



City of Hamilton

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE

Meeting #: 19-003
Date: February 21, 2019
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Angela McRae, Legislative Coordinator (905) 546-2424 ext. 5987

	Pages
1. CEREMONIAL ACTIVITIES	
2. APPROVAL OF AGENDA	
(Added Items, if applicable, will be noted with *)	
3. DECLARATIONS OF INTEREST	
4. APPROVAL OF MINUTES OF PREVIOUS MEETING	
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10. DISCUSSION ITEMS

10.1 Development Charges Stakeholders Sub-Committee Report 19-002 (To be distributed)

10.2 Governance Review Sub-Committee Report 19-001 (To be distributed)

11. MOTIONS

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

14. PRIVATE AND CONFIDENTIAL

14.1 Closed Minutes - February 7, 2019 (Distributed under separate cover)

Pursuant to Section 8.1, Sub-sections (b), (f) and (k) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (b), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual(s), including City employees; advice that is subject to solicitor/client privileges, including communications necessary for that purpose; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

15. ADJOURNMENT



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 19-002

**9:30 a.m.
February 7, 2019
Council Chambers
Hamilton City Hall**

Present: Councillors C. Collins (Chair), M. Wilson (Vice-Chair), B. Johnson, M. Pearson, L. Ferguson, J. Partridge, A. VanderBeek, and B. Clark

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Correspondence from the Federation of Canadian Municipalities (FCM) respecting the 2019-2020 Membership Invoice - Advocacy Fund Contribution along with Appendix A that provides background information on the Advocacy Fund (Referred from Council - January 23, 2019) (Item 5.2)**

(Johnson/Partridge)

- (a) That staff report back to the Audit, Finance and Administration Committee with the number of municipalities that participate in the Voluntary Outstanding Advocacy Fund Contribution to determine whether the City of Hamilton should contribute the \$45,200; and,
- (b) That staff be directed to process the payment of the Membership Portion of the FCM Invoice in the amount of \$92,881.65, at this time.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Chad Collins
YES - Councillor Judi Partridge
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

2. Mark Strongman, Tournament Chairman, respecting a request for a \$50,000 grant for the 2019 Little League Championship to be held in Ancaster, Ontario (Added Item 8.2)

(Ferguson/VanderBeek)

That the City of Hamilton financially support the hosting of the 2019 Little League Championship in the amount of \$50,000, funded from the Tax Stability Account (#11046).

Result: Motion CARRIED by a vote of 8 to 0, as follows:

- YES - Councillor Maureen Wilson
- YES - Chair Chad Collins
- YES - Councillor Judi Partridge
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

3. Supply of Raw Water to 690 Strathearne Avenue North (FCS18049(b)) (Ward 4) (Item 10.1)

(Clark/Partridge)

- (a) That the amount of \$18,500 be imposed on the owner of 690 Strathearne Avenue North, currently ArcelorMittal Long Products Canada (AMLPC), for the continued use of City of Hamilton ("City") owned lands through to December 31, 2019, for the purpose of a private raw water pipeline owned by AMLPC to convey raw water supplied by the City to 690 Strathearne Avenue North;
- (b) That staff advises the owner of 690 Strathearne Avenue North, currently AMLPC, that the continued supply of raw water by the City to 690 Strathearne Avenue North through to December 31, 2019, is contingent upon the owner continuing to pay, in addition to other flow-through costs and expenses described in Report FCS18049(b), water rates for the supply of raw water to the property, as approved by Council;
- (c) That staff advise the owner of 690 Strathearne Avenue North, currently AMLPC, that the continued supply of raw water by the City to 690 Strathearne Avenue North beyond December 31, 2019 is contingent upon the following conditions:
 - (i) That by December 2, 2019, the owner enter into a Raw Water Supply Agreement with the City of Hamilton on such terms as are set out in recommendation (c) in Report FCS18049 / LS18014, respecting Negotiation for the Continued Supply of Raw Water to 690 Strathearne Avenue North; being:

- (c) That the Mayor and City Clerk be authorized and directed to execute, on behalf of the City, all necessary documentation to implement recommendations (a) and (b) in Report FCS18049 / LS18014, all with content acceptable to the General Manager of Finance and Corporate Services, General Manager of Public Works, and General Manager of Planning and Economic Development, as applicable, and in a form satisfactory to the City Solicitor;
- (ii) That by December 2, 2019, the owner enters into an Easement Agreement with the City of Hamilton to support the existing pipeline that crosses City lands on such terms as are set out in recommendation (c) in Report FCS18049 / LS18014, respecting Negotiation for the Continued Supply of Raw Water to 690 Strathearne Avenue North; and,
- (iii) That by December 2, 2019, the owner installs a backflow prevention device that meets City requirements to protect against any backflow conditions at its sole expense;
- (d) That the City Solicitor be authorized and directed to prepare all necessary by-laws to implement subsection (a); and,
- (e) That the General Manager of Finance and Corporate Services be directed to report back to the Audit, Finance and Administration Committee by February 2020 regarding the implementation of Recommendation (b) of Report FCS18049(b).

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Chad Collins
YES - Councillor Judi Partridge
YES - Councillor Arlene VanderBeek
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark
NOT PRESENT - Councillor Lloyd Ferguson

4. Development Charges Stakeholders Sub-Committee Report 19-001 (Item 10.2)

(Clark/Johnson)

(a) Appointment of Chair and Vice Chair (Item 1.1)

That Councillor B. Clark be appointed as Chair of the Development Charges Stakeholders Sub-committee for 2019.

That Councillor J.P. Danko be appointed as Vice Chair of the Development Charges Stakeholders Sub-committee for 2019.

(b) Hamilton 2019 Development Charges Study: Capital Presentation (Item 9.1)

That the 2019 Development Charges Background Study – Draft Capital Listings, be received.

(c) 2019 Development Charges By-law Policy (FCS18062(a)) (City Wide) (Item 10.1)

That the statutory public meeting for the Development Charges Background Study and By-law scheduled for April 18, 2019 include an evening session to start at 7:00 p.m., or on another date if the 18th isn't available.

- (i) That the entire draft Development Charges **Background Study** be released; and,
- (ii) That staff be directed to provide comparators for Agricultural Development Charges in surrounding municipalities including, West Lincoln, Lincoln, Haldimand, Halton, Brantford and Brant County, and report back to the Development Charges Stakeholders Sub-Committee.

Result: Main Motion, As Amended, CARRIED by a vote of 7 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Chad Collins
YES - Councillor Judi Partridge
YES - Councillor Arlene VanderBeek
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark
NOT PRESENT - Councillor Lloyd Ferguson

5. Hamilton Anti-Racism Resource Centre Update (HUR18010(a) / LS19008) (City Wide) (Item 14.2)

(Wilson/Partridge)

- (b) That the Mayor and City Clerk be authorized and directed to execute any documents required to implement subsection (a), with content acceptable to the Executive Director of Human Resources and in a form satisfactory to the City Solicitor;
- (c) That City staff report back to the Audit, Finance & Administration Committee with updates on the status of the Hamilton Anti-Racism Resource Centre; and,

- (d) That the contents of Report HUR18010(a) / LS19008 Hamilton Anti-Racism Resource Centre Update, including recommendation (a), remain confidential.

Result: Motion, CARRIED by a vote of 7 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Chad Collins
YES - Councillor Judi Partridge
YES - Councillor Arlene VanderBeeck
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark
NOT PRESENT - Councillor Lloyd Ferguson

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised of the following change to the agenda:

1. PUBLIC HEARINGS/DELEGATIONS

- 8.1 Vince Dipietro, Angelica Homes, respecting a rental property's water bill (Approved January 17, 2019, and will be heard on March 21, 2019 as per the delegate's request)
- 8.1(a) Supporting documentation respecting a rental property's water bill, for 98 East 31st Street, Hamilton

(Clark/Pearson)

That the agenda for the February 7, 2019 Audit, Finance and Administration Committee meeting be approved, as amended.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Chad Collins
YES - Councillor Judi Partridge
YES - Councillor Arlene VanderBeeck
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) January 17, 2019 (Item 4.1)

(Pearson/Partridge)

That the Minutes of the January 17, 2019 meeting of the Audit, Finance and Administration Committee be approved, as presented.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Chad Collins
YES - Councillor Judi Partridge
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(d) COMMUNICATIONS (Item 5)

(i) Correspondence from Mark Strongman, Tournament Chairman, 2019 Little League Championship being held in Ancaster in Summer of 2019 requesting a grant of \$50,000 to assist in their financial responsibilities. (Referred from Council - January 23, 2019) (Item 5.1)

(Ferguson/VanderBeek)

That the correspondence from Mark Strongman, Tournament Chairman, respecting a grant of \$50,000 to assist in funding the 2019 Little League Championship be received and referred to the consideration of Item 6.2.

CARRIED

(e) DELEGATION REQUESTS (Item 6)

(i) Voislav Bjelajac, respecting a Vacancy Rebate for 2016 (For a future meeting) (Item 6.1)

(Ferguson/Pearson)

That the delegation request from Voislav Bjelajac, respecting a Vacancy Rebate for 2016, be approved for a future meeting.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

- YES - Councillor Maureen Wilson
- YES - Chair Chad Collins
- YES - Councillor Judi Partridge
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

- (ii) **Mark Strongman, Tournament Chairman, respecting a request for a \$50,000 grant for the 2019 Little League Championship being held in Ancaster (For today's meeting) (Item 6.2)**

(Ferguson/Johnson)

That the delegation request from Mark Strongman, Tournament Chairman, respecting a request for a \$50,000 grant for the 2019 Little League Championship being held in Ancaster, be approved for today's meeting.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

- YES - Councillor Maureen Wilson
- YES - Chair Chad Collins
- YES - Councillor Judi Partridge
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

(f) **CONSENT ITEMS (Item 7)**

- (i) **Minutes of Various Advisory Committees (Item 7.1)**

(Johnson/VanderBeek)

That the following minutes from various Advisory Committee meetings, be received as presented:

- (1) Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee – November 15, 2018 (Item 7.1(a))
- (2) Hamilton Mundialization Committee – December 19, 2018 (Item 7.1(b))
- (3) Hamilton Aboriginal Advisory Committee – September 6, 2018 (Item 7.1(c))
- (4) Hamilton Aboriginal Advisory Committee – November 5, 2018 (Item 7.1(d))
- (5) Committee Against Racism – November 27, 2018 (Item 7.1(e))
- (6) Hamilton Status of Women Committee – November 22, 2018 (Item 7.1(f))

CARRIED

(g) PUBLIC HEARINGS / DELEGATIONS (Item 8)

- (i) Mark Strongman, Tournament Chairman, respecting a request for a \$50,000 grant for the 2019 Little League Championship being held in Ancaster (Added Item 8.2)**

Mark Strongman, Tournament Chairman, addressed the Committee respecting a request for a \$50,000 grant for the 2019 Little League Championship being held in Ancaster, with the aid of a presentation. A copy of the presentation has been included in the official record.

(Ferguson/Pearson)

That the delegation from Mark Strongman, Tournament Chairman, respecting a request for a \$50,000 grant for the 2019 Little League Championship being held in Ancaster, be received.

CARRIED

A copy of the presentation is available on the City's website or through the Office of the City Clerk.

For further disposition of this matter, refer to Item 2.

(h) DISCUSSION ITEMS (Item 10)

- (i) Supply of Raw Water to 690 Strathearne Avenue North (FCS18049(b)) (Ward 4) (Item 10.1)**

The Chair advised that public notice was given for Item 10.1, Supply of Raw Water to 690 Strathearne Avenue North (FCS18049(b)), which invited 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.

For further disposition of this matter, refer to Item 3.

- (ii) Development Charges Stakeholders Sub-Committee Report 19-001 (Item 10.2)**

(Clark/Johnson)

That Item 3 be amended for clarification by changing the term Policy in subsection (i), to read as follows:

3. That the statutory public meeting for the Development Charges Background Study and By-law scheduled for April 18, 2019 include an evening session to start at 7:00 p.m., or on another date if the 18th isn't available.

- (i) That the entire draft Development Charges Policy **Background Study** be released; and,

- (ii) That staff be directed to provide comparators for Agricultural Development Charges in surrounding municipalities including, West Lincoln, Lincoln, Haldimand, Halton, Brantford and Brant County, and report back to the Development Charges Stakeholders Sub-Committee.

Result: Amendment CARRIED by a vote of 7 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Chad Collins
YES - Councillor Judi Partridge
YES - Councillor Arlene VanderBeek
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark
NOT PRESENT - Councillor Lloyd Ferguson

For further disposition of this matter, refer to Item 3.

(i) GENERAL INFORMATION/OTHER BUSINESS (Item 13)

(i) Changes to the Outstanding Business List (Item 13.1)

(Pearson/Partridge)

That the following changes to the Outstanding Business List be approved:

(a) Items to be removed:

Item B - Limit Agricultural Use Development (Council: May 25, 2016) - That staff be directed to revise the City's Development Charge (DC) By-law regarding Agricultural DC Exemptions at the next opportunity (currently forecast to be 4th quarter 2016) and report to the AF&A Committee.

Rationale: Addressed at the Development Charges Stakeholders Sub-Committee on January 28, 2019

Item K – Specific Funding Initiatives – Area Rating Special Capital Re-investment Reserves, Discretionary Spending, Cell Tower and Minor Maintenance Projects funded by the Special Levy - That staff be directed to include affordable housing in the Development Charges Policy review.

Rationale: Addressed at the Audit, Finance and Administration Committee on December 17, 2018

Item L - Affordable housing in the Development Charges Policy Review (May 17, 2018 AF&A Item 2) - That staff be directed to include affordable housing in the Development Charges Policy review.

Rationale: Addressed at the Development Charges Stakeholders Sub-Committee on January 28, 2019

(b) Items Requiring a New Due Date:

Item G - Review of Procurement Policies as it relates to Hiring Local Trades

Current Due Date: Q2 2018

Revised Due Date: Q4 2019

Item I - 2017 Q1 Emergency and Non-Competitive Procurements Report (FCS17011)

Current Due Date: Q1 2018

Revised Due Date: Q4 2019

(c) Items Requiring More Information:

Item M – 2018 United Way Funding Review

Additional Direction: That staff research and report back to Audit, Finance and Administration potential donation options that could be eligible for payroll deductions.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Chair Chad Collins

YES - Councillor Judi Partridge

YES - Councillor Arlene VanderBeek

YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

NOT PRESENT - Councillor Lloyd Ferguson

(j) PRIVATE & CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – January 17, 2019 (Item 14.1)

(Partridge/Clark)

(a) That the Closed Session Minutes of the January 17, 2019 Audit, Finance and Administration meeting, be approved as presented; and,

(b) That the Closed Session Minutes of the January 17, 2019 Audit, Finance and Administration meeting, remain confidential.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Chair Chad Collins
YES - Councillor Judi Partridge
YES - Councillor Arlene VanderBeek
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark
NOT PRESENT - Councillor Lloyd Ferguson

(Wilson/VanderBeek)

That Committee move into Closed Session respecting Item 14.2, pursuant to Section 8.1, Sub-sections (b), (f) and (k) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (b), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual(s), including City employees; advice that is subject to solicitor/client privileges, including communications necessary for that purpose; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

CARRIED

(ii) Hamilton Anti-Racism Resource Centre Update (HUR18010(a) / LS19008) (City Wide) (Item 14.2)

Staff were provided with direction in Closed Session.

For further disposition of this matter, refer to Item 5.

(k) ADJOURNMENT (Item 15)

(VanderBeek/Pearson)

That, there being no further business, the Audit, Finance and Administration Committee, be adjourned at 11:31 a.m.

CARRIED

Respectfully submitted,

Councillor Collins, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

Form: Request to Speak to Committee of Council

Submitted on Friday, February 8, 2019 - 6:05 pm

==Committee Requested==

Committee: Audit, Finance & Administration Committee

==Requestor Information==

Name of Individual: Michael Woloch**Name of Organization:****Contact Number:****Email Address:****Mailing Address:****Reason(s) for delegation request:**

In light of the recent news of the suppression of a critical report on the safety of the Red Hill Valley Parkway, I suggest that the City of Hamilton review its employment of registered Professional Engineers in key positions for the management and oversight of public works. If necessary, the City could work with PEO (Professional Engineers Ontario) the regulating body for Engineers in Ontario.

Professional Engineers, licensed and regulated in each province by law, must meet minimum standards for education, experience, and follow a code of conduct which holds public safety paramount. If a Professional Engineer had suppressed that report without taking action (even to point of whistle-blowing publicly), they would have faced criminal charges under the Professional Engineers Act.

This action is not unlike the Walkerton E.coli outbreak, where unqualified persons were given the responsibility for life-critical public safety. But without oversight or regulation, even by their own self-regulating professionals, these individuals failed to serve the public trust. And people died.

Moving forward, I suggest that the best way that the City of Hamilton can regain the public trust, is to review each department and ensure the involvement of Professional Engineers where public safety is critical. I suggest engaging the PEO directly on this issue.

For full disclosure, I am myself a registered Professional Engineer in Ontario and have been since 1999. I am also a Hamilton native and have lived in Hamilton for most of my life, attending the University of Waterloo from '89 to '94, and in Arizona from 2011 to 2015. I presently reside with my elderly parents in East Hamilton, only a few minutes away from the Parkway itself. I use the Parkway regularly. My extended family continues to live in the city.

The engineering profession doesn't have the high profile or prestige of the medical or legal profession, but the City would no more permit an unlicensed physician to treat patients for the city, or for a "self-taught legal expert" to represent the city in court. I'm quite sure that people understand this - the planning department requires building plans to be reviewed and stamped by an engineer or architect - so why would the public trust, be trusted to someone who has no formal legal obligation to public safety.

I am not dismissing the experience of those employed by the city, but actions speak louder than words and credentials. Without professional credentials for people in these technical positions, the city puts itself at risk, not only for litigation and

financial penalties, but a loss of reputation and public trust. I do not have a formal presentation, but I would be pleased to discuss this with the appropriate committee(s). This issue is very new and fresh, and I have not had time to even consider a formal presentation. I am sending this at the suggestion of Mayor's office (I sent them e-mail yesterday), as hiring practices and promotions should be considered and reviewed - again, with the full public involvement of the PEO (who are more than qualified in recognizing which offices and departments should have oversight and involvement of Professional Engineers).

This is not something which can be outsourced to consultants - the consultants who prepared this infamous report obviously did their work correctly, but keeping the report hidden was not their decision. It would be foolishly naive of me to say that Professional Engineers are perfect, but they are held to a higher standard - morally and legally - like your doctor. It is time to do something before the public at large starts feeling that the City doesn't care about their safety, or their lives

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

8.1

Form: Request to Speak to Committee of Council

Submitted on Thursday, January 17, 2019 - 3:53 pm

==Committee Requested==

Committee: Audit, Finance & Administration

==Requestor Information==

Name of Individual: Voislav Bjelajac

Name of Organization: 2492407 Ontario Inc.

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: Vacancy Rebate for 2016 was never received from city of Hamilton. I did send it.

Will you be requesting funds from the City? Yes

Will you be submitting a formal presentation? No