



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 12-010

9:30 a.m.

Monday, December 10, 2012

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors B. Johnson (Chair), M. Pearson (Vice Chair)
B. Clark, B. Morelli and R. Powers

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. Appointment of Chair and Vice Chair for 2013

(Powers/Morelli)

- (a) That Councillor M. Pearson be appointed as Chair of the Audit, Finance & Administration Committee for 2013.

(Pearson/Morelli)

- (b) That Councillor R. Powers be appointed as Vice Chair of the Audit, Finance & Administration Committee for 2013.

CARRIED

2. Reciprocal Agreements for the Collection of Outstanding *Provincial Offences Act* Fines (FCS12087) (City Wide) (Item 5.1)

(Powers/Morelli)

- That Report FCS12087, respecting the Reciprocal Agreements for the Collection of Outstanding *Provincial Offences Act* Fines, be received.

CARRIED

3. Status of Provincial Offences Administration (POA) Fine Collections and Staffing (FCS12098) (City Wide) (Item 5.2)

(Clark/Pearson)

- (a) That Report FCS12098, respecting the Status of Provincial Offences Administration (POA) Fine Collections and Staffing, be received.
- (b) That staff be directed to investigate the feasibility of part-time, temporary locations for the Provincial Offences Administration Court House;

specifically, the existing Stoney Creek, Dundas and Glanbrook Municipal Service Centres and report back to the Audit, Finance & Administration Committee.

- (c) That staff be directed to investigate locations for long-term use by the Provincial Offenses Administration Court House, prior to the expiration of the current lease in the Hamilton Court House in 2017, and report back to the Audit, Finance & Administration Committee.

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

4. Update – Needs Assessment of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Community of Hamilton (FCS11104(c)) (City Wide) (Item 5.3)

(Powers/Morelli)

- (a) That Report FCS11104(c), respecting the Update on the Needs Assessment of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Community of Hamilton, be received.
- (b) That staff be directed to report back to the Audit, Finance & Administration Committee in six (6) months, with an update on the Needs Assessment of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Community of Hamilton, particularly the Wellness Centre.

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

5. Monthly Status Report of Tenders and Requests for Proposals for October 13, 2012 to November 9, 2012 (FCS12018(h)) (City Wide) (Item 5.4)

(Powers/Morelli)

That Report FCS12018(h), respecting the Monthly Status Report of Tenders and Requests for Proposals for October 13, 2012 to November 9, 2012, be received.

CARRIED

6. Tax Appeals under Section 357 and 358 of the Municipal Act (2001) (FCS12007(h)) (City Wide) (Item 5.5)

(Powers/Morelli)

- (a) That Appendix “A” attached to Report FCS12007(h) respecting the “Tax Write-Offs processed under Section 357 of the Municipal Act, 2001”, in the amount of \$408,310 be approved;
- (b) That Appendix “B” attached to Report FCS12007(h) respecting the “Tax Appeals due to a Gross or Manifest Clerical Error, Pursuant to Section 358 of the Municipal Act, 2001”, in the amount of \$210,979 be approved.

CARRIED

7. Treasurer's Apportionment of Land Taxes for Properties in Stoney Creek and Glanbrook (FCS12005(g)) (Wards 10 and 11) (Item 5.6)

(Pearson/Clark)

- (a) That the 2012 land taxes in the amount of \$2,804 for 161 Roxborough Ave. (Roll #2518 003 285 18400 0000) be apportioned and split amongst the two newly created parcels as set out in Appendix A to Report FCS12005(g);
- (b) That the 2011 land taxes in the amount of \$50,922 for 1824 Rymal Rd. E., Glanbrook (Roll #2518 901 130 66600 0000) be apportioned and split amongst the four newly created parcels as set out in Appendix A to Report FCS12005(g);
- (c) That the 2012 land taxes in the amount of \$10,343 for 0 Pelech Cres., Glanbrook (Roll #2518 901 130 00681 0000) be apportioned and split amongst the twenty-six newly created parcels as set out in Appendix A to Report FCS12005(g).

CARRIED

8. 2011 Audited Financial Statements for City of Hamilton Business Improvement Areas (FCS12106) (City Wide) (Item 5.7)

(Pearson/Powers)

That Report FCS12106, respecting the 2011 Audited Financial Statements for City of Hamilton Business Improvement Areas, be received.

CARRIED

9. 2011 City of Hamilton Municipal Performance Measurement Program (FCS12105) (City Wide) (Item 5.8)

(Pearson/Clark)

That Report FCS12105, respecting the 2011 City of Hamilton Municipal Performance Measurement Program, be received.

CARRIED

10. Employee Attendance Performance Measures Q3 2012 (HUR12018) (City Wide) (Item 5.9)

(Pearson/Clark)

That Report HUR12018, respecting Employee Attendance Performance Measures Q3 2012, be received.

CARRIED

11. Employee Occupational Health Program (HUR12019) (City Wide) (Item 5.10)

(Powers/Pearson)

That Report HUR12019, respecting the Employee Occupational Health Program, be received.

CARRIED

12. 400 Glover Road Water/Wastewater Deferred Payment Arrangement (FCS12109) (Ward 10) (Item 5.11)

(Pearson/Morelli)

That the General Manager of Finance and Corporate Services be authorized to enter into a deferred payment arrangement with a 60 month repayment period pertaining to water and wastewater charges for a total amount of \$193,620.38 re Horizon Account Number 416128-001, 400 Glover Road, Stoney Creek.

CARRIED

13. Status Update Report - 2012 Annual Accessibility Plan (FCS12103) (City Wide) (Item 7.1)

(Pearson/Powers)

That the Status Update Report - 2012 Annual Accessibility Plan for the City of Hamilton, attached as Appendix "A" to Report FCS12103, be received.

CARRIED

14. 2013-2017 Multi-Year Accessibility Plan – Accessibility for Ontarians with Disabilities Act (FCS12102) (City Wide) (Item 7.2)

(Powers/Morelli)

That the 2013–2017 Multi-Year Accessibility Plan (the "Multi-Year Accessibility Plan") for the City of Hamilton attached as Appendix "A" to Report FCS12102 be approved.

CARRIED

15. 2012 City of Hamilton External Audit Plan (FCS12107) (City Wide) (Item 7.3 - formerly 8.7)

(Pearson/Morelli)

That the 2012 City of Hamilton Audit Planning Report prepared by KPMG, attached as Appendix "A" to Report FCS12107, be approved.

CARRIED

16. Follow Up to Audit Report 2010-08 – Human Resources Recruitment and Selection (HUR12020) (City Wide) (Item 8.1)

(Powers/Pearson)

That Report HUR12020, respecting the Follow Up to Audit Report 2010-08 – Human Resources Recruitment and Selection, be received.

CARRIED

17. Industrial Development Charges – January 6, 2013, Step Increase (FCS12100) (City Wide) (Item 8.2)

(Pearson/Powers)

That the January 6, 2013, Industrial Development Charge Increase from \$8.07 per square foot to \$9.21 per square foot be administratively capped at \$8.78 per square foot, until an Ontario Municipal Board order amending the Development Charges By-laws is received.

CARRIED

18. 2012 Tax Budget Restatements (FCS12104) (City Wide) (Item 8.3)

(Pearson/Powers)

(a) That, in accordance with the “Budget Control Policy”, the 2012 tax budget restatements, transferring budget from one cost category to another or one department/division to another with no impact on the levy, as outlined in Appendix A to report FCS12104 be approved;

(b) That, in accordance with the “Budgeted Complement Control Policy”, the 2012 complement transfers, transferring complement from one department/division to another with no impact on the levy, as outlined in Appendix B to report FCS12104 be approved.

CARRIED

19. Treasurer's Write-Off of Outstanding Taxes for Hamilton Ballet Youth Ensemble under Section 354 of the *Municipal Act*, 2001 (FCS12094) (Ward 2) (Item 8.4)

(Pearson/Powers)

That the Treasurer, under Section 354(4)(b) of the *Municipal Act*, (2001), write off taxes as uncollectible on 145 Main Street East, Hamilton, (Tax Roll Number 020.151.00250) in the amount of \$41,098 to the benefit of the Hamilton Ballet Youth Ensemble (HBYE), as conducting a tax sale would not be in the best interest of the municipality.

CARRIED

20. 2013 Budget Requests - Volunteer Advisory Committees (FCS12099) (City Wide) (Item 8.5)

(Powers/Pearson)

That the Volunteer Advisory Committee 2013 base budget submissions be approved as follows and forwarded to the 2013 budget process (GIC):

- (a) Advisory Committee on Immigrants & Refugees in the amount of \$3,500;
- (b) Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee in the amount of \$3,890;
- (c) Aboriginal Advisory Committee in the amount of \$3,500;
- (d) Hamilton Mundialization Committee in the amount of \$5,890;
- (e) Hamilton Status of Women Committee in the amount of \$3,500;
- (f) Committee Against Racism in the amount of \$3,890.

CARRIED

21. 2013 Advance Payments to External Boards and Agencies (FCS12101) (City Wide) (Item 8.6)

(Morelli/Pearson)

- (a) That, effective January 1, 2013, an advancement of funds be provided to the external Boards and Agencies, in the specified amount and on the specific dates, as shown on the attached Appendix A to Report FCS12101;
- (b) That any outstanding arrears due to the City of Hamilton, by any external Boards or Agencies (as shown on the attached Appendix A to Report FCS12101), be first applied against the approved grant funding, including advances, until the debt is satisfied, prior to that Agency or Board receiving the balance of any approved payment.
- (c) That notwithstanding (b) above and the amounts owed to HECFI, Opera Hamilton's advance be paid in full but the organization be advised that future grant payments may be withheld or suspended and that staff be directed to monitor the situation and take appropriate actions.

CARRIED

22. Wireless Hamilton Wi-Fi Project (FCS09028(a)) (City Wide) (Item 8.8)

(Clark/Powers)

That the Wireless Hamilton infrastructure implemented in 2007 be dismantled and all public facing Wi-Fi established through this initiative be discontinued at an estimated one-time cost of \$30,000 funded from existing capital project 2050757701.

**AMENDMENT CARRIED
MOTION OF AMENDED CARRIED**

23. Governance Review Sub-Committee Report 12-005, dated November 26, 2012 (Item 8.9)

(Powers/Clark)

(a) Disclosure of Expenses of Council and Senior Staff (CL12010) (City Wide) (Item 4.1) (Attached as Appendix "A")

That Information Report CL12010, respecting Disclosure of Expenses of Council and Senior Staff, be received.

(b) Review of Process for Private and Confidential Reports (CL12006) (City Wide) (Item 4.2) (Attached as Appendix "B")

(i) That the City Clerk be directed to amend the City of Hamilton Agenda Template, as attached in Appendix "B", for all Committee and Council Agendas, to reflect under the Private and Confidential Section, the reasons relied on under the Ontario Municipal Act and City's Procedural By-law, for which Committee or Council will consider a particular matter in Closed Session;

(ii) That staff investigate options for securing confidential documents and reports.

(c) Electronic Recording of Closed Session Meetings (CL12005) (City Wide) (Item 4.3) (Attached as Appendix "C")

That Information Report CL12005, respecting the Electronic Recording of Closed Session Meetings, be received.

(d) Quorum at Council and Standing Committees (City Wide) (LS12030) (Outstanding Business List Item) (Item 4.4) (Attached as Appendix "D")

That Information Report LS12030, respecting Quorum at Council and Standing Committees, be received.

(e) Workshop on Pecuniary Interest and Declarations of Interest (Other Business)

That a General Issues Committee educational workshop be held respecting pecuniary interest and declarations of interest for members of Council.

(f) Electronic Recording of Closed Session Meeting, Legal Implications (LS12033) (City Wide) (Item 6.1) (Attached as Appendix "E")

That Report LS12033 respecting Electronic Recording of Closed Session Meeting, Legal Implications, be received and it remain confidential.

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

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

- (i) Added as Item 4.1 – a delegation request, submitted by Gord O’Coin, of the Christian Labour Association of Canada (CLAC), respecting Item 8.10 – Report (FCS12083/HUR12015), Proposed Fair Wage Policy and Fair Wage Schedule
- (ii) Added as Item 4.2 – a delegation request, submitted by Joe Beattie, of the Hamilton-Brantford, Ontario Building and Construction Trades Council, respecting Item 8.10 – Report (FCS12083/HUR12015), Proposed Fair Wage Policy and Fair Wage Schedule
- (iii) Added as Item 5.11 – Report FCS12109, respecting 400 Glover Road Water/Wastewater Deferred Payment Arrangement
- (iv) Item 8.7 has been renumbered as Item 7.3, as there is a verbal presentation to go with Report FCS12107.

(Pearson/Morelli)

That the agenda for the December 10, 2012 Audit, Finance & Administration Committee meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) November 12, 2012 (Item 3.1)

(Morelli/Pearson)

That the Minutes of the November 12, 2012 meeting of the Audit, Finance and Administration Committee be approved, as presented.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(i) Gord O'Coin, of the Christian Labour Association of Canada (CLAC), respecting Item 8.10 – Report (FCS12083/HUR12015), Proposed Fair Wage Policy and Fair Wage Schedule (Item 4.1)

(Morelli/Powers)

That the delegation request from Gord O'Coin, of the Christian Labour Association of Canada (CLAC), respecting Item 8.10 – Report (FCS12083/HUR12015), Proposed Fair Wage Policy and Fair Wage Schedule, be approved to the January 17, 2013 Audit, Finance & Administration Committee meeting.

CARRIED

(ii) Joe Beattie, of the Hamilton-Brantford, Ontario Building and Construction Trades Council, respecting Item 8.10 – Report (FCS12083/HUR12015), Proposed Fair Wage Policy and Fair Wage Schedule (Item 4.2)

(Morelli/Powers)

That the delegation request submitted by Joe Beattie, of the Hamilton-Brantford, Ontario Building and Construction Trades Council, respecting Item 8.10 – Report (FCS12083/HUR12015), Proposed Fair Wage Policy and Fair Wage Schedule, be approved to the January 17, 2013 Audit, Finance & Administration Committee meeting.

CARRIED

(e) Status of Provincial Offences Administration (POA) Fine Collections and Staffing (FCS12098) (City Wide) (Item 5.2)

(Clark/Pearson)

- (a) Staff was directed to investigate the feasibility of part-time, temporary locations for the Provincial Offences Administration Court House; specifically, the existing Stoney Creek, Dundas and Glanbrook Municipal Service Centres and report back to the Audit, Finance & Administration Committee.; and,

- (b) Staff was directed to investigate locations for long-term use by the Provincial Offences Administration Court House, prior to the expiration of the current lease in the Hamilton Court House in 2017, and report back to the Audit, Finance & Administration Committee.

CARRIED

- (f) **Update – Needs Assessment of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Community of Hamilton (FCS11104(c)) (City Wide) (Item 5.3)**

(Powers/Morelli)

Staff was directed to report back to the Audit, Finance & Administration Committee in six (6) months, with an update on the Needs Assessment of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Community of Hamilton, particularly the Wellness Centre.

CARRIED

- (g) **Status Update Report - 2012 Annual Accessibility Plan (FCS12103) (City Wide) (Item 7.1)**

Jane Lee, Director of Customer Service, Access & Equity, provided a PowerPoint presentation outlining both Reports FCS12103 and FCS12102. The presentation included, but was not limited to, the following:

- **2012 Accessibility Plan Status Update:**
 - Required by the *Ontarians with Disabilities Act* (ODA).
- **2013-2017 Multi-Year Accessibility Plan:**
 - Required by the *Accessibility for Ontarians with Disabilities Act* (AODA).
 - Replaces Annual Accessibility Plan.
 - Requires annual status report, but not a new plan each year.
 - New Plan required at least every 5 years.
- **Demographics, based on 2006 Census information in the Hamilton CMA:**
 - 138,245 people in Hamilton with disabilities (20%).
 - Provincial rate was 19%.
 - National rate was 17%.
 - Higher unemployment rate.
 - Lower annual average income.
- **2012 Accessibility Plan Update:**

- Provides update on initiatives in the 2012 plan.
- Items incomplete will continue to be monitored and reported on in the future in the Annual Plan status update reports.
- Major focus in the new multi-year plan is on addressing barriers in accordance with the AODA standards and meeting compliance timelines.

(Morelli/Pearson)

That the presentation, respecting Report FCS12103, the Status Update Report - 2012 Annual Accessibility Plan, be received.

CARRIED

(f) 2013-2017 Multi-Year Accessibility Plan – Accessibility for Ontarians with Disabilities Act (FCS12102) (City Wide) (Item 7.2)

Jane Lee, Director of Customer Service, Access & Equity, provided a PowerPoint presentation outlining both Reports FCS12103 and FCS12102. The presentation included, but was not limited to, the following:

- New plan is derived from the regulations approved pursuant to the AODA, including the Customer Service Standard, and the Integrated Accessibility Standard which contains the following:
 - Information & Communications Standard
 - Employment Standard
 - Transportation Standard
 - Not included in the plan is the Built Environment Standard – not yet approved.
- **Statement of Commitment:**
 - The City of Hamilton is committed to ensuring that Council, all levels of Corporate management and staff plan, implement and evaluate strategies and opportunities that sustain and maintain the rights of persons with disabilities and their families to barrier-free programs, services and opportunities. In so doing, the City implements the Human Rights Code and the *Accessibility for Ontarians with Disabilities Act, 2005* according to the legislation's standards for: Customer Service (already approved); Transportation; Employment; the Built Environment; Information and Communications.

- The City of Hamilton is committed to providing customer service to persons with disabilities in a manner that:
 - Respects their dignity and independence;
 - Is integrated as fully as practicable into the method of service delivery;
 - Ensures reasonable efforts are made to provide equitable opportunities to accessing goods and services; and,
 - Allows persons with disabilities to benefit from the same services, programs and opportunities in ways that are based on their own needs and self-determination.

- **Strategic Goals of the Accessibility Plan:**
 - Designed to guide our implementation of the standards.
 - Aligned to the focus areas of the Standards.
 - Strategic Goal One - Persons with disabilities receive equitable, inclusive and accessible customer service that meets their needs when accessing and utilizing City's services, programs, resources and opportunities.
 - Strategic Goal Two - Persons with disabilities who are potential employees will be accommodated and supported throughout the recruitment, assessing, selecting and hiring process and when they are seeking advancement opportunities as employees.
 - Strategic Goal Three - Information and communication and supports including the City's website and self-service kiosks are fully accessible and available in accessible formats.
 - Strategic Goal Four - Persons with disabilities access barrier free services and programs when using Hamilton Street Railway (HSR) and Accessible Transit System (ATS).
 - Strategic Goal Five - City facilities are fully accessible and/or will provide accessibility measures to meet the needs of persons with disabilities when accessing programs, services, resources and opportunities.
 - Strategic Goal Six - Through training and experiential learning, staff is knowledgeable and able to recognize and identify barriers to accessibility when designing, planning, delivering and implementing services,

programs and opportunities to the public as well as when procuring or acquiring goods, services or facilities.

- Provided feedback about the implementation of the Integrated Accessibility Standard and the Multi-Year Plan.
- Focused on the details of what the barriers are related to the Information and Communications Standard, Employment Standard and Transportation Standard as well as the Built Environment.
- Staff will look to this feedback as they work on implementation of each of the requirements of the standards and the Multi-Year plan.
- Areas of Focus and Effort for 2013:
 - Employment Standards
 - Information and Communications
 - Transportation
 - Training and Awareness and Understanding
- Concern about ability to meet the compliance requirements in all areas.

Committee expressed gratitude to the Advisory Committee for Persons with Disabilities (ACPD) for their advice and contribution towards the completion of the Accessibility Plan.

(Morelli/Pearson)

That the presentation, respecting Report FCS12102, 2013-2017 Multi-Year Accessibility Plan – *Accessibility for Ontarians with Disabilities Act*, be received.

CARRIED

- (g) Treasurer's Write-Off of Outstanding Taxes for Hamilton Ballet Youth Ensemble under Section 354 of the *Municipal Act, 2001* (FCS12094) (Ward 2) (Item 8.4)**

Councillor B. Clark wished to be recorded as OPPOSED to Item 8.4.

- (h) 2012 City of Hamilton External Audit Plan (FCS12107) (City Wide) (Item 7.3 - formerly 8.7)**

Barry Frieday and John Pryke, of KPMG, provide a brief verbal overview of the Hamilton Audit Planning Report.

(Powers/Morelli)

That the verbal presentation, provided by Barry Frieday and John Pryke, of KPMG, respecting the 2012 City of Hamilton External Audit Plan, be received.

CARRIED

**(i) Proposed Fair Wage Policy and Fair Wage Schedule (FCS12083/HUR12015)
(City Wide) (Item 8.10)**

Report FCS12083/HUR12015, respecting the Proposed Fair Wage Policy and Fair Wage Schedule, remained tabled to the January 17, 2013 meeting.

(j) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

11.1 Amendments to the Outstanding Business List

(Pearson/Clark)

That the following items be considered complete and removed from the Audit, Finance & Administration Committee's Outstanding Business List:

- (i) Item "M" – Status of Provincial Offences Administration Fine Collections and Staffing
- (ii) Item "N" – Reciprocal Agreements with Provinces and States for the Collection of Outstanding *Provincial Offences Act* Fines
- (iii) Item "Q" – Follow up of Audit Report 2010-08 – Human Resources – Recruitment and Selection

CARRIED

(k) ADJOURNMENT (Item 13)

(Pearson/Morelli)

That, there being no further business, the Audit, Finance and Administration Committee be adjourned at 11:43 a.m.

CARRIED

Respectfully submitted,

Councillor B. Johnson, Chair
Audit, Finance and Administration Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk
December 10, 2012