



## **AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 22-012**

**9:30 a.m.  
June 16, 2022  
Council Chambers  
Hamilton City Hall**

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**Present:** Councillors M. Pearson (Chair), B. Clark, L. Ferguson, B. Johnson, R. Powers, A. VanderBeek and M. Wilson

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### **THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 22-012 AND RESPECTFULLY RECOMMENDS:**

**1. 2021 City of Hamilton Financial Report and Audited Financial Statements (FCS22044) (City Wide) (Item 10.1)**

That the 2021 City of Hamilton Financial Report and Audited Financial Statements, attached as Appendix "A" to Audit, Finance and Administration Committee Report 22-012, be approved.

**2. Post-Traumatic Stress Disorder (HUR22007) (City Wide) (Item 7.1)**

That Report HUR22007, respecting the Post-Traumatic Stress Disorder, be received.

**3. 2022 First Quarter Emergency and Non-competitive Procurement Report (FCS22046) (City Wide) (Item 7.2)**

That Report FCS22046, respecting the 2022 First Quarter Emergency and Non-competitive Procurement Report, be received.

**4. 2022 First Quarter Non-compliance with the Procurement Policy Report (FCS22047) (City Wide) (Item 7.3)**

That Report FCS22047, respecting the 2022 First Quarter Non-compliance with the Procurement Policy Report, be received.

**5. 2022 First Quarter Request for Tenders and Proposals Report (FCS22048) (City Wide) (Item 7.4)**

That Report FCS22048, respecting the 2022 First Quarter Request for Tenders and Proposals Report, be received.

**6. Community Benefits Charge Strategy (FCS22015(b)) (City Wide) (Item 8.1)**

- (a) That the 2022 City of Hamilton Community Benefits Charge Strategy, attached as Appendix “B” to Audit, Finance and Administration Committee Report 22-012 dated June 2, 2022, be approved;
- (b) That a Community Benefits Charge in the amount of 4% of the market value of land be implemented against for eligible development to pay for capital costs of facilities, services and matters in compliance with the *Planning Act, R.S.O. 1990*;
- (c) That a Reserve Fund entitled “Community Benefits Charge Reserve Fund” be established for all Community Benefits Charge collections, as per Policy included in Appendix “C” to Audit, Finance and Administration Committee Report 22-012;
- (d) That a Reserve Fund entitled “Development Charges - Community Benefits Charge Transition Reserve Fund” be established for previously collected Airport and Parking services, as per Policy included in Appendix “C” to Audit, Finance and Administration Committee Report 22-012; and,
- (e) That Appendix “B” attached to Report FCS22015(b) respecting the 2022 Community Benefits Charge By-law, prepared in a form satisfactory to the City Solicitor, be passed and enacted.

**7. Treasurer's Write-off of Taxes under Section 354 of the *Municipal Act, 2001* (FCS22049 / LS22024) (City Wide) (Item 10.2)**

That property taxes in the amount of \$144,857.19 for 221 York Boulevard, Hamilton (Roll #2518 020 124 505000 0000) be written off under section 354 of the *Municipal Act, 2001*.

**8. Development Charge Demolition Credit Extension Request for Hamilton Central Business Park (Studebaker Place and Ferrie Street, formerly 440 Victoria Avenue North) (FCS17067(a)) (City Wide) (Item 10.3)**

- (a) That the request for the City Development Charges (DC) demolition credits (623,140 square feet in total) for Hamilton Central Business Park (Studebaker Place and Ferrie Street, formerly 440 Victoria Avenue North) to be extended for three years until July 26, 2025 (310,631.39 square feet) and September 6, 2025 (312,508.61 square feet), be denied; and,
- (b) That the subject matter regarding the “Correspondence from Paul Paradis, Ross & McBride LLP, respecting a request for extension of Development Charge Demolition Credits, Hamilton Central Business Park – formerly 440 Victoria Avenue North now Studebaker Place and Ferris Street – DCR Holdings Inc.”, be identified as complete and removed from the Audit, Finance and Administration Committee Outstanding Business List.

**9. Standardization of Cloudflare Enterprise Suite of Products for Corporate Information Technology (FCS22051) (City Wide) (Item 10.4)**

- (a) That Council approve the standardization of Cloudflare Enterprise Suite of Products manufactured by Cloudflare, pursuant to Procurement Policy #14 – Standardization for a period of five years from the date of Council approval; and,
- (b) That the General Manager, Corporate Services Department be authorized to negotiate, enter-into and execute any required Contract and any ancillary documents required to give effect thereto with Cloudflare approved retailer, in a form satisfactory to the City Solicitor.

**10. Liability Insurance Coverage Extension (LS22026) (City Wide) (Item 10.5)**

- (a) That the Liability Insurance coverage be extended for the term June 1, 2022 to December 1, 2022 through the City's Broker Arthur J. Gallagher Canada Ltd. and the Insurer Marsh Canada Ltd. at a cost of \$2,190,861 (net of applicable taxes) and be funded through the 2022 Risk Management Services Budget;
- (b) That the General Manager, Finance and Corporate Services, be authorized and directed to execute all associated documents related to the extension of Liability Insurance coverage for the term June 1, 2022 to December 1, 2022, through Arthur J. Gallagher Canada Ltd. And Marsh Canada Ltd., on behalf of the City of Hamilton; and
- (c) That the 2022 budget shortfall of \$686,976.68 be funded from the Tax Stabilization Reserve (110046).

**11. City Enrichment Fund Budget Request (Item 11.1) (Revised with the inclusion of a friendly amendment)**

WHEREAS, the City Enrichment Fund is the overall name for the City of Hamilton's municipal investment in a wide range of program areas that supports the City's strategic plan;

WHEREAS, the fund comprises 6 Program Areas (Agriculture, Arts, Communities, Culture & Heritage, Community Services, Environment, Sports & Active Lifestyles) with funding streams and categories;

WHEREAS, the last budget increase to the City Enrichment Fund was approved in 2019, to bring total budget allocation to \$6,088,340; and,

WHEREAS, the 2022 request from applicants totalled \$9,858,419; total value of eligible requests based on 2022 applications totalled \$8,110,633; funding allocation was capped at \$6,088,340 or 75% of the total request;

THEREFORE, BE IT RESOLVED:

- (a) That an increase to the City Enrichment Fund be forwarded for consideration to the 2023 Budget submission; and,
- (b) *That staff include in their report to the 2023 Budget submission, a history of the number of grant recipients that have been removed from the roll, have moved on to other funding, have self-sustained funding, and how many have been continuously receiving funds over the term.*

**12. Assessment of 386 Wilcox St, Hamilton for the 2023 Taxation Year (Item 11.2)**

WHEREAS, the Municipal Property Assessment Corporation (MPAC) reassessed the property at 386 Wilcox St, Hamilton (Roll Number 25-18-030-272-02600-0000) as a special purpose property, thereby reducing the assessed value from \$86,449,000 to \$44,994,000, effective the 2018 taxation year;

WHEREAS, the reduction in the assessed value from \$86,449,000 to \$44,994,000 solely pertained to the assessment attributed to 411.6 acres of land that form part of the property from an assessed land rate of \$100,805 per acre to \$100 per acre;

WHEREAS, the City of Hamilton appealed MPAC's decision to reduce the assessment of the property to the Assessment Review Board (ARB);

WHEREAS, on May 17, 2022 the ARB issued its decision, ruling in favour of MPAC's land rate of \$100 per acre for the 411.6 acres of land in accordance with the assessment returned by MPAC;

WHEREAS, the property, comprised of 806.2 acres (inclusive of the 411.6 acres that were subject to the ARB appeal), transacted for \$518M on June 1, 2022;

AND WHEREAS, MPAC's keying cut-off for the December 2022 Assessment Roll (to be used for the 2023 taxation year) is October 2022.

THEREFORE, BE IT RESOLVED:

That staff be directed to meet with MPAC before October 2022 to ensure that the assessed value to be returned on the December 2022 Assessment Roll (for the 2023 taxation year) for 386 Wilcox St, Hamilton (Roll Number 25-18-030-272-02600-0000) reflects the June 2022 sales transaction.

**FOR INFORMATION:**

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

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

**5. COMMUNICATIONS (Item 5)**

- 5.1 Correspondence from David Bronskill, Goodmans LLP, respecting Item 8.1 Community Benefits Charge Strategy - 41-61 Wilson Street and 97, 99 and 117 John Street North

Recommendation: Be received and referred to consideration of Item 8.1.

- 5.2 Correspondence from Lou Piriano, Realtors Association of Hamilton-Burlington, respecting Item 8.1 Community Benefits Charge Strategy

Recommendation: Be received and referred to consideration of Item 8.1.

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

- 6.1 Michelle Diplock and Daryl Keleher, West End Home Builder's Association, respecting Item 8.1 - Community Benefits Charge Strategy (For today's meeting)
- 6.2 Brent Marshall on behalf of Wahed Al-Jabry, Hamilton Downtown Mosque, respecting their support of City staff's recommendations in Item 10.2 (For today's meeting)
- 6.3 Alex Bishop, on behalf of DCR Holdings Inc and Harlo Capital, respecting Item 10.3 (For today's meeting)

**CHANGE TO THE ORDER OF ITEMS:**

Due to a scheduling conflict, Items 10.1 respecting Report FCS22049 / LS22024, Treasurer's Write-off of Taxes under Section 354 of the *Municipal Act, 2001* and 14.2 respecting FCS20093(a) / LS20029(a), 386 Wilcox Street Assessment Review Board Appeals – ARB Decision and Next Steps are to be moved up on the agenda to be considered immediately following the consideration of the Delegations Requests (Item 6).

The agenda for the June 16, 2022 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) June 2, 2022 (Item 4.1)**

The Minutes of the June 2, 2022 meeting of the Audit, Finance and Administration Committee were approved, as presented.

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

The following Communications Items were received and referred to consideration of Item 8.1 – Community Benefits Charge Strategy (FCS22015(b)):

- (i) Correspondence from David Bronskill, Goodmans LLP, respecting Item 8.1 Community Benefits Charge Strategy - 41-61 Wilson Street and 97, 99 and 117 John Street North (Added Item 5.1)
- (ii) Correspondence from Lou Piriano, Realtors Association of Hamilton-Burlington, respecting Item 8.1 Community Benefits Charge Strategy (Added Item 5.2)

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

The following Delegation Requests were approved for today's meeting:

- (i) Michelle Diplock and Daryl Keleher, West End Home Builder's Association, respecting Item 8.1 - Community Benefits Charge Strategy (Added Item 6.1)
- (ii) Brent Marshall on behalf of Wahed Al-Jabry, Hamilton Downtown Mosque, respecting their support of City staff's recommendations in Item 10.2 (For today's meeting) (Added Item 6.2)
- (iii) Alex Bishop, on behalf of DCR Holdings Inc and Harlo Capital, respecting Item 10.3 (Added Item 6.3)

**(f) PRIVATE AND CONFIDENTIAL (Item 14)**

- (i) 386 Wilcox Street Assessment Review Board Appeals – ARB Decision and Next Steps (FCS20093(a) / LS20029(a)) (City Wide) (Item 14.2)**

Legal Consultant John L. O'Kane was permitted to attend the Closed Session portion of the meeting with respect to Report FCS20093(a) / LS20029(a), 386 Wilcox Street Assessment Review Board Appeals – ARB Decision and Next Steps.

- (ii)** That the Committee move into Closed Session respecting Item 14.2 respecting FCS20093(a) / LS20029(a), 386 Wilcox Street Assessment Review Board Appeals – ARB Decision and Next Steps, pursuant to Section 9.1, Sub-sections (e) and (f) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to 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.

**(iii) 386 Wilcox Street Assessment Review Board Appeals – ARB Decision and Next Steps (FCS20093(a) / LS20029(a)) (City Wide) (Item 14.2)**

- (a) That the directions to staff in Closed Session, be approved and released publicly following approval by Council;
- (b) That Appendix “A” to Report FCS20093(a)/LS20029(a), be released publicly following approval by Council; and,
- (c) That Report FCS20093(a)/LS20029(a) and Appendix “B”, remain confidential.

This matter was put forward at the Special Council meeting of June 16, 2022 for consideration.

**(g) STAFF PRESENTATIONS (Item 8)**

**(i) Community Benefits Charge Strategy (FCS22015(b)) (City Wide) (Item 8.1)**

Brian McMullen, Director - Financial Planning and Administration and Policy, introduced Gary Scanlan, Watson and Associates, who addressed the Committee with a presentation on the Community Benefits Charge Strategy.

The presentation respecting the Community Benefits Charge Strategy, was received.

For further disposition of this matter, refer to Items 6 and (h)(i).

**(h) DELEGATIONS (Item 9)**

**(i) Delegations Respecting Item 8.1, Community Benefits Charge Strategy (FCS22015(b)) (City Wide)**

The following delegations addressed Committee respecting Item 8.1, the Community Benefits Charge Strategy (FCS22015(b)) (City Wide):

- (a) Karl Andrus, Hamilton Community Benefits Network (HCBN) (Item 9.1)
- (b) Michelle Diplock and Daryl Keleher, West End Home Builder's Association (Added Item 9.2)

The following Delegations respecting Item 8.1, the Community Benefits Charge Strategy (FCS22015(b)) (City Wide), were received:

- (a) Karl Andrus, Hamilton Community Benefits Network (HCBN) (Item 9.1)
- (b) Michelle Diplock and Daryl Keleher, West End Home Builder's Association (Added Item 9.2)

For further disposition of this matter, refer to Items 6 and (g)(i).

**(ii) Brent Marshall on behalf of Wahed Al-Jabry, Hamilton Downtown Mosque, respecting their support of City staff's recommendations in Item 10.2, Treasurer's Write-off of Taxes under Section 354 of the *Municipal Act, 2001* (FCS22049 / LS22024) (Added Item 9.3)**

Brent Marshall on behalf of Wahed Al-Jabry, Hamilton Downtown Mosque, addressed the Committee respecting their support of City staff's recommendations in Item 10.2, Treasurer's Write-off of Taxes under Section 354 of the *Municipal Act, 2001* (FCS22049 / LS22024).

The presentation from Brent Marshall on behalf of Wahed Al-Jabry, Hamilton Downtown Mosque, respecting their support of City staff's recommendations in Item 10.2, Treasurer's Write-off of Taxes under Section 354 of the *Municipal Act, 2001* (FCS22049 / LS22024), was received.

For disposition of this matter, refer to Item 7.

**(iii) Alex Bishop, on behalf of DCR Holdings Inc and Harlo Capital, respecting Item 10.3, Development Charge Demolition Credit Extension Request for Hamilton Central Business Park (Studebaker Place and Ferrie Street, formerly 440 Victoria Avenue North) (Added Item 9.4)**

Alex Bishop, on behalf of DCR Holdings Inc and Harlo Capital, addressed the Committee respecting Item 10.3, Development Charge Demolition Credit Extension Request for Hamilton Central Business Park (Studebaker Place and Ferrie Street, formerly 440 Victoria Avenue North) (FCS17067(a)).

The presentation from Alex Bishop, on behalf of DCR Holdings Inc and Harlo Capital, respecting Item 10.3, Development Charge Demolition Credit Extension Request for Hamilton Central Business Park (Studebaker Place and Ferrie Street, formerly 440 Victoria Avenue North) (FCS17067(a)), was received.

For disposition of this matter, refer to Item 8.



**(i) MOTIONS (Item 11)**

**(i) Assessment of 386 Wilcox St, Hamilton for the 2023 Taxation Year (Item 11.2)**

Councillor Pearson relinquished the Chair to introduce her motion.

For disposition of this matter, refer to Item 12.

Councillor Pearson assumed the Chair.

**(j) PRIVATE AND CONFIDENTIAL (Item 14) (Continued)**

Committee determined that discussion of Item 14.1 was not required in Closed Session, therefore, the item was addressed in Open Session, as follows:

**(i) Closed Minutes – June 2, 2022 (Item 14.1)**

- (a) The Closed Session Minutes of the June 2, 2022 Audit, Finance and Administration Committee meeting, were approved as presented; and,
- (b) The Closed Session Minutes of the June 2, 2022 Audit, Finance and Administration Committee meeting, remain confidential.

**(k) ADJOURNMENT (Item 15)**

There being no further business, the Audit, Finance and Administration Committee adjourned at 12:32 p.m.

Respectfully submitted,

Councillor Pearson, Chair  
Audit, Finance and Administration  
Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk