



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 20-013

AS AMENDED AT COUNCIL ON DECEMBER 16, 2020

9:30 a.m.
December 10, 2020
Council Chambers
Hamilton City Hall

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

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 20-013 AND RESPECTFULLY RECOMMENDS:

- 1. Appointment of Committee Chair and Vice-Chair for 2021 (Item 1)**
 - (a) That Councillor B. Clark be appointed as Chair of the Audit, Finance & Administration Committee for 2021.
 - (b) That Councillor L. Ferguson be appointed as Vice-Chair of the Audit, Finance & Administration Committee for 2021.
- 2. Consent Items (Item 7)**
 - (a) That Consent Items 7.2 through 7.7 be received, as presented:
 - (i) **Criteria for Participation in Assessment Appeals (FCS20063(a)) (City Wide) (Item 7.2)**
 - (ii) **2020 Third Quarter Request for Tenders and Proposals Report (FCS20033(b)) (City Wide) (Item 7.3)**
 - (iii) **2020 Third Quarter Non-Compliance with the Procurement Policy Report (FCS20035(b)) (City Wide) (Item 7.4)**
 - (iv) **2020 Third Quarter Emergency and Non-competitive Procurements Report (FCS20034(b)) (City Wide) (Item 7.5)**
 - (v) **\$51,075,000 Serial Debentures Dated November 3, 2020 and Maturing November 3, 2021 to 2035 (FCS20100) (City Wide) (Item 7.6)**
 - (vi) **Standards and Approved Products Committee Report (PW20080) (City Wide) (Item 7.7)**

3. 2021 Budget Submissions Volunteer Advisory Committee (HUR20012) (City Wide) (Item 10.1)

- (a) That the Volunteer Advisory Committee 2021 budget base submissions be approved as follows and referred to the 2021 budget process:
 - (i) Advisory Committee on Immigrant & Refugees in the amount of \$3,500, attached as Appendix “A” to Report HUR20012;
 - (ii) Aboriginal Advisory Committee in the amount of \$3,552, attached as Appendix “B” to Report HUR20012;
 - (iii) Hamilton Mundialization Committee in the amount of \$5,890, attached as Appendix “C” to Report HUR20012; and,
 - (iv) Hamilton Status of Women Committee in the amount of \$3,500, attached as Appendix “D” to Report HUR20012.

4. 2021 Budget Submissions Volunteer Advisory Committee (CM20013) (City Wide) (Item 10.2)

- (a) That the Volunteer Advisory Committee 2021 budget base submissions be approved as follows and referred to the 2021 budget process:
 - (i) Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee in the amount of \$3,960, attached as Appendix “A” to Report CM20013; and,
 - (ii) Committee Against Racism in the amount of \$8,900, attached as Appendix “B” to Report CM20013.

5. Parklane Workplace Management System (HUR20013) (City Wide) (Item 10.3)

- (a) That the request to move from single source-procurement to standardization for a five (5) year term (January 1, 2021 to December 31, 2025), pursuant to Procurement Policy #14 – Standardization, for access to, and use of the Parklane Workplace Management System, be approved; and,
- (b) That the Executive Director, Human Resources be authorized to negotiate, enter into and execute the extension of the current agreement and any ancillary documents required to give effect thereto with Parklane Computer Systems, in a form satisfactory to the City Solicitor.

**6. HMRF – HWRF Pension Administration Sub-Committee Report 20-001 –
November 24, 2020 (Item 10.4)**

**(a) 2020 Master Trust Pension Statement of Investment Policies and
Procedures (FCS20074) (City Wide) (Item 8.1)**

- (i) That Appendix “A” to Audit, Finance & Administration Committee Report 20-013 respecting the 2020 City of Hamilton Defined Benefit Pension Plans Master Trust Statement of Investment Policies and Procedures be approved and replace the previous 2019 City of Hamilton Defined Benefit Pension Plans Master Trust Statement of Investment Policies and Procedures contained in Report FCS19073 and approved by Council on January 22, 2020; and,
- (ii) That Appendix “A” to Audit, Finance & Administration Committee Report 20-013 respecting the 2020 City of Hamilton Defined Benefit Pension Plans Master Trust Statement of Investment Policies and Procedures be forwarded to the Hamilton Street Railway Pension Advisory Committee for their information.
- (iii) That an Asset Liability Modelling Study be performed on the HMRF/HWRF/HSR Pension Plans up to a limit of \$90,000, to be funded from the respective Pension Plans based on their prorated share of total assets.

**(b) Hamilton Wentworth Retirement Fund (HWRF) Valuation at December
31, 2019 (FCS20064) (City Wide) (Item 8.2)**

That the December 31, 2019 actuarial valuation for the Hamilton Wentworth Retirement Fund (HWRF) per Appendix “A” to Report FCS20064 be received for information.

**(c) Hamilton Municipal Retirement Fund (HMRF) Valuation at December
31, 2019 (FCS20065) (City Wide) (Item 8.3)**

That the December 31, 2019 actuarial valuation for the Hamilton Municipal Retirement Fund (HMRF) per Appendix “A” to Report FCS20065 be received for information.

**(d) Master Trust Pension Investment Performance Report as at
December 31, 2019 (FCS19075(a)) (City Wide) (Item 9.1)**

That Report FCS19075(a), respecting the Master Trust Pension Investment Performance Report as at December 31, 2019, be received.

**(e) Master Trust Pension Investment Performance Report as at June 30,
2020 (FCS20075) (City Wide) (Item 9.2)**

That Report FCS20075, respecting the Master Trust Pension Investment Performance Report as at June 30, 2020, be received.

7. Authority to Negotiate and Place a Debenture Issue(s) for CityHousing Hamilton Corporation (CHH) Projects (FCS19068(a)) (City Wide) (Item 10.5)

- (a) That the General Manager, Finance and Corporate Services, be authorized to enter into and execute any necessary agreements, including any agreements with Infrastructure Ontario's Loan Program, to secure the capital funding required for CityHousing Hamilton Corporation project at 55 Queenston Road with content acceptable to the General Manager, Finance and Corporate Services and in a form satisfactory to the City Solicitor;
- (b) That the General Manager, Finance and Corporate Services, be authorized and directed to negotiate and confirm the terms, placement and issuance of all debenture issue(s) and / or private placement debenture issue(s), in either a public or private market and / or bank loan agreements and debenture issue(s) and / or variable interest rate bank loan agreements and debenture issue(s), in an amount not to exceed \$4,200,000 Canadian currency in support of CityHousing Hamilton for project at 55 Queenston Road;
- (c) That the General Manager, Finance and Corporate Services, be authorized and directed to enter into and execute any necessary agreements, to engage the services of all required persons, agencies and companies to secure the terms and issuance of the debenture issue(s) described in recommendation (b) to Report FCS19068(a) including, but not limited to, external legal counsel, fiscal agents and financial professionals, with content acceptable to the General Manager, Finance and Corporate Services and in a form satisfactory to the City Solicitor;
- (d) That the General Manager, Finance and Corporate Services, Mayor and City Clerk are individually authorized and directed to enter into and / or execute, on behalf of the City of Hamilton, all agreements and necessary ancillary documents to implement Recommendation (b) to Report FCS19068(a) and in order to secure the terms and issuance of the debenture issue(s) described in Recommendation (b) to Report FCS19068(a) with content acceptable to the General Manager, Finance and Corporate Services and in a form satisfactory to the City Solicitor;
- (e) That the General Manager, Finance and Corporate Services be authorized and directed to administer all agreements and necessary ancillary documents described in Recommendations (a), (c) and (d) to Report FCS19068(a); and,
- (f) That staff be directed to prepare, for Council's consideration, all necessary By-law(s) to authorize and implement CityHousing Hamilton Corporation projects as attached in Appendix "B" to Audit, Finance and Administration Committee Report 20-013 including By-laws for the purpose of authorizing the debenture issue(s) in accordance with Recommendations (b), (c), (d), (e), and (f) to Report FCS19068(a) and any by-laws necessary to negotiate, place and secure the required capital funding in accordance with Recommendation (a) to Report FCS19068(a).

8. 2021 Grant Advances – City Enrichment Fund (GRA20004) (City Wide) (Item 10.6)

- (a) That effective Jan 1, 2021, an advance of funds be provided to the organizations specified in the attached Appendix “C” to Audit, Finance and Report 20-013, and;
- (b) That any outstanding arrears due to the City of Hamilton by the organizations (as shown in the attached Appendix “C” to Audit, Finance and Report 20-013) be first applied against the approved grant funding, including advances until the debt is satisfied, prior to that organization receiving the balance of any approved payment.

9. 9252 Twenty Road West, Mount Hope – Water and Wastewater / Storm Charges Deferred Payment Arrangement (FCS20107) (Ward 11) (Item 10.7)

That the General Manager, Finance and Corporate Services, be authorized to enter into a deferred payment arrangement with a four-month repayment period commencing in January 2021, pertaining to water and wastewater / storm charges for a total amount of \$230,229.52 regarding Alectra Utilities (Alectra) account numbers 5092581300 and 6092581300 with the service address of 9252 Twenty Road West, Mount Hope.

10. Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee - Budget Expenditure Request (CM20012) (Item 10.8)

- (a) That Report CM20012, respecting the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee - Budget Expenditure Request, be received.
- (b) That the following budget allocation from the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee budget, be approved:

Motion 7.3:

- (i) That a budget allocation of \$500.00 from the LGBTQAC's budget to assist spectrum Hamilton in running their online events and weekly online peer support;
- (ii) That a budget allocation of \$500.00 from the LGBTQAC's budget to assist Kyle's Place in stocking their food pantry;
- (iii) That a budget allocation of \$500.00 from the LGBTQAC's budget to assist the Sex Workers' Action Program Hamilton (SWAP) in supporting their ongoing drive to compile Harm Reduction Outreach Packages; and,

- (iv) That a budget allocation of \$500.00 from the LGBTQAC's budget to assist The SPACE Youth Centre in supporting their OQRA and Kaleidoscope programs.

**11. Governance Review Sub-Committee Report 20-003 - December 2, 2020
(Added Item 10.9)**

That the Governance Review Sub-Committee Report 20-003, be approved as amended, as follows:

1. Integrity Commissioner Work Plan (FCS20016(a)) (City Wide) (Item 10.1)

- (i) Report FCS20016(a), respecting the Integrity Commissioner Work Plan was referred back to Clerk's staff and Principles Integrity to determine an upset limit for development of each the following and report back to the Governance Review Sub-Committee:
 - (1) Council Code of Conduct;
 - (2) Council/Staff Relations Policy;
 - (3) Protocols for review and/or investigation of complaints, and reporting on complaints;
 - (4) Members' roles and responsibilities including with respect to appointments to, and sitting on, external bodies and separate entities such as municipal corporations;
 - (5) Advisory Committee/Task Force Governance Issues, and Codes of Conduct (Local Boards); and,
 - (6) Such Other issues of integrity or governance that Council wishes to assign;
- (ii) That staff be directed to gather and review Council/Staff Relations policies from other municipalities and bring recommendations on a new policy to the governance committee by April 30, 2021.
- (iii) That staff be directed to write to the Ministry of Municipal Affairs and Housing, which governs the Conflict of Interest Act to obtain a second opinion on common law to determine which of a Councillors' family members would a Councillor be obliged to declare conflicts of interest on.
- (iv) That staff be directed to write a letter to Principles Integrity to seek insight into how Janice Atwood-Petkovski manages her work to avoid Conflicts of Interest given her past relationship with the City of Hamilton as an employee.

12. Hamilton Street Railway Pension Plan Valuation at January 1, 2020 (FCS20066) (City Wide) (Added Item 10.10)

That the January 1, 2020 actuarial valuation for the Hamilton Street Railway Pension Plan per Appendix "C" to Report FCS20066 be received for information.

13. Commercial Relationship Between the City of Hamilton and Century Group Inc. (FCS18100(b)/LS18060(b)) (City Wide) (Item 14.1)

(i) That recommendation (a) of Item 13 of Audit, Finance & Administration Committee Report 20-013 respecting the Commercial Relationship Between the City of Hamilton and Century Group Inc. (FCS18100(b)/LS18060(b)) (City Wide) (Item 14.1), be deleted its in its entirety:

~~(a) — That amended Confidential recommendations (a) and (b) be released publicly following approval by Council; and,~~

(ii) That the **following recommendations** be inserted therein, with the remaining subsections being re-lettered accordingly:

(a) That due to the impairment of the commercial relationship between the City of Hamilton and Century Group Inc., staff be directed to reject any current and future bids, proposals or quotations received from Century Group Inc., or any of its related corporate or individual entities until and including December 31, 2030; and,

(b) That the City of Hamilton not enter into any contract with Century Group Inc., or any of its related corporate or individual entities, until and including December 31, 2030.

~~(b)~~**(c)** That the contents of Report FCS18100(b) / LS18060(b), respecting the Commercial Relationship Between the City of Hamilton and Century Group Inc., remain confidential.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

5. COMMUNICATIONS ITEMS

5.1 Correspondence from the Hamilton Waterfront Trust respecting their December 31, 2019 Audited Financial Statements
Recommendation: Be received

- 5.2 Correspondence from Principles Integrity, respecting the Recommendations of Governance Review Sub-Committee re Ethical Framework Work Plan
Recommendation: Be received and referred to consideration of Item 10.9 - Governance Review Sub-Committee Report 20-003 - December 2, 2020

7. CONSENT ITEMS

- 7.1(f) Hamilton Status of Women Advisory Committee - October 22, 2020
- 7.1(g) Committee Against Racism - January 28, 2020
- 7.1(h) Committee Against Racism - February 25, 2020
- 7.1(i) Committee Against Racism - October 27, 2020
- 7.1(j) Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Advisory Committee - February 18, 2020
- 7.1(k) Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Advisory Committee - September 15, 2020
- 7.1(l) Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Advisory Committee - October 20, 2020

10. DISCUSSION ITEMS

- 10.9 Governance Review Sub-Committee Report 20-003 – December 2, 2020
- 10.10 Hamilton Street Railway Pension Plan Valuation at January 1, 2020 (FCS20066) (City Wide)

The agenda for the December 10, 2020 Audit, Finance and Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Wilson declared a non-pecuniary interest to Item 10.7, respecting 9252 Twenty Road West, Mount Hope – Water and Wastewater / Storm Charges Deferred Payment Arrangement (FCS20107) (Ward 11) as she has a family member who lives in the condominium corporation that is set out in the report.

Councillor Clark declared an apparent interest to Item 10.7, respecting 9252 Twenty Road West, Mount Hope – Water and Wastewater / Storm Charges Deferred Payment Arrangement (FCS20107) (Ward 11) as he has family members who live in Twenty Place.

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

(i) November 19, 2020 (Item 4.1)

The Minutes of the November 19, 2020 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) COMMUNICATIONS (Item 5)

Communication Items 5.1 and 5.2, were approved, as follows:

(i) Correspondence from the Hamilton Waterfront Trust respecting their December 31, 2019 Audited Financial Statements (Added Item 5.1)

Be received.

(ii) Correspondence from Principles Integrity, respecting the Recommendations of Governance Review Sub-Committee re Ethical Framework Work Plan (Added Item 5.2)

Recommendation: Be received and referred to consideration of Item 10.9 - Governance Review Sub-Committee Report 20-003 - December 2, 2020

(e) CONSENT ITEMS (Item 7)

The following Volunteer Advisory Committee Minutes, were received:

- (i) Hamilton Mundialization Committee - February 19, 2020 (Item 7.1(a))
- (ii) Hamilton Mundialization Committee - October 21, 2020 (Item 7.1(b))
- (iii) Hamilton Status of Women Committee - January 23, 2020 (Item 7.1(c))
- (iv) Hamilton Aboriginal Advisory Committee - March 5, 2020 (Item 7.1(d))
- (v) Committee Against Racism - September 22, 2020 (Item 7.1(e))
- (vi) Hamilton Status of Women Advisory Committee - October 22, 2020 (Added Item 7.1(f))
- (vii) Committee Against Racism - January 28, 2020 (Added Item 7.1(g))
- (viii) Committee Against Racism - February 25, 2020 (Added Item 7.1(h))
- (ix) Committee Against Racism - October 27, 2020 (Added Item 7.1(i))
- (x) Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Advisory Committee - February 18, 2020 (Added Item 7.1(j))

- (xi) Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Advisory Committee - September 15, 2020 (Added Item 7.1(k))
- (xii) Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Advisory Committee - October 20, 2020 (Added Item 7.1(l))

(f) PRESENTATIONS (Item 9)

(i) Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee Annual Presentation (Item 9.1)

Consideration of Item 9.1, the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee Annual Presentation was postponed until later in the meeting to allow for the Presenter to resolve audio issues.

(g) DISCUSSION ITEMS (Item 10)

Item 9.1, the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee Annual Presentation was considered following the consideration of Item 10.7.

(h) PRESENTATIONS (Item 9) (Continued)

(i) Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee Annual Presentation (Item 9.1)

Cameron Kroetsch, Chair, Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee addressed the Committee with the LGBTQ Advisory Committee Annual Presentation.

The Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee Annual Presentation, was received.

(i) DISCUSSION ITEMS (Item 9) (Continued)

(i) Governance Review Sub-Committee Report 20-003 – December 2, 2020 (Added Item 10.9)

Item (d)(i) respecting Report FCS20016(a), the Integrity Commissioner Work Plan, was lifted from the Information Section of the Governance Review Sub-Committee Report 20-003 and added as Item 1.

That Item 1 of the Governance Review Sub-Committee Report 20-003 **be amended** by adding the following sub-sections (ii) and (iii):

- (ii) *That staff be directed to gather and review Council/Staff Relations policies from other municipalities and bring recommendations on a new policy to the governance committee by April 30, 2021.***

- (iii) ***That staff be directed to write to the Ministry of Municipal Affairs and Housing, which governs the Conflict of Interest Act to obtain a second opinion on common law to determine which of a Councillors' family members would a Councillor be obliged to declare conflicts of interest on.***

That Item 1 of the Governance Review Sub-Committee Report 20-003 **be further amended** by adding the following sub-section (iv):

- (iv) ***That staff be directed to write a letter to Principles Integrity to seek insight into how Janice Atwood-Petkovski manages her work to avoid Conflicts of Interest given her past relationship with the City of Hamilton as an employee.***

For further disposition of this matter refer to Item 11.

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

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

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

- (a) Items Considered Complete and Needing to be Removed:
- (i) Criteria for Participation in Assessment Appeals (FCS20063) (City Wide)
Added: August 13, 2020 at I AF&A Item 5.4
Completed: December 10, 2020 AF&A - Item 7.2
OBL Item: 20-I
 - (ii) Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee Budget Expenditure Requests
Added: November 19, 2020 at AF&A - Item 9.4
Completed: December 10, 2020 AF&A - Item 10.8
OBL Item: 20-L

(k) PRIVATE AND CONFIDENTIAL (Item 14)

Committee moved into Closed Session respecting Item 14.1, pursuant to Section 8.1, Sub-section (f) of the City's Procedural Bylaw 18-270, and Section 239(2), Sub-section (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

- (i) **Commercial Relationship Between the City of Hamilton and Century Group Inc. (FCS18100(b)/LS18060(b)) (City Wide) (Item 14.1)**

Staff were provided direction in Closed Session.

For disposition of this matter refer to Item 13.

(I) ADJOURNMENT (Item 15)

There being no further business, the Audit, Finance and Administration Committee, adjourned at 12:28 p.m.

Respectfully submitted,

Councillor Wilson, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk