



## **AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 18-012**

**AS AMENDED AT COUNCIL ON SEPTEMBER 12, 2018**

**9:30 a.m.**

**September 10, 2018**

**Council Chambers**

**Hamilton City Hall**

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**Present:** Councillors A. VanderBeek (Chair), B. Johnson, M. Pearson,  
L. Ferguson, C. Collins and T. Anderson

**Absent with  
Regrets:** Councillor A. Johnson – Personal

**Also Present:** Councillor T. Whitehead

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### **THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 18-012 AND RESPECTFULLY RECOMMENDS:**

**1. Treasurer's Apportionment of Land Taxes (FCS18066(a)) (Ward 12) (Item 5.1)**

That the 2017 land taxes in the amount of \$129,272 for 1061 Garner Road E and 0 Garner Road E, Ancaster (Roll #2518 140 280 16200 0000 and 2518 140 280 37990 0000) be apportioned and split amongst the two hundred and fifty-two newly created parcels as set out in Appendix "A" to Audit, Finance & Administration Report 18-012.

**2. 2018 Second Quarter Request for Tenders and Proposals Report (FCS18037(a)) (City Wide) (Item 5.2)**

That Report FCS18037(a) respecting the 2018 Second Quarter Request for Tenders and Proposals Report, be received.

**3. 2018 Second Quarter Emergency and Non-competitive Procurements Report (FCS18038(a)) (City Wide) (Item 5.3)**

That Report FCS18038(a) respecting the 2018 Second Quarter Emergency and Non-competitive Procurement Report, be received.

**4. Second Quarter Non-compliance with the Procurement Policy Report (FCS18039(a)) (City Wide) (Item 5.4)**

That Report FCS18039(a), respecting the Second Quarter Non-compliance with the Procurement Policy Report, be received.

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**5. Tax Appeals under Sections 357 and 358 of the *Municipal Act*, (2001) (FCS18008(b)) (City Wide) (Item 5.5)**

- (a) That Appendix “B” to Audit, Finance & Administration Report 18-012 respecting the Tax Appeals processed under Section 357 of the *Municipal Act*, (2001), in the amount of \$72,152.95 be approved; and
- (b) That Appendix “C” to Audit, Finance & Administration Report 18-012 respecting the Tax Appeals, due to a Gross or Manifest Clerical Error, Pursuant to Section 358 of the *Municipal Act*, (2001), in the amount of \$20,317.33 be approved.

**6. Toronto Tank Lines - Property Tax Arrears (FCS18076) (Ward 5) (Outstanding Business List Item) (Item 8.1)**

- (a) That no adjustments to the taxes levied and/or penalty and interest charges incurred on roll number 051 493 00030 0000 (804 BEACH BLVD) be made until the pending assessment appeals are settled, and only if the pending assessment appeals result in a reduction to the property’s assessment;
- (b) That staff initiate discussions to establish a process that would ensure that the Municipal Property Assessment Corporation (MPAC) and the City of Hamilton (City) be provided timely notification and access to all development activity occurring on Federal lands, specifically the Hamilton Port Authority lands;
- (c) That staff investigate the possibility of any regulatory or legislative changes to require the Federal government to comply with the Ontario Building Code with respect to the application for a municipal building permit for all development activity occurring on its lands;
- (d) That the item identified as “Staff Report Respecting Supplemental Taxes and Assessment Complaints Respecting 500 Eastport Blvd” be removed from the Audit Finance & Administration Committee’s Outstanding Business List; and
- (e) That staff be directed to extend a Pre-Authorized Payment Plan with no penalty and interest on the \$ \$430,734.04 outstanding property tax amounts on roll number 051 493 00030 0000 (804 BEACH BLVD) effective September 12, 2018 and extending to December 31, 2019.

**7. Energy, Fleet and Facilities Reserves Policy Update (FCS18080) (City Wide) (Item 8.2)**

- (a) That the Ivor Wynne Community Fund Reserve (112223) be renamed to the Tim Hortons Field Capital Reserve;

- (b) That the 50 Main Street East Facility Capital Reserve (108039) be renamed to the General Facility Capital Reserve;
  - (c) That the Reserve Policy for the Vehicle Replacement - Central Garage Reserve (110025), attached as Appendix "D" to Audit, Finance & Administration Report 18-012, be approved;
  - (d) That the Reserve Policy for the Tim Hortons Field Capital Reserve (112223), attached as Appendix "E" to Audit, Finance & Administration Report 18-012, be approved; and
  - (e) That the Reserve Policy for the General Facility Capital Reserve (108039), attached as Appendix "F" to Audit, Finance & Administration Report 18-012, be approved.
- 8. Governance Review Sub-Committee Report 18-004 - August 29, 2018 (Item 8.3)**
- (a) Review of the City's Procedural By-law Amendments (CL18007(a) / LS18039(a)) (City Wide) (Item 8.1)**
    - (i) That a new By-law, as amended to Govern the Proceedings of Council and Committees of Council substantially in the form attached hereto as Appendix 'A', as amended to Governance Review Sub-Committee Report 18-004, be enacted by Council; and
    - (ii) That Council repeal the By-law to Govern the Proceedings of Council and Committees of Council, being By-law 14-300, as amended.
  - (b) Review of the Selection Process (CL18011) (City Wide) (Item 8.4)**
    - (i) That the Nomination Meeting for the members of Council-Elect be held on November 20, 2018;
    - (ii) That the Revised City of Hamilton Policy respecting the Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, attached hereto as Appendix "B" to Governance Review Sub-Committee Report 18-004, be approved; and
    - (iii) That the Revised City of Hamilton Advisory Committee Procedural Handbook, attached hereto as Appendix "C" to Governance Review Sub-Committee Report 18-004, be approved.
- 9. Dundas Community Services - Community Outreach Base Budget Increase Request - City Enrichment Fund (CS F-8)**
- That an enhancement of an additional \$329 for the Dundas Community Services – Community Outreach (CS F-8) base budget, be referred to the 2019 Operating Budget process (GIC) for consideration.

**10. Commercial Relationship Between the City of Hamilton and APM Construction Services Inc. (LS18037 / FCS18026) (City Wide) (Item 12.3)**

(a) That due to the impairment of the commercial relationship between the City of Hamilton and APM Construction Services Inc. ("APM") that has resulted from litigation, staff be directed to reject any current and future bids, proposals or quotations received from APM or any of its related corporate or individual entities, until and including August 27, 2023;

(b) That the City of Hamilton not enter into any contract with APM Construction Services Inc., or any of its related corporate or individual entities until and including August 27, 2023;

(d) That the contents of Report LS18037 / FCS18026 remain confidential.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the follow changes to the agenda:

**1. DELEGATION REQUESTS**

4.2 Mike McCalmont, Toronto Tank Lines, respecting Item 8.1 - Toronto Tank Lines - Property Tax Arrears (For today's meeting)

**2. NOTICES OF MOTION**

10.1 Dundas Community Services - Community Outreach Base Budget Increase Request - City Enrichment Fund (CS F-8)

The agenda for the September 10, 2018 Audit, Finance and Administration Committee meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)**

**August 15, 2018 (Item 3.1)**

The Minutes of the August 15, 2018 meeting of the Audit, Finance and Administration Committee were approved, as presented.

**(d) DELEGATION REQUESTS (Item 4)**

**(i) Martin Maretzki, respecting pot hole damage to vehicle (For a future meeting)**

The delegation request from Martin Maretzki, respecting pot hole damage to his vehicle, was approved for a future meeting pending the receipt of additional information from staff.

**(ii) Mike McCalmont, Toronto Tank Lines, respecting Item 8.1 - Toronto Tank Lines - Property Tax Arrears (For today's meeting) (Added Item 4.2)**

The delegation request from Mike McCalmont, Toronto Tank Lines, respecting Item 8.1 - Toronto Tank Lines - Property Tax Arrears, was approved for today's meeting.

**(e) PUBLIC HEARINGS/DELEGATIONS (Item 6)**

**(i) Dominic Sorbara, respecting a residential water billing dispute (Approved July 11, 2018) (Item 6.1)**

The delegate was not present when called upon.

**(ii) Robert Zeidler, 2418032 Ontario Ltd., respecting excessive water charges at 270 Sherman Ave. N. (Approved August 15, 2018) (No copy) (Item 6.2)**

Robert Zeidler from 2418032 Ontario Ltd., addressed the Committee respecting excessive water charges at 270 Sherman Ave. N., with the aid of a presentation. A copy of the presentation has been included in the official record.

The delegation from Robert Zeidler, 2418032 Ontario Ltd., respecting excessive water charges at 270 Sherman Ave. N., was received.

A copy of the presentation is available at [www.hamilton.ca](http://www.hamilton.ca).

**(iii) Mike McCalmont, Toronto Tank Lines, respecting Item 8.1 - Toronto Tank Lines - Property Tax Arrears (Item 6.3)**

Item 6.3 being a delegation from Mike McCalmont, Toronto Tank Lines, respecting Item 8.1 - Toronto Tank Lines - Property Tax Arrears; and Item 8.1 being Report FCS18076, respecting Toronto Tank Lines – Property Tax Arrears, were DEFERRED until after Item 8.3 to allow the delegate time to arrive.

Mike McCalmont and Steve Porcnic, representing Toronto Tank Lines, addressed the Committee respecting Report FCS18076, Toronto Tank Lines - Property Tax Arrears.

The delegation from Mike McCalmont and Steve Porcnic, Toronto Tank Lines, respecting Report FCS18076, Toronto Tank Lines - Property Tax Arrears, was received.

**(f) DISCUSSION ITEMS (Item 8)**

**(i) Toronto Tank Lines - Property Tax Arrears (FCS18076) (Ward 5) (Outstanding Business List Item) (Item 8.1)**

Report FCS18076 respecting Toronto Tank Lines – Property Tax Arrears was LIFTED from the table.

***The recommendations were amended by adding the following subsection (e):***

- (e) That staff be directed to extend a Pre-Authorized Payment Plan with no penalty and interest on the \$ \$430,734.04 outstanding property tax amounts on roll number 051.493.00030.0000 (804 BEACH BLVD) effective September 12, 2018 and extending to December 31, 2019.***

For further disposition of this matter, refer to Item 6.

**(ii) Governance Review Sub-Committee Report 18-004 (Item 8.3)**

Chair VanderBeek advised that public notice was given for the Review of the City's Procedural By-law Amendments, Item 1 of the Governance Review Sub-Committee Report 18-004, inviting interested parties to make representations at today's meeting. There were no registered speakers and no one in attendance came forward to speak to the proposed changes.

Section 7.1 (a) was ***amended*** and the ***numbering was corrected*** as follows:

- 7.1** No Person in attendance at a Council or Committee meeting shall:
- (a)** be ***disrespectful*** or disrupt the Meeting in any manner;
  - (b)** bring food or beverages, water excepted, into the Council Chamber when a meeting is being held;
  - (c)** address remarks to anyone but the Chair;
  - (d)** interrupt a person who has the floor;
  - (e)** applaud participants in debate.

For further disposition of this matter, refer to Item 8.

Councillor Brenda Johnson wished to be recorded as OPPOSED to the main motion as amended.

**(h) NOTICES OF MOTION (Item 10)**

Councillor VanderBeek relinquished the Chair to introduce a Notice of Motion.

**(i) Dundas Community Services - Community Outreach Base Budget Increase Request - City Enrichment Fund (CS F-8)**

Councillor VanderBeek introduced a Notice of Motion respecting the Dundas Community Services - Community Outreach Base Budget Increase Request - City Enrichment Fund (CS F-8).

The Rules of Order were waived to allow for the introduction of a Motion respecting the Dundas Community Services - Community Outreach Base Budget Increase Request - City Enrichment Fund (CS F-8).

For disposition of this matter please refer to Item 9.

Councillor VanderBeek assumed the Chair.

**(i) GENERAL INFORMATION / OTHER BUSINESS (Item 11)**

The following amendments to the Outstanding Business List, were approved, **as amended:**

11.1(a) Items requiring a new due date:  
Ward-Specific Funding Initiatives - Area Rating Special  
Capital Re-investment Reserves, Discretionary  
Spending, Cell Tower and Minor Maintenance  
Item on OBL: L  
Due Date: October 2018  
Revised Due Date: ~~June 2019~~ **December 2018**

11.1(b) Items considered complete and needing to be removed:  
Staff Reports Respecting Supplement Taxes and  
Assessment Complaints Respecting 500 Eastport Blvd  
(Item 8.1 on today's agenda)  
Item on OBL: J

**(j) PRIVATE & CONFIDENTIAL (Item 12)**

**(i) Closed Session Minutes – August 15, 2018 (Item 12.1)**

(a) The Closed Session Minutes of the August 15, 2018 Audit, Finance and Administration meeting, were approved as presented; and

- (b) The Closed Session Minutes of the August 15, 2018 Audit, Finance and Administration meeting, remain confidential.

Committee move into Closed Session respecting Item 12.2 pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and advice that is subject to solicitor/client privileges, including communications necessary for that purpose.

**(ii) Protocol for Gender Identity & Gender Expression, Transgender & Gender Non-Conforming Update (HUR17002(b)) (City Wide) (Item 12.2)**

Report HUR17002(b), respecting the Protocol for Gender Identity & Gender Expression, Transgender & Gender Non-Conforming Update was TABLED until the September 24, 2018 Audit, Finance and Administration Committee Meeting to allow staff to provide Committee with additional information.

**(iii) Commercial Relationship Between the City of Hamilton and APM Construction Services Inc. (LS18037 / FCS18026) (City Wide) (Item 12.3)**

Staff were provided with direction in Closed Session.

For further disposition of this matter, refer to Item 10.

**(k) ADJOURNMENT (Item 13)**

There being no further business, the Audit, Finance and Administration Committee, adjourned at 12:21 p.m.

Respectfully submitted,

Councillor VanderBeek, Chair  
Audit, Finance and Administration  
Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk