire, my understanding is that the retainer letter referenced may have been the retainer letter for Mr. Boghosian.

5. I do not recall directing Ms. MacNeil to draft the Draft CIMA Retainer Letter. I do not believe I would have given such instructions as my understanding was that Mr. Boghosian was going to reach out to Mr. Malone and CIMA directly about the implications of the Tradewind Report as it affected the City's general liability. It may be that Ms. MacNeil had a different understanding about the discussions with Mr. Boghosian and drafted the Draft CIMA Retainer Letter to be proactive.

6. I was not aware of the Draft CIMA Retainer Letter prior to reviewing it for the purposes of this affidavit. The Draft CIMA Retainer Letter does not reflect a precedent retainer letter that I use as a template. For instance, I used my template when I prepared the retainer letter for Mr. Boghosian (HAM0062500_0001).

7. I was out of the country for some duration in the lead up to the January 23, 2019 Council meeting and would not have seen Mr. McGuire's question regarding whether Mr. Sabo or I had connected with Brian Malone (CIMA) until my return (HAM0064465_0001). My expectation would be that if Mr. McGuire was not able to resolve his question, he would have follow up with me. I do not recall Mr. McGuire following up with me or sending a further email to his January 3, 2019 email upon my return.

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

Affirmed remotely by Nicole Auty of the City of Hamilton before me in the City of Toronto in the Province of Ontario, this 27th day of April, 2023, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely



A Commissioner for Taking Affidavits

//signed electronically//

Nicole Auty

APPENDIX "A"

HAM0064417_0001	HAM0064437_0001	HAM0064466_0001
HAM0064418_0001	HAM0064438_0001	HAM0064467_0001
HAM0064419_0001	HAM0064439_0001	HAM0064468_0001
HAM0064420_0001	HAM0064440_0001	HAM0064469_0001
HAM0064421_0001	HAM0064441_0001	HAM0064470_0001
HAM0064422_0001	HAM0064442_0001	HAM0064471_0001
HAM0064423_0001	HAM0064443_0001	HAM0064472_0001
HAM0064424_0001	HAM0064444_0001	HAM0064406_0001
HAM0064425_0001	HAM0064445_0001	HAM0064407_0001
HAM0064426_0001	HAM0064446_0001	HAM0064408_0001
HAM0064427_0001	HAM0064447_0001	HAM0064409_0001
HAM0064428_0001	HAM0064448_0001	HAM0064410_0001
HAM0064429_0001	HAM0064449_0001	HAM0064411_0001
HAM0064430_0001	HAM0064450_0001	HAM0064412_0001
HAM0064431_0001	HAM0064451_0001	HAM0064413_0001
HAM0064432_0001	HAM0064452_0001	HAM0064414_0001
HAM0064433_0001	HAM0064453_0001	HAM0064415_0001
HAM0064434_0001	HAM0064454_0001	HAM0064416_0001
HAM0064435_0001	HAM0064464_0001	
HAM0064436_0001	HAM0064465_0001	