



## **AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 19-008**

**AS AMENDED AT COUNCIL ON MAY 22, 2019  
FURTHER AMENDED AT COUNCIL ON AUGUST 21, 2020**

**9:30 a.m.**

**May 16, 2019**

**Council Chambers  
Hamilton City Hall**

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

**Absent:** Councillor A. VanderBeek – City Business

**Also Present:** Councillor J.P. Danko

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**THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT  
19-008 AND RESPECTFULLY RECOMMENDS:**

**1. 2019 Freedom of Information Quarterly Report (January 1 to March 31)  
(CL19005) (City Wide) (Item 7.1)**

That Report CL19005, respecting the 2019 Freedom of Information Quarterly Report (January 1 to March 31), be received.

**2. Audit Services Report 2018-01 Hamilton Fire Department Risk Assessment  
(AUD19008) (City Wide) (Item 10.1)**

That the General Manager of Healthy and Safe Communities be directed to instruct the appropriate staff to have the management responses implemented for the risks pertaining to:

- (i) Workforce Planning and Staffing;
- (ii) Recruitment and Retention;
- (iii) Unsustainable Costs;
- (iv) Employee Skills and Aptitude; and,
- (v) Emerging Technology.

**3. Workplace Mental Health and Wellbeing Strategy (2019-2021) (HUR19010)  
(City Wide) (Item 10.2)**

- (a) That staff be directed to execute the Workplace Mental Health and Wellbeing Strategy (2019-2021) that continues to foster, promote and

support overall health and wellbeing, encourage dialogue and remove stigma associated with mental illness; and,

- (b) That staff report back to the Audit, Finance and Administration Committee on the progress made on implementing the strategy on a periodic basis.

**4. Best Practices in Other Municipalities - Council Meeting Times; Breaks and Adjournments (CL19001(a)) (City Wide) (Item 10.3)**

That Report CL19001(a), respecting Best Practices in Other Municipalities - Council Meeting Times; Breaks and Adjournments, be received.

**5. Governance Review Sub-Committee Report 19-003 - April 25, 2019 (Item 10.4)**

- (a) **2020 and 2021 Council and Committee Calendars (Item 10.1) (Attached hereto as Appendix "A")**

That the 2020 and 2021 Council and Committee Calendars be approved, as presented.

- (b) **Best Practices in Other Municipalities – Council Meeting Times; Breaks and Adjournments (CL19001) (City Wide) (Outstanding Business List Item) (Item 10.2)**

That Report CL19001, respecting the Best Practices in Other Municipalities – Council Meeting Times: Breaks and Adjournments, be received.

**At it's meeting of May 22, 2019 Council DEFEATED the following Item:**

**At it's meeting of August 25, 2020 Council RECONSIDERED (by a 2/3's majority vote) and APPROVED, AS AMENDED the following Item:**

**3. Changing the Time of Council Meetings (Referred from Council at it's meeting of February 27, 2019) (Item 11.1)**

WHEREAS, Council does feel at present that the Council meetings held at 5:00 p.m., should be moved to an earlier time;

WHEREAS, an amendment to the time of Council meetings would constitute an amendment to the By-law to Govern the Proceedings of Council and Committees of Council;

WHEREAS, an amendment to the By-law to Govern the Proceedings of Council and Committees of Council requires that public notice be placed in the newspaper a minimum of 14 days prior to the Committee meeting; and,

WHEREAS, Council has mandated the Governance Review Sub-Committee the task of making recommendations on matters pertaining to governance structure and the governing proceedings of Council and its' committees.

THEREFORE, BE IT RESOLVED:

- (a) That Section 3.2 of the By-law to Govern the Proceedings of Council and Committees of Council ***be amended*** to reflect a **9:30 a.m.** start time as follows:

### **3.2 Regular Council Meeting Times**

- (1) Unless otherwise decided by Council, Regular Council meetings shall be held:

- (a) in January:

on the fourth Wednesday of the month, commencing at **9:30 a.m.** unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

- (b) in February, April, May, June, September, October and November:

every second and fourth Wednesday of each month, commencing at **9:30 a.m.**, unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

- (c) in March:

on the fourth Wednesday of the month, commencing at **9:30 a.m.** unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

- (d) in July and August:

on a Friday of each month (one meeting per month), commencing at 9:30 a.m., unless such a day is a public or civic holiday, in which case Council shall set an alternate day and time;

- (e) in December:

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on the second Wednesday of the month, commencing a 9:30 a.m., unless such a day is a public or civic holiday, in which case Council shall set an alternative day and time; or

(f) in accordance with the schedule approved by Council.

- (b) That the regular meetings of the City Council for the remainder of 2019, be held at 9:30 a.m.;
- (c) That, from time to time, there may be a need for Special Council Meeting at 5:00 p.m. to accommodate a Ceremonial Activity where the individuals being recognized are unable to attend a meeting during the day; and
- (d) That the required notice be placed in the newspaper a minimum of 14 days prior to the Audit, Finance & Administration Committee meeting when the amendment is to be considered.

That Section 3.2 of the By-law to Govern the Proceedings of Council and Committees of Council **be amended** to reflect a **9:30 a.m.** start time as follows:

### **3.2 Regular Council Meeting Times**

(1) Unless otherwise decided by Council, Regular Council meetings shall be held:

(a) in January:

on the fourth Wednesday of the month, commencing at **9:30 a.m.** unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

(b) in February, April, May, June, September, October and November:

every second and fourth Wednesday of each month, commencing at **9:30 a.m.**, unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

(c) in March:

on the fourth Wednesday of the month, commencing at **9:30 a.m.** unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

(d) in July and August:

on a Friday of each month (one meeting per month), commencing at 9:30 a.m., unless such a day is a public or civic holiday, in which case Council shall set an alternate day and time;

(e) in December:

on the second Wednesday of the month, commencing a 9:30 a.m., unless such a day is a public or civic holiday, in which case Council shall set an alternative day and time; or

(f) in accordance with the schedule approved by Council.

(2) *That, from time to time, there may be a need for Special Council Meeting at 5:00 p.m. to accommodate a Ceremonial Activity where the individuals being recognized are unable to attend a meeting during the day; and*

(3) Advance notice of meetings for the public's information may be found by accessing the Committee and Council Meeting Calendar on the City's website at [www.hamilton.ca](http://www.hamilton.ca)

6. Grants Sub-Committee Report 19-002 - May 6, 2019 (Item 10.5)

(a) 2019 City Enrichment Funding Recommendations (GRA19002) (City Wide) (Item 5.1)

- (i) That, the 2019 City Enrichment Fund recommended funding allocation, in the amount of **\$6,224,604**, as outlined in Appendix "B" to Audit, Finance & Administration Committee Report 19-008, as **further** amended, be approved;
- (ii) That the 2019 City Enrichment Fund Application Summary, attached as Appendix "B" to Report GRA19002, be received;
- (iii) That 2019 City Enrichment Fund Payment Plan, attached as Appendix "C" to Audit, Finance & Administration Committee Report 19-008, be approved; and,
- (iv) That the 2019 City Enrichment Fund grants, as listed in Appendix "D" attached to Audit, Finance & Administration Committee Report 19-008, be approved and the funds be released pending the submission of additional information, by July 19, 2019.

**7. 2019 Development Charges Public Meeting Presentations - Additional Background Information (FCS19046) (City Wide) (Item 10.6)**

That Report FCS19046, respecting the 2019 Development Charges Public Meeting Presentations – Additional Background Information, be received.

**8. 2019 Proposed Development Charges By-law Revisions (FCS19045) (City Wide) (Item 10.7)**

That Report FCS19045, respecting the 2019 Proposed Development Charges By-law Revisions, be received.

**9. 2019 McMaster University Follow-Up - Revised (FCS19047) (City Wide) (Item 10.8)**

That Report FCS19047, respecting the 2019 McMaster University Follow-Up - Revised, be received.

**10. 2019 Development Charges By-law – Garden Suites (Item 11.1)**

WHEREAS, the proposed 2019 Development Charges By-law provides an exemption for Laneway Houses;

WHEREAS, a Garden Suite is an alternative form of a detached dwelling that only exists on a lot ancillary to a principal dwelling which expands the housing stock on properties with existing single and semi-detached dwellings in a manner similar to Laneway Houses; and,

WHEREAS, a Garden Suite is already defined within the proposed 2019 Development Charges By-law;

THEREFORE BE IT RESOLVED:

That a Garden Suite be added to the list of exempted uses within Section 25 of the proposed 2019 Development Charges By-law.

**11. 2019 Development Charges By-law – Commercial Greenhouse - (Revised Item 11.2)**

WHEREAS, the proposed 2019 Development Charges By-law lists Commercial Greenhouse within the definition of Industrial Development;

WHEREAS, per the proposed 2019 DC By-law a Commercial Greenhouse “means a Building, that is made primarily of translucent building material, used, designed or intended to be used for the sale and display of plants products grown or stored therein gardening supplies and equipment, or landscaping supplies and equipment” which is a retail use, not an industrial use;

WHEREAS, “Agricultural Use” means the use of lands and Buildings by a Farming Business outside of the Urban Area Boundary for apiaries, fish farming, dairy farming, fur farming, the raising or exhibiting of livestock, or the cultivation of trees, shrubs, flowers, grains, sod, fruits, vegetables and any other crops or ornamental plants, excluding:

- (i) Residential Uses, including Farm Help Houses;
- (ii) Non-agriculture uses, including but not limited to banquet halls, Commercial Greenhouses and retail stores; and,
- (iii) Cannabis Production Facilities;

WHEREAS, comparator municipalities assess these types of retail greenhouses as commercial; and,

WHEREAS, “Retail Greenhouse” is a more descriptive term to ensure that there is no confusion with a wholesale greenhouse, which is an agriculture use;

THEREFORE BE IT RESOLVED:

- (a) That the term Commercial Greenhouse be removed from the definition of Industrial Development in the proposed 2019 DC By-law, thereby having the use default to being assessed as nonindustrial;
- (b) That the defined term Commercial Greenhouse be restated as Retail Greenhouse; and,
- (c) That the definition of “Cannabis Production Facilities” in the 2019 DC By-law be amended to include the wording “growing”, as such, the definition would read “means Building, or part thereof, designed, used, or intended to be used for one or more of the following: growing, cultivation, propagation, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment or distribution of cannabis where a licence, permit or authorization has been issued under applicable federal law but does not include a Building or part thereof solely designed, used, or intended to be used for retail sales of cannabis.”

## **12. 2019 Development Charges By-law – CityHousing Hamilton (Item 11.3)**

WHEREAS, buildings developed and used for the City of Hamilton and Local Boards is exempt pursuant to Section 3 of the Development Charges Act, 1997 and Section 20 of the proposed 2019 Development Charges By-law;

WHEREAS, the 2019 Development Charges Background Study includes capital projects by CityHousing Hamilton to fulfil the service of social housing provided by the City of Hamilton;

WHEREAS, CityHousing Hamilton is not a Board per the enacting legislation; and,

WHEREAS, the capital cost of social housing projects would increase, thereby increasing the overall Development Charge rates if the City were to charge Development Charges on projects owned and used by CityHousing Hamilton to fulfillment of the social housing service provided by the City of Hamilton;

THEREFORE BE IT RESOLVED:

That CityHousing Hamilton be added to the list of exempted organizations in Section 20 of the proposed 2019 Development Charges By-law.

**13. Academic and Student Residence Development Grant Program (Item 11.4)**

WHEREAS, the proposed 2019 Development Charges (DC) By-law, inclusive of exemption policy, has been released for public input and consultation;

WHEREAS, the cost of providing the existing portfolio of discretionary DC exemptions exceeds the current capital financing plan allocation and the cost to maintain the existing discretionary DC exemption policy is forecasted at \$40 M annually of which the City current budgets approximately \$15 M annually;

WHEREAS, some academic institutions are established as Crown agents and a municipality is not able to enforce a Development Charge on academic space by those Crown agents;

WHEREAS, the 2019 Development Charges By-law is recommended to not provide an academic space exemption;

WHEREAS, student residences developed solely by a university, college of applied arts and technology or other accredited post-secondary institution is exempt from 50% of the applicable Development Charges until June 30, 2020 as currently recommended;

WHEREAS, in 2011, the Municipal Property Assessment Corporation (MPAC) confirmed that private schools that met the criteria for exemption prior to amendments in Bill 149, will continue to be exempt on the assessment roll, unless there has been an ownership change, a change in occupancy or a change in usage;

WHEREAS, educational institutions that are not defined as a public educational institution are not required to pay heads and beds; and,



WHEREAS, Council values and appreciates the contributions that academic institutions have on growth and prosperity and their support in achieving the City's strategic vision of being "The Best Place to Raise a Child and Age Successfully";

THEREFORE BE IT RESOLVED:

That staff be directed to report back to the Audit, Finance & Administration Committee with options available to establish an academic and student residence (solely-owned by the academic institution) development grant program, with the following guidelines:

- (i) That staff only report on post-secondary non-profit universities which the Province of Ontario has authorized to offer degrees; and post-secondary universities which receive funding from the Province of Ontario (excluding Crown agents, for-profit institutions and trade institutions that are either for-profit or not-for-profit) that are located outside of the Downtown Hamilton Community Improvement Project Area (Downtown Hamilton CIPA);
- (ii) That consideration for the academic and student residence development grant program be predicated on financially sustainable funding principles and framework; and,
- (iii) That the student residence development grant program shall provide that projects receiving a Development Charge exemption will not be eligible for a development grant.

**14. Commercial Relationship between the City and Canada Fibers Ltd. – CONFIDENTIAL REPORT (LS18047(c) / FCS18088(a)) (City Wide) (Item 14.1)**

~~(a) That the confidential direction provided to staff, as outlined in Report LS18047(c) / FCS18088(a), respecting the Commercial Relationship between the City and Canada Fibers Ltd., be approved;~~

~~(b) That recommendation (a) be released publicly following approval by Council; and,~~

**(a) That the vendor ban imposed by the City of Hamilton on September 26, 2018 upon Canada Fibers Ltd. and its related corporate and individual entities be removed; and,**

**(b) That the contents of Report LS18047(c) / FCS18088(a), respecting the Commercial Relationship between the City and Canada Fibers Ltd., remain confidential.**

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

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

**1. COMMUNICATIONS (Item 5)**

- 5.1 Correspondence from Janet Pilon, Acting City Clerk, respecting Supplementary Information - Changing the Time of Council Meetings

Recommendation: Be received and referred to the consideration of Item 3 of the Governance Review Sub-Committee Report 19-003 - April 25, 2019 (Item 10.4)

**2. DELEGATION REQUESTS (Item 6)**

- 6.1 Tania Amaral, respecting a burst pipe resulting in an exorbitant water bill (For a future meeting)
- 6.2 Savan Chandaria, Tibro Group, respecting the proposed changes to Hamilton's Development Charge By-laws (For today's meeting)
- 6.3 Grant Ranalli, respecting advocating for CBC Radio service in Hamilton (For a future meeting)
- 6.4 Tom Ker, respecting the proposed change of the Council meeting time to 9:30 a.m. (For today's meeting)

**3. DISCUSSION ITEMS (Item 10)**

- 10.8 2019 McMaster University Follow-Up (FCS19047) (City Wide) – has an added Appendix "A"

**4. NOTICES OF MOTION (Item 12)**

- 12.1 Access by Design Policy

**5. PRIVATE AND CONFIDENTIAL (Item 14)**

- 14.1 Commercial Relationship between the City and Canada Fibers Ltd. (LS18047(c) / FCS18088(a)) (City Wide) (Distributed under separate cover)

The agenda for the May 16, 2019 Audit, Finance and Administration Committee meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

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

**(i) May 2, 2019 (Item 4.1)**

The Minutes of the May 2, 2019 meeting of the Audit, Finance and Administration Committee were approved, as presented.

**(d) COMMUNICATIONS (Item 5)**

**(i) Correspondence from Janet Pilon, Acting City Clerk, respecting Supplementary Information - Changing the Time of Council Meetings (Added Item 5.1)**

The correspondence from Janet Pilon, Acting City Clerk, respecting Supplementary Information – Changing the Time of Council Meetings, was received and referred to the consideration of Item 3 of the Governance Review Sub-Committee Report 19-003 – April 25, 2019 (Item 10.4).

**(e) DELEGATION REQUESTS (Item 6)**

**(i) Tania Amaral, respecting a burst pipe resulting in an exorbitant water bill (For a future meeting) (Added Item 6.1)**

The delegation request from Tania Amaral, respecting a burst pipe resulting in an exorbitant water bill, was approved for a future meeting.

**(ii) Savan Chandaria, Tibro Group, respecting the proposed changes to Hamilton's Development Charge By-laws (For today's meeting) (Added Item 6.2)**

The delegation request from Savan Chandaria, Tibro Group, respecting the proposed changes to Hamilton's Development Charge By-laws, was approved for today's meeting.

**(iii) Grant Ranalli, respecting advocating for CBC Radio service in Hamilton (For a future meeting) (Added Item 6.3)**

The delegation request from Grant Ranalli, respecting advocating for CBC Radio service in Hamilton, was approved for a future meeting.

- (iv) **Tom Ker, respecting the proposed change of the Council meeting time to 9:30 a.m. (For today's meeting) (Added Item 6.4)**

The delegation request from Tom Ker, respecting the proposed change of the Council meeting time to 9:30 a.m., was approved for today's meeting.

**(f) PUBLIC HEARINGS / DELEGATIONS (Item 8)**

- (i) **Savan Chandaria, Tibro Group, respecting the proposed changes to Hamilton's Development Charge By-laws (Added Item 8.1)**

Savan Chandaria from Tibro Group, addressed the Committee respecting the proposed changes to Hamilton's Development Charge By-laws, with the aid of a presentation.

The delegation from Savan Chandaria, Tibro Group, respecting the proposed changes to Hamilton's Development Charge By-laws, was received.

A copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the office of the City clerk.

- (ii) **Tom Ker, respecting the proposed change of the Council meeting time to 9:30 a.m. (Added Item 8.2)**

Tom Ker, addressed the Committee respecting the proposed change of the Council meeting time to 9:30 a.m.

The delegation from Tom Ker, respecting the proposed change of the Council meeting time to 9:30 a.m., was received.

**(g) DISCUSSION ITEMS (Item 8)**

- (i) **Grants Sub-Committee Report 19-002 - May 6, 2019 (Item 10.5)**

**Amendment to Item 1 of the Grants Sub-Committee Report 19-002 respecting Report GRA19002 - 2019 City Enrichment Funding Recommendations**

- (a) That Appendix "A" to Report GRA19002, respecting the 2019 City Enrichment Funding Recommendations, be **amended**, by approving the following:

- (i) City Kidz Ministry – City Kidz Saturday Program (CS H18)

That the recommended 2019 City Enrichment Fund grant for the City Kidz Ministry – City Kidz Saturday Program (CS

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H18), be increased by \$10,000, from \$0 to \$10,000, with the \$10,000 to be funded from the Grant Reserve #112230 for 2019.

(ii) Concession Street BIA – Sidewalk Sounds 2019 (CCH A32)

That the recommended 2019 City Enrichment Fund grant for the Concession Street BIA – Sidewalk Sounds 2019 (CCH A32), be increased by \$1,178, from \$2,822 to \$4,000, with the \$1,178 to be funded from the Grant Reserve #112230 for 2019.

(iii) Hamilton Cardinals Intercounty Baseball League Group Inc. – Hamilton Cardinal's Promotional Campaign (SAL B5)

That the recommended 2019 City Enrichment Fund grant for the Hamilton Cardinals Intercounty Baseball League Group Inc. – Hamilton Cardinal's Promotional Campaign (SAL B5), be increased by \$2,500, from \$0 to \$2,500, with the \$2,500 to be funded from the Grant Reserve #112230 for 2019.

(b) That sub-section (i) to Report GRA19002, respecting the 2019 City Enrichment Funding Recommendations, be amended, by deleting the dollar amount of "\$6,210,926" and replacing it with the dollar amount of \$ **6,224,604**; and, by adding the word "**further**" to read as follows:

(i) That, the 2019 City Enrichment Fund recommended funding allocation, in the amount of \$ **6,224,604**, as outlined in Appendix "A" attached to Report 19-002, as **further** amended, be approved;

For disposition of this matter refer to Item 6.

(h) **NOTICES OF MOTION (Item 12)**

Councillor Clark introduced the following Notice of Motion:

(i) **Access by Design Policy (Added Item 12.1)**

That the Manager of Corporate Records and Freedom of Information be directed to report back to 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.

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

**(i) Amendments to the Outstanding Business List:**

The following amendments to the Audit, Finance & Administration Committee's Outstanding Business List, were approved:

**(a) Items to be removed:**

Item: 19-E

Best Practices in Other Municipalities - Council Meeting Times;  
Breaks and Adjournments - more information

Completed: May 16, 2019 - Item 10.3 - (CL19001(a))

**(j) ADJOURNMENT (Item 15)**

There being no further business, the Audit, Finance and Administration Committee adjourned at 11:34 a.m.

Respectfully submitted,

Councillor Collins, Chair  
Audit, Finance and Administration  
Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk