



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 19-009

AS AMENDED BY COUNCIL ON JUNE 12, 2019

June 6, 2019

9:30 a.m.

Council Chambers, Hamilton City Hall
71 Main Street West

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

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 19-009 AND RESPECTFULLY RECOMMENDS:

1. 2018 Provincial Offences Administration Annual Report (FCS19011) (City Wide) (Item 7.2)

That Report FCS19011, respecting the 2018 Provincial Offences Administration Annual Report, be received.

(a) That Report FCS19011, respecting 2018 Provincial Offences Administration Annual Report be referred to the Hamilton Police Services Board for review *and that the Hamilton Police Services Board be requested to report back to the Audit, Finance & Administration Committee; and,*

(b) That Report FCS19011, respecting 2018 Provincial Offences Administration Annual Report be referred to Municipal Law Enforcement for review.

2. Proposed Write-Off for Provincial Offences (FCS19012) (City Wide) (Item 7.3)

That staff be authorized to write-off the following outstanding Provincial Offences fines deemed uncollectible, in the total amount of \$1,173,573.29:

- (a) \$1,171,221.41 in uncollectible fines with a sentence date of December 31, 2011 and prior; and,
- (b) \$2,351.88 in underpayments from April 1, 2018 through March 31, 2019.

3. 2018 Annual Energy Report on Commodity Price Hedging (FCS19026 / PW19044) (City Wide) (Item 7.4)

That Report FCS19026 / PW19044, respecting the 2018 Annual Energy Report on Commodity Price Hedging, be received.

4. Tania Amaral, respecting a burst pipe resulting in an exorbitant water bill (Approved May 16, 2019) (Item 8.1)

That staff be directed to write off 50% of Tania Amaral's exorbitant water bill at 185 Weir Street North.

5. Grant Ranalli, respecting advocating for CBC Radio service in Hamilton (Approved May 16, 2019) (Item 8.2)

- (a) That the request from Grant Ranalli to support a CBC Radio Station in Hamilton be endorsed; and,
- (b) That a letter of endorsement be sent to the President of CBC and circulated to all leaders of the Federal Parties.

6. Proposed Amendments to Fair Wage Policy and Fair Wage Schedule (FCS19035 / HUR19008) (City Wide) (Item 10.1)

That the Fair Wage Policy and Fair Wage Schedule, attached as Appendix "A" to Audit, Finance & Administration Report 19-009, be approved.

7. 2019 Property and Liability Insurance Renewal Report (FCS19032) (City Wide) (Item 10.2)

- (a) That the Liability and Property Insurance coverage for the term January 1, 2019, to January 1, 2020, be renewed through Jardine Lloyd Thompson Canada Inc. (JLT) at a cost of \$6,627,835 (net of taxes) and be funded through the 2019 Risk Management Services (RMS) Budget, in accordance with Appendix "B" to Audit, Finance & Administration Report 19-009;

- (b) That the General Manager, Finance and Corporate Services, be authorized and directed to execute all associated documents related to the renewal of the Liability and Property Insurance coverage for the term January 1, 2019, to January 1, 2020, through Jardine Lloyd Thompson Canada Inc. (JLT), on behalf of the City of Hamilton; and,
- (c) That the 2019 unfavourable budget variance in insurance premiums of \$2,027,835 (net of taxes) resulting from the Liability and Property Insurance coverage for the term January 1, 2019, to January 1, 2020, be addressed in the year end operating budget variance report.

8. 2019 Development Charges Public Meeting Written Submissions - Staff Response (FCS19051) (City Wide) (Item 10.3)

That Report FCS19051, respecting 2019 Development Charges Public Meeting Written Submissions - Staff Response, be received.

9. 2019 Development Charges By-law and Background Study (FCS19050) (City Wide) (Item 10.4)

That Item 9 of the Audit, Finance & Administration Committee Report 19-009, be amended as follows:

WHEREAS the Province released Bill 108, *More Homes, More Choice Act, 2019* on May 2, 2019 and the Bill received Royal Assent on June 6, 2019;

WHEREAS Bill 108 will ultimately result in many services (generally referred to as soft services) that the City collects Development Charges for, to no longer to be eligible for inclusion in a Development Charges Study and By-law;

WHEREAS Bill 108 provides transition provisions for Development Charge By-laws that expire after May 2, 2019;

WHEREAS once Bill 108 is proclaimed in force Development Charges By-laws may only impose Development Charges for the services listed in subsection 2(4) of the *Development Charges Act, 1997, as amended* which results in the exclusion of soft services from Development Charges;

WHEREAS the draft Development Charge By-law being recommended to Council for approval in FCS19050 is before Council for passage on June 12, 2019 but

contains a provision which would delay the by-law coming into force until July 6, 2019;

WHEREAS the date of proclamation of Bill 108 unknown;

WHEREAS the City of Hamilton has undertaken a Development Charges Background Study dated March 13, 2019;

WHEREAS extraordinary hours of staff and consultants time has been allocated to ensuring that the 2019 Development Charges Background Study and calculation reflect the costs necessary to service the anticipated development within the City;

WHEREAS the impacts of Bill 108 cannot be fully understood by municipalities since the regulations have not been released;

WHEREAS staff has identified a risk regarding the effective date of the 2019 Development Charges By-law and the transition provisions contained within Bill 108, given how quickly the Provincial Government may Proclaim the Bill; specifically, the effective date of July 6, 2019 in the 2019 Development Charges By-law and the ability to collect for soft services at the rates determined necessary to support the capital needs related to growth through the 2019 Development Charges calculation;

WHEREAS there is a \$3,593 difference per single family dwelling in the soft service Development Charges between the current Development Charges collected for soft services and the amount calculated for soft service through the 2019 Development Charges Background Study;

WHEREAS July 6, 2019 has consistently been communicated as the date that the 2019 Development Charge rates would take effect;

WHEREAS there is a need to mitigate the risk identified while acknowledging that developers have been working with July 6, 2019 as the date increased Development Charges would take effect;

WHEREAS Addendum #2 to the 2019 Development Charges Background Study, dated June 10, 2019, has been prepared and released by Watson Associates Economists Ltd. and communicated by the City through the City's website and twitter account;

WHEREAS the City has met all legislated timelines and consultation periods required prior to passing and enacting a new Development Charges By-law;

WHEREAS this motion addresses the request from the June 6, 2019 Audit, Finance and Administration Committee meeting for staff to report back to Council on June 12, 2019 with language regarding transitional concerns related to Bill 108 and the 2019 Development Charges By-law;

WHEREAS it is the intent of Council that the proposed 2019 Development Charges By-law to be passed, enacted and take effect prior to the proclamation of Bill 108;

BE IT THEREFORE RESOLVED:

(i) That the recommendations (a), (c) and (f) of Item 9 of Audit, Finance and Administration Committee Report 19-009 respecting the 2019 Development Charges By-law and Background Study (FCS19050) be **amended** as follows:

(a) That the 2019 City of Hamilton Development Charges Study, as amended, prepared by Watson & Associates Economists Ltd. and dated March 13, 2019, amended May 15, 2019 **and June 10, 2019**, be approved;

(c) That **the increase in need for services as set out in** all of the growth capital projects listed in the City of Hamilton Development Charges Background Study, as amended, prepared by Watson & Associates Economists Ltd. and dated March 13, 2019, amended May 15, 2019 **and June 10, 2019**, be approved, in principle, subject to annual capital budget approvals;

(f) That the “Local Service Policy” as included in the 2019 City of Hamilton Development Charges Study, as amended, be implemented effective **June 13**, 2019 and that the Planning and Economic Development Department be directed to make any updates required to co-ordinate the City’s financial policies for new development with the “Local Service Policy”;

(ii) That the proposed 2019 Development Charges By-Law attached as Appendix “A” to Report FCS19050, be **amended** as follows:

(a) That the fifth recital be **amended** by replacing “General Issues Committee” with “Audit, Finance, and Administration Committee” as follows:

"WHEREAS the Council of the City of Hamilton, through its **Audit, Finance and Administration Committee**, has received written submissions and heard all persons who applied to be heard no matter whether in objection to, or in support of, the said By-law;"

- (b) That Schedule A be replaced with **Revised** Schedule A, attached hereto;
- (c) That Schedule B be replaced with **Revised** Schedule B, attached hereto;
- (d) That Schedule C be replaced with **Revised** Schedule C, attached hereto;
- (e) That Table 1 be replaced with **Revised** Table 1, attached hereto;
- (f) That the Downtown Hamilton CIPA Table in Sub-section 27 (a) be replaced with **Revised** Table 2, attached hereto;
- (g) That Subsection 38 (a) and (b) be deleted and replaced with the following:

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38. The Development Charges set out in **Revised** Schedule "A" and **Revised** Schedule "B" of this By-law shall be adjusted annually without amendment to this By-law by the percentage change during the preceding year, as recorded in the Statistics Canada's Building Construction price index, by type of building (non-residential building) (Table 18-10-0135-01) for the City of Toronto, as may be amended or replaced from time to time. This adjustment shall take place as follows:

(a) the initial adjustment shall **be on July 6, 2020 at 12:01 am**,
and

(b) thereafter, adjustment shall be made each year on **July 6**.

- (h) That Section 44 be **amended** such that the by-law shall take effect as of June 13, 2019.

Date By-law Effective

44. This By-law shall come into force and take effect at 12:01 a.m. on **June 13, 2019**.

- (iii) That the recommendations (d) and (e) of Item 9 of Audit, Finance and Administration Committee Report 19-009 respecting the 2019 Development Charges By-law and Background Study (FCS19050) be **amended** as follows:
- (d) That, having considered the matters in Report FCS19050 including the changes incorporated into the **proposed** 2019 Development Charges By-law, attached hereto as Appendix "A" **as amended** of Report FCS19050, no further meeting under s.12 of the Development Charges Act, 1997 is required;
- (e) That Appendix "A" **as amended**, attached to Report FCS19050 respecting the 2019 Development Charges By-law, prepared in a form satisfactory to the City Solicitor, be passed and enacted;
- (iv) That the following sub-section (m) be added, to address Council's intent to enact the proposed 2019 Development Charges By-law to take effect prior to the proclamation of Bill 108:
- (m) That after having considered the foregoing matters set out in Report FCS19050, including all the changes to the proposed 2019 Development Charge By-law including those described in paragraph (d) above and all matters set out in this motion, no further meeting under section 12 of the Development Charges Act, 1997 is required.***

Main Motion as Amended to read as follows:

- (a) That the 2019 City of Hamilton Development Charges Study, as amended, prepared by Watson & Associates Economists Ltd. and dated March 13, 2019, amended May 15, 2019 **and June 10, 2019**, be approved;
- (b) That, whenever appropriate, the City requests that grants, subsidies and other contributions be clearly designated by the provider as being to the benefit of existing development (or new development, as applicable);
- (c) That ***the increase in need for services as set out in*** all of the growth capital projects listed in the City of Hamilton Development Charges Background Study, as amended, prepared by Watson & Associates Economists Ltd. and dated March 13, 2019, amended May 15, 2019 **and June 10, 2019**, be approved, in principle, subject to annual capital budget approvals;
- (d) That, having considered the matters in Report FCS19050 including the changes incorporated into the **proposed** 2019 Development Charges By-law,

attached hereto as Appendix "A" **as amended** of Report FCS19050, no further meeting under s.12 of the Development Charges Act, 1997 is required;

- (e) That Appendix "A" **as amended**, attached to Report FCS19050 respecting the 2019 Development Charges By-law, prepared in a form satisfactory to the City Solicitor, be passed and enacted;
- (f) That the "Local Service Policy" as included in the 2019 City of Hamilton Development Charges Study, as amended, be implemented effective **June 13, 2019** and that the Planning and Economic Development Department be directed to make any updates required to co-ordinate the City's financial policies for new development with the "Local Service Policy";
- (g) That, where public stormwater management facilities have been provided at the cost of a developer, as a condition of development approval and the said facilities are deemed to be permanent and part of an ultimate solution, "credits for services in-lieu" for the related stormwater component of the Development Charge will be applied for any unbuilt units upon the said facilities being included in the Development Charge Background Study and any applicable addendum(s). Should external future development lands take benefit of said stormwater management facilities and where a best efforts provision has been included within the development agreement under which the facility was built, the City will collect the full Development Charge from the external developer and reimburse the original developer (constructor of storm pond) only the original value of the proportionate share of the best effort;
- (h) That the General Manager of Finance and Corporate Services be delegated authority to authorize Development Charge deferral agreements as outlined in Section 34 of the DC By-law, attached hereto as Appendix "A" of Report FCS19050;
- (i) That Development Charge Reserves be set up for the following type of Development Charge collections:
 - (i) Waste Diversion Residential Reserve;
 - (ii) Waste Diversion Non-Residential Reserve;
 - (iii) Stormwater Combined Residential Reserve;
 - (iv) Stormwater Combined Non-Residential Reserve;
 - (v) Stormwater Separated Residential Reserve;
 - (vi) Stormwater Separated Non-Residential Reserve;
 - (vii) Administrative Studies – Community Based Studies Residential Reserve;
 - (viii) Administrative Studied – Community Based Studies Non-Residential Reserve;

- (j) That, having considered the matters in Report FCS19050 including the changes incorporated into the amending GO Transit By-law attached hereto as Appendix "B" to Report FCS19050, no further meeting under s.12 of the Development Charges Act, 1997 is required;
- (k) That Appendix "B" attached to Report FCS19050 being a By-law to amend By-law 11-174 – "City of Hamilton GO Transit Development Charge By-law, 2011", prepared in a form satisfactory to the City Solicitor, be passed and enacted; and,
- (l) That staff be directed to report back to the Audit, Finance & Administration Committee regarding the anticipated impact of Bill 108: More Homes, More Choice Act 2019 on the 2019 Development Charges By-law once the regulations are released and the Bill has received Royal Assent.
- (m) That after having considered the foregoing matters set out in Report FCS19050, including all the changes to the proposed 2019 Development Charge By-law including those described in paragraph (d) above and all matters set out in this motion, no further meeting under section 12 of the Development Charges Act, 1997 is required.***

10. **Governance Review Sub-Committee Report 19-004 - May 28, 2019 (Added Item 10.5)**

(a) Pregnancy and Parental Leave for Members of Council Policy (CL19007) (City Wide) (Item 10.1)

That Council approve the "Pregnancy and Parental Leave for Members of Council Policy" attached as Appendix 'C' of Audit, Finance & Administration Committee Report 19-009.

(b) Additional Administrative Support for Councillors' Offices (Item 11.1)

WHEREAS, the current allotment for vacation and sick leave is insufficient for Councillor administrative staff whose accumulated vacation entitlement exceeds the amount of coverage currently provided in the ward office budgets (2 weeks);

WHEREAS, our social media and engagement policies and practices at the city have been successful in engaging more residents than ever before with their ward Councillors' offices subsequently requiring closer monitoring by staff and Councillor's to these outlets to efficiently respond to constituent concerns;

WHEREAS, a 0.5 FTE administrative support person would provide greater continuity in the office by facilitating coverage of the FTE person resulting in a more seamless exchange between the constituent and the ward office staff on a given issue or concern;

WHEREAS, a single staff person often deals with complex issues or projects to support their Councillor's initiatives requiring them to exercise greater responsibilities beyond basic constituency matters;

WHEREAS, the amount of work in each ward office is substantial and can be clearly demonstrated through activity levels there is a need to ensure we have the resources to protect the health and wellbeing of our admins who may incur negative impacts due to increased stress or burnout;

THEREFORE, BE IT RESOLVED:

That the administrative support previously allocated to old wards 7 & 8 of \$177,000 to be equally allocated across all new wards (or \$11,800 per ward), be approved.

11. Bill 108 "More Homes, More Choice Act, 2019" - Schedule 3 Comment Submission (FCS19057 / LS19023) (City Wide) (Added Item 10.6)

- (a) That Council endorse the draft comments, recommendations and requests submitted to the Province on May 29, 2019 in response to Schedule 3 (Development Charges Act, 1997) of Bill 108, More Homes More Choice Act, 2019 attached as Appendix "D" to Audit, Finance & Administration Committee Report 19-009, as the City's official comments;
- (b) That the General Manager of Finance and Corporate Services be authorized and directed to confirm the submissions made to the Province attached as Appendix "D" to Audit, Finance & Administration Committee Report 19-009, as the City's official comments;
- (c) That the General Manager of Finance and Corporate Services, in consultation with the City Solicitor, be authorized to make submissions on Bill 108, More Homes, More Choice Act, 2019 and any associated regulations consistent with the concerns raised in Report FCS19057 / LS19023 and Appendix "D" to Audit, Finance & Administration Committee Report 19-009; and,
- (d) That the Clerk forward this report to the Ministry of Municipal Affairs and Housing; and the Ministry of Environment, Conservation and Parks; Hamilton's Members' of Provincial Parliament (Donna Skelly - Flamborough—Glanbrook, Andrea Horwath - Hamilton Centre, Paul Miller

- Hamilton East—Stoney Creek, Monique Taylor - Hamilton Mountain and Sandy Shaw - Hamilton West—Ancaster—Dundas) and the Association for Municipalities Ontario.

12. Access by Design Policy (Item 11.1)

That the Manager of Corporate Records and Freedom of Information be directed to report back to the Audit, Finance and Administration Committee on the development of a corporate wide Access by Design policy for the City of Hamilton to support the proactive disclosure of information/documents.

13. Community Room at 120 Strathcona Avenue North (Added Item 11.2)

WHEREAS, residents of CityHousing Hamilton properties deserve dignified and safe, affordable housing; and,

WHEREAS, improvements to the interiors of CityHousing Hamilton community room helps prevent the negative impact of social isolation and promotes a healthy and engaged community;

THEREFORE, BE IT RESOLVED:

That \$5,000 be provided to CityHousing to help furnish the Community Room at 120 Strathcona Avenue North from the Ward 1 Discretionary Account No. 3301909100.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. COMMUNICATIONS (Item 5)

5.1 Correspondence from Andrew Smith, A.J. Clarke and Associates Ltd., respecting the 2019 Development Charges Background Study, Projects Review

Recommendation: Be received and referred to the consideration of Item 10.4.

5.2 Correspondence from Aldo De Santis, Multi-Area Developments Inc., respecting the 2019 Development Charge Review, Summit Park Phase 11 and Phase 9

Recommendation: Be received and referred to the consideration of Item 10.4

- 5.3 Correspondence from Watson & Associates Economists Ltd., respecting their submission to John Ballantine, Ministry of Municipal Affairs and Housing, respecting Bill 108: Potential Changes to the Development Charges Act

Recommendation: Be received and referred to the consideration of Item 10.4

- 5.4 Correspondence from Joel Farber, Fogler, Rubinoff LLP, respecting the 2019 Development Charges and Background Study

Recommendation: Be received and referred to the consideration of Item 10.4

2. DELEGATION REQUESTS (Item 6)

- 6.1 Terry MacDougall, respecting an appeal to a water bill amount (For a future meeting)

3. DISCUSSION ITEMS (Item 10)

- 10.5 Governance Review Sub-Committee Report 19-004 - May 28, 2019
- 10.6 Bill 108 "More Homes, More Choice Act, 2019" - Schedule 3 Comment Submission (FCS19057 / LS19023) (City Wide)

4. NOTICES OF MOTION (Item 12)

- 12.1 Community Room at 120 Strathcona Avenue North

The agenda for the June 6, 2019 Audit, Finance and Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Wilson declared an interest to Item 10.4, respecting the Development Charges By-law as a family member does not provide affordable housing but due to the sphere of activity in relation to affordable housing financing it is a conflict as deemed by the Integrity Commissioner.

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

(i) May 16, 2019 (Item 4.1)

The Minutes of the May 16, 2019 meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

The following Communications items were received and referred to the consideration of Item 10.4, respecting the 2019 Development Charges By-law and Background Study (FCS19050):

- (i) Correspondence from Andrew Smith, A.J. Clarke and Associates Ltd., respecting the 2019 Development Charges Background Study, Projects Review (Added Item 5.1)
- (ii) Correspondence from Aldo De Santis, Multi-Area Developments Inc., respecting the 2019 Development Charge Review, Summit Park Phase 11 and Phase 9 (Added Item 5.2)
- (iii) Correspondence from Watson & Associates Economists Ltd., respecting their submission to John Ballantine, Ministry of Municipal Affairs and Housing, respecting Bill 108: Potential Changes to the Development Charges Act (Added Item 5.3)
- (iv) Correspondence from Joel Farber, Fogler, Rubinoff LLP, respecting the 2019 Development Charges and Background Study (Added Item 5.4)

(e) DELEGATION REQUESTS (Item 6)

- (i) Terry MacDougall, respecting an appeal to a water bill amount (For a future meeting) (Added Item 6.1)**

The delegation request from Terry MacDougall, respecting an appeal to a water bill amount, was approved for a future meeting.

(f) CONSENT ITEMS (Item 7)

- (i) Various Advisory Committee Minutes:**

The following minutes from Various Advisory Committee meetings, were received:

- (1) Hamilton Aboriginal Advisory Committee – December 6, 2018
(Item 7.1(a))
- (2) Hamilton Aboriginal Advisory Committee – March 7, 2019
(Item 7.1(b))
- (3) Hamilton Aboriginal Advisory Committee – April 4, 2019
(Item 7.1(c))

- (4) Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee
– January 17, 2019 (Item 7.1(d))

(g) PUBLIC HEARINGS / DELEGATIONS (Item 8)

- (i) Tania Amaral, respecting a burst pipe resulting in an exorbitant water bill (Approved May 16, 2019) (Item 8.1)**

Tania Amaral, addressed the Committee respecting a burst pipe resulting in an exorbitant water bill, with the aid of a presentation.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the office of the City Clerk.

The delegation from Tania Amaral, respecting a burst pipe resulting in an exorbitant water bill, was received.

For disposition of this matter, refer to Item 4.

- (ii) Supporting Documentation Provided by Staff respecting Tania Amaral's water bill (Item 8.1(a))**

The supporting documentation provided by staff respecting Tania Amaral's water bill, was received.

- (iii) Grant Ranalli, respecting advocating for CBC Radio service in Hamilton (Approved May 16, 2019) (Item 8.2)**

Grant Ranalli addressed the Committee respecting advocating for CBC Radio service in Hamilton, with the aid of a presentation.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the office of the City Clerk.

The delegation from Grant Ranalli, respecting advocating for CBC Radio service in Hamilton, was received.

For disposition of this matter, refer to Item 5.

(h) DISCUSSION ITEMS (Item 10)

**(i) 2019 Development Charges By-law and Background Study (FCS19050)
(City Wide) (Item 10.4(a))**

Gary Scandlan, from Watson & Associates, addressed the Committee respecting the 2019 Development Charges By-law and Background Study, with the aid of a presentation.

The presentation from Gary Scandlan, Watson & Associates respecting the 2019 Development Charges By-law and Background Study, was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the office of the City clerk.

For disposition of this matter, refer to Item 9.

(i) NOTICES OF MOTION (Item 12)

(i) Community Room at 120 Strathcona Avenue North (Added Item 12.1)

Councillor Wilson introduced her notice of motion respecting the Community Room at 120 Strathcona Avenue North.

The rules of order were waived to allow for the introduction of a Motion respecting the Community Room at 120 Strathcona Avenue North.

For disposition of this matter, refer to Item 13.

(j) ADJOURNMENT (Item 15)

There being no further business, the Audit, Finance & Administration Committee adjourned at 11:43 a.m.

Councillor C. Collins, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk