



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 20-003

AS AMENDED AT COUNCIL ON FEBRUARY 26 & 26, 2020

9:30 a.m.

February 20, 2020

Council Chambers

Hamilton City Hall

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

Also Present: Mayor F. Eisenberger
Councillor S. Merulla

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 20-003 AND RESPECTFULLY RECOMMENDS:

1. Redaction of Personal Information on items before Council and/or Committee (CL20002) (City Wide) (Item 7.1)

- (a) That Report CL20002, respecting the Redaction of Personal Information on items before Council and/or Committee, be received; and
- (b) That staff be directed to invite Brian Beamish, the Information and Privacy Commissioner (IPC) and a representative from the Municipal Property Assessment Corporation (MPAC) to a future General Issues Committee to address concerns with current regulations which limit Ward Councillor's access to resident information.

2. Hate Related Activities on City of Hamilton Properties (LS19031 / PW19068(b) / CM19006(b)) (City Wide) (Item 7.3)

That Report LS19031 / PW19068(b) / CM19006(b), respecting Hate Related Activities on City of Hamilton Properties, be received.

3. City of Hamilton Water and Wastewater / Storm Arrears Policy Minor Amendment (FCS20018) (City Wide) (Item 7.4)

That the amended Water and Wastewater / Storm Arrears Policy as attached in Appendix "A" to Audit, Finance and Administration Report 20-003, be approved effective March 1, 2020.

4. Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee - Additional Committee Members (Item 10.1)

That staff be directed to commence a recruitment process for the selection of additional members for the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee.

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5. Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee - Hamilton Police Services Board Appointee (Item 10.2)

That the Citizen Committee Report from the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee, respecting the Hamilton Police Services Board Appointee, be received and no further action taken.

6. Grants Sub-Committee Report 20-001 - February 10, 2020 (Item 10.3)

(i) City Enrichment Fund 2020 Workplan (GRA19005) (City Wide) (Item 5.1)

That Report GRA19005, respecting the City Enrichment Fund 2020 Workplan, be received.

(ii) United Way Update (GRA19003) (City Wide) (Item 6.1)

That Report GRA19003, respecting the United Way Update, be received.

(iii) City Enrichment Fund Update (GRA20002) (City Wide) (Item 6.2)

That the overall 2019 City Enrichment Fund surplus (attached as Appendix "B" to Audit, Finance and Administration Committee Report 20-003, in the amount of \$82,047, be transferred to the City Enrichment Fund Reserve #112230.

7. Process for Addressing Development Charge (DC) Concerns (FCS20007) (City Wide) (Item 10.4)

That Report FCS20007, respecting the Process for Addressing Development Charge (DC) Concerns, be received.

8. Policy 11 Single Source Provider for TYMCO Sweeper DST-4 (PW20006(a)) (City Wide) (Added Item 10.5)

(a) That pursuant to the City's Procurement Policy By-Law 17-064 (Policy #11 – Non-Competitive Procurements) a single source purchase of a TYMCO Sweeper DST-4 for use on bike lanes and other smaller City streets at the approximate cost of \$310,000 be awarded to The Equipment Specialists Inc. and funded from Project ID's 4031821350 and 4031921350;

(b) That pursuant to the City's Procurement Policy By-Law 17-064 (Policy #14 – Standardization) the DST-4 Sweeper, as manufactured by TYMCO and supplied by The Equipment Specialist Inc., be added to the standardization list of Fleet Equipment and Parts; and,

(c) That the General Manager of Public Works be authorized to negotiate, enter into and execute all required documentation to give effect thereto with The Equipment Specialists Inc. in a form satisfactory to the City Solicitor.

9. **Governance Review Sub-Committee Report 20-001 - February 12, 2020
(Added Item 10.6)**

(Clark/Ferguson)

That item (iii) of Governance Review Sub-Committee Report 20-001 be **amended** by adding sub-section (b) as follows:

(b) That the City Solicitor report back to the Governance Review Sub-Committee on qualified privileges of Members of Parliament, Members of Provincial Parliament and Councillors, and the risk of court subpoenas to access records.

(i) Civil Marriage Solemnization (CL19012(a)) (City Wide) (Item 10.1)

- (a) That the City of Hamilton provide Civil Marriage Solemnization services as of April 6, 2020, using current resources;
- (b) That the Proposed 2020 User Fees and Charges respecting Civil Marriage Ceremony services attached as Appendix 'C' to Audit, Finance and Administration Committee Report 20-003, be approved, and included in Schedule 'A' of the By-law to Establish Certain 2020 User Fees and Charges for Services, Activities or the Use of Property;
- (c) That a By-law to Authorize Civil Marriage Solemnization Services and To Delegate the Authority to Solemnize Marriages in the City of Hamilton attached as Appendix 'B' to Governance Review Sub-Committee Report 20-001, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and
- (d) That staff report back to the Governance Review Sub-Committee within a one year period to provide an update on Civil Marriage Solemnization services.

(ii) Appointment of the City of Hamilton Integrity Commissioner and Lobbyist Registrar (FCS20016) (City Wide) (Item 10.2)

- (a) That Principles Integrity be appointed as the Integrity Commissioner and Lobbyist Registrar for the City of Hamilton for the remainder of the current council term with an option to renew for an additional term of council and that the Mayor and City Clerk be authorized and directed to enter into an agreement to the satisfaction of the City Solicitor; and
- (b) That the City Clerk be directed to prepare the necessary by-laws for Council approval for the appointment of Principles Integrity as the City of Hamilton Integrity Commissioner and Lobbyist Registrar; and
- (c) That the costs associated with the Integrity Commissioner and Lobbyist Registrar be funded through IC-Lobbyist Registrar (Account Number 300400).

(iii) Recording of In Camera Sessions (Referred from the January 22, 2020 Meeting of Council) (Item 11.2)

WHEREAS the Ontario Ombudsman recommends that all municipalities make audio recordings or video recordings of all meetings – both open and closed – to ensure a thorough record;

WHEREAS there are now 23 Ontario municipalities that have implemented either audio or audiovisual recordings of their closed meetings;

WHEREAS an audio or audiovisual recording of in-camera meetings provides a clear and accessible record for closed meeting investigators to review;

WHEREAS such recordings of closed meetings will assist the municipality in quickly demonstrating that Council and staff did not stray from the legislated requirements during closed meetings; and,

WHEREAS such recordings of closed meetings will provide a complete record to be used by the municipality and/or Councillors for future references as needed;

THEREFORE, BE IT RESOLVED:

(a) That the City Manager be directed to report back to the Governance Review Sub-Committee within 90 days on the costs and policies to implement an audio recording system to be utilized for the recording of in-camera meetings; and the ways and means for the City Clerk to archive and protect such records.

(b) That the City Solicitor report back to the Governance Review Sub-Committee on qualified privileges of Members of Parliament, Members of Provincial Parliament and Councillors, and the risk of court subpoenas to access records.

10. Development Charge (DC) Section 20 Complaint Hearing (LS20009 / FCS20024) (City Wide) (Added Item 10.7)

(a) That Development Charge (DC) Section 20 Complaint Hearing Report LS20009/ FCS20024 be received; and,

(b) That Development Charge (DC) Section 20 Complaint Hearing Appendix “A” to Report LS20009/ FCS20024 remain confidential.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

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10. DISCUSSION ITEMS (Item 10)

- 10.5 Policy 11 Single Source Provider for TYMCO Sweeper DST-4 (PW20006(a)) (City Wide)
- 10.6 Governance Review Sub-Committee Report 20-001 - February 12, 2020
- 10.7 Development Charge (DC) Section 20 Complaint Hearing (LS20009 / FCS20024) (City Wide)

14. PRIVATE AND CONFIDENTIAL (Item 14)

- 14.1 Appendix "A" to Report LS20009 / FCS20024 - Development Charge (DC) Section 20 Complaint Hearing (LS20009 / FCS20024) (City Wide)

The agenda for the February 20, 2020 Audit, Finance and Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Clark declared an interest to Item 10.4, respecting Process for Addressing Development Charge (DC) Concerns (FCS20007), as Sergio Manchia has a business interest with his son.

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

(i) February 6, 2020 (Item 4.1)

The Minutes of the February 6, 2020 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) John Stirling, respecting a \$14,400.00 Park Dedication Fee for a 1 apartment unit in a commercial building (For a future meeting) (Item 6.1)

The delegation request from John Stirling, respecting a \$14,400.00 Park Dedication Fee for a 1 apartment unit in a commercial building, was approved for a future meeting.

(e) CONSENT ITEMS (Item 7)

The following Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee Minutes, were received and referred to the In Camera portion of the meeting:

- (i) April 30, 2019 (Item 7.2(a))
- (ii) May 15, 2019 (Item 7.2(b))
- (iii) May 28, 2019 (Item 7.2(c))
- (iv) June 25, 2019 (Item 7.2(d))
- (v) July 16, 2019 (Item 7.2(e))

- (vi) August 20, 2019 (Item 7.2(f))
- (vii) August 27, 2019 (Item 7.2(g))
- (viii) September 17, 2019 (Item 7.2(h))
- (ix) October 15, 2019 (Item 7.2(i))
- (x) November 19, 2019 (Item 7.2(j))

(f) DISCUSSION ITEMS (Item 10)

(i) Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee - Hamilton Police Services Board Appointee (Item 10.2)

Councillor Ferguson will be officially requesting that the incorrect information found within the Citizen Committee Report from the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee, respecting the Hamilton Police Services Board Appointee be redacted.

Once received by the City Clerk, the incorrect information within Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee - Hamilton Police Services Board Appointee will be redacted and the agenda republished.

The Citizen Committee Report from the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee, respecting the Hamilton Police Services Board Appointee, was referred to the In Camera portion of the meeting.

For disposition of this matter, refer to Item 5.

(ii) Process for Addressing Development Charge (DC) Concerns (FCS20007) (City Wide) (Outstanding Business List Item) (Item 10.4)

That staff be directed to look at options and alternatives that are not included in Report FCS20007, respecting the Process for Addressing Development Charge (DC) Concerns, and report back to the Audit, Finance and Administration Committee with these alternatives.

For disposition of this matter, refer to Item 7.

(g) PRIVATE AND CONFIDENTIAL (Item 14)

That Committee move into Closed Session respecting Items 7.2(a) through 7.2(j), Item 10.2, and Item 14.1 Appendix 'A' to Item 10.7, pursuant to Section 8.1, Sub-sections (b), (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (b), (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(i) **Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee Minutes (Items 7.2(a) through 7.2(j))**

For disposition of this matter, please refer to Item (e)(i) through (e)(x).

(ii) **Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee - Hamilton Police Services Board Appointee (Item 10.2)**

For disposition of this matter, please refer to Item 5 and (f)(i).

(iii) **Appendix "A" to Report LS20009 / FCS20024 - Development Charge (DC) Section 20 Complaint Hearing (Item 14.1)**

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

(h) **GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

(i) **Amendments to the Outstanding Business List (Item 13.1)**

The following amendment to the Outstanding Business List, was approved:

(a) **Item to be Removed (Item 13.1(a)):**

Sergio Manchia, Urbancore Developments Inc., respecting the DC liability for the proposed self storage facility at 9 Aeropark Boulevard known as Upper James Self Storage and 54 Dundas Street, Waterdown, Waterdown Mini Storage Inc (Added Item 8.1) November 7, 2019 AF&A Agenda Item (f)(i) Item 10.4 on today's agenda OBL Item: 19-Q

(i) **ADJOURNMENT (Item 15)**

There being no further business, the Audit, Finance and Administration Committee adjourned at 12:14 p.m.

Respectfully submitted,

Councillor Wilson, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk