



AUDIT, FINANCE & ADMINISTRATION COMMITTEE MINUTES 13-006

9:30 a.m.

Monday, June 10, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

**Absent with
Regrets:** Councillor B. Morelli – Sick Leave

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

- 1. Professional and Consultant Services Roster 2011 - 2012
(PW13043/PED13111/FCS13050/CS13032) (City Wide) (Item 5.1)**

(Johnson/Powers)

That Report PW13043/PED13111/FCS13050/CS13032, respecting Professional and Consultant Services Roster 2011 – 2012, be received.

CARRIED

- 2. *Municipal Act* Regulation 284/09 and Public Sector Accounting Board Standards (FCS13045) (City Wide) (Item 5.2)**

(Johnson/Powers)

That Report FCS13045, respecting the *Municipal Act* Regulation 284/09 and Public Sector Accounting Board Standards, be received.

CARRIED

3. Employee Attendance Performance Measures Q1 2013 (HUR13007) (City Wide) (Item 5.3)

(Johnson/Powers)

That Report HUR13007, respecting Employee Attendance Performance Measures Q1 2013, be received.

CARRIED

4. 2013 First Quarter Non-compliance with the Procurement Policy Report (FCS13015) (City Wide) (Item 5.4)

(Johnson/Powers)

That Report FCS13015, respecting the 2013 First Quarter Non-compliance with the Procurement Policy Report, be received.

CARRIED

5. 2013 First Quarter Emergency and Non-competitive Procurements Report (FCS13014) (City Wide) (Item 5.5)

(Johnson/Powers)

That Report FCS13014, respecting the 2013 First Quarter Emergency and Non-competitive Procurements Report, be received.

CARRIED

6. Monthly Status Report of Tenders and Requests for Proposals for April 6, 2013 to May 3, 2013 (FCS13016(c)) (City Wide) (Item 5.6)

(Johnson/Powers)

That Report FCS13016(c), respecting the Monthly Status Report of Tenders and Requests for Proposals for April 6, 2013 to May 3, 2013, be received.

CARRIED

7. Tax Appeals under Section 357 and 358 of the *Municipal Act* (2001) (FCS13027(b)) (City Wide) (Item 5.7)

(Powers/Clark)

(a) That Appendix "A" (attached to Report FCS13027(b)), respecting the Tax Appeals processed under Section 357 of the *Municipal Act*, 2001, in the amount of \$44,408, be approved; and,

(b) That Appendix "B" (attached to Report FCS13027(b)), 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 \$21,181, be approved.

CARRIED

8. 2012 City of Hamilton Financial Report and Audited Financial Statements (FCS13040) (City Wide) (Item 7.1)

(Johnson/Powers)

That the 2012 City of Hamilton Financial Report and Audited Financial Statements, attached as Appendix "B" to Report FCS13040, be approved.

CARRIED

9. Audit Report 2013-01 - Public Health Services - Cold Chain / BIOS Program (AUD13020) (City Wide) (Item 8.1)

(Johnson/Powers)

(a) That the Management Action Plans, as detailed in the attached Appendix "A" to Report AUD13020, be approved; and,

(b) That the Medical Officer of Health be directed to instruct the appropriate staff to have the Management Action Plans (attached as Appendix "A" to Report AUD13020) implemented.

CARRIED

10. Audit Report 2013-03 - Planning & Economic Development - Building Permit Fees (AUD13021) (City Wide) (Item 8.2)

(Johnson/Clark)

(a) That the Management Action Plans, as detailed in the attached Appendix "A" of Report AUD13021, be approved; and,

(b) That the General Manager of Planning & Economic Development be directed to instruct the appropriate staff to have the Management Action Plans (attached as Appendix "A" to Report AUD13021) implemented.

CARRIED

11. Audit Report 2012-11 - Public Health Services (PHS) - Dental Services - Claims Payment Process (AUD13023) (City Wide) (Item 8.3)

(Powers/Johnson)

(a) That the Management Action Plans, as detailed in the attached Appendix "A" to Report AUD13023, be approved; and,

(b) That the Medical Officer of Health be directed to instruct the appropriate staff to have the Management Action Plans (attached as Appendix "A" to Report AUD13023) implemented.

CARRIED

12. Grants Sub-Committee Report 13-003 (Item 8.5)

(Powers/Johnson)

(a) 2013 Community Partnership Program (GRA13003) (City Wide) (Item 4.1)

- (i) That a new category, titled "Veterans' Affairs Events", be added to the Community Partnership Program;
- (ii) That the 2013 Community Partnership Program recommended funding allocation, in the amount of \$3,013,554 (as outlined in the attached Appendix "A" to Report 13-003, as amended), be approved;"
- (iii) That \$180,555 be committed for the groups listed in Appendix "B" to Report 13-003, as amended, (attached hereto), which will require no further rating, pending receipt of additional information;"
- (iv) That, in the case where a successful grant applicant has outstanding arrears with the City of Hamilton, the grant first be applied against the outstanding arrear as of December 31, 2012, with the remainder to be paid to the organization, in accordance with the Community Partnership Program payment plan;
- (v) That, for 2013, the unallocated balance of \$49,513 in the Special Events category of the Community Partnership Program, be first used toward funding additional programs in that area;
- (vi) That the amount of \$39,541, representing 1.2% of the traditional grant allocation for a contingency budget, be committed for 2013 unexpected Community Partnership Program funding;
- (vii) That funding in excess of the 30% maximum guidelines for the following programs, within the Community Partnership Program, be approved in 2013:
 - 1. Canadian Red Cross – Emergency Community Assistance Program
 - 2. Living Rock – Wellness Works
 - 3. Salvation Army – Grace Haven
 - 4. Hamilton LGBTQ Community Wellness Centre
 - 5. Ancaster Heritage Days
 - 6. Ancaster Heritage Village BIA
 - 7. Volunteer Hamilton
 - 8. Dundas Cactus Parade

9. Flamborough Santa Claus Parade
10. Hamilton Labour & District Council
11. McMaster Children's Centre
12. Conqueror II Drum & Bugle Corps

(viii) That the 2013 base figures be maintained in 2014 for the following groups:

1. Stoney Creek Flag Day Festival in the amount of \$5,655 plus Police costs of \$4,553 (2011 pro-rated Actual) in the Special Events category;
2. Comunita Racalmuto Parade in the amount of \$3,128 plus Police costs of \$5,623 (2012 pro-rated Actual) in the Special Events category; and,
3. Chamber Music Hamilton Inc in the amount of \$3,120 in the Culture category.

(ix) That the 2013 Community Partnership Program (CPP) "Possible Funding" for the following applicants be increased as follows (shown on Appendix "B", as amended, attached hereto), for a total amount of \$5,431, to be funded from the 2013 CPP Contingency Category:

1. Bach Elgar Choral Society – Bach Elgar Choir 2013-2014 Concert Season (from \$15,772 to \$18,544 for a difference of \$2,772);
2. McMaster Museum of Art – Public Programs at the McMaster Museum of Art (from \$3,513 to \$4,131 for a difference of \$618);
3. Canadian Football Hall of Fame – Educational Programming (from \$4,380 to \$5,150 for a difference of \$770);
4. Jewish Community Centre of Hamilton and Area – Yom Ha'atzmaut (from \$2,067 to \$2,430 for a difference of \$363);

5. Caribbean Potpourri Youth Support Program – Caribbean Potpourri Variety Show (from \$3,904 to \$4,590 for a difference of \$686);
 - (x) That, as the South Asian Heritage Association – South Asian Heritage Month Celebration, 2013 recommended funding amount was increased from \$3,062 to \$5,000, for a difference of \$1,938 (as shown in Appendix “B” to Report 13-003, as amended (attached hereto), bringing the Culture Category over budget by \$1936, the shortfall of \$1,936 be funded from the 2013 Contingency Category of the Community Partnership Program.
 - (xi) That, as the Hamilton All Star Jazz Band 2013 recommended funding amount was increased from \$3,613 to \$4,015, for a difference of \$402, bringing the Culture Category of the Community Partnership Program (CPP) over budget by \$402, the shortfall of \$402 be funded from the Contingency Category of the CPP (as shown in Appendix “A” to Report 13-003, as amended, attached hereto).

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

(b) Festival of Friends 2012 Policing Costs (Item 5.2)

(Powers/Johnson)

That 1/3 of the outstanding balance (of \$28,299.61) owing to Hamilton Police Service for the Festival of Friends 2012 event policing costs, in an amount not to exceed \$9,433.20, to be funded from the tax stabilization reserve, be approved.

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

13. Proposed Fair Wage Policy and Fair Wage Schedule (FCS12083(b))/HUR12015(b)) (City Wide) (Item 8.6)

(Powers/Clark)

That the Fair Wage Policy and Fair Wage Schedule, attached as Appendix ‘A’ to Report FCS12083(b)/HUR12015(b), be approved.

CARRIED

14. Development Charges By-law 12-053 Proposed Settlement of Appeal by OREV Investments Ltd. and 992527 Ontario Limited (LS13022) (Wards 1, 2 and 3) (Item 12.1)

(Clark/Powers)

That recommendations (a) through (c) contained in Report LS13022, Development Charges By-law 12-053 Proposed Settlement of Appeal by OREV Investments Ltd. and 992527 Ontario Limited, be approved and remain confidential until Council approval.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) Recognition of Hamilton Aboriginal Agencies

The Chair called upon Marilyn Wright, Chair of the City of Hamilton Aboriginal Advisory Committee, to introduce the ceremonial activity.

On June 13, 1996, the Governor General of Canada proclaimed June 21st to be National Aboriginal Day; this day is an opportunity to learn more about Aboriginal people and their contributions to Hamilton and Canada.

Some National Aboriginal Day events that may be of interest are:

- June 21-23 - National Aboriginal Day Festival at Gage Park
- June 21 - Free BBQ at City Hall, compliments of your local Aboriginal Agencies
- June 21 - Education Day/Youth Day, at Gage Park,
- June 21-23, Sunrise Ceremony at 7:00 a.m.
- June 22-23 - Soaring Spirit Festival - Traditional Pow Wow at Gage Park, Aboriginal Idol and live music

On behalf of the City of Hamilton, and in recognition of the contributions of the Hamilton Aboriginal Advisory Committee to our community, Chair Pearson presented the Aboriginal Advisory Committee with an Eagle feather, to signify the City's gratitude.

Certificates of Appreciation and offerings of tobacco were provided to the following Aboriginal agencies in recognition of their contributions to the city of Hamilton:

1. Susan Barberstock, Executive Director, Hamilton Regional Indian Centre
2. Janice Lewis-Deeley, Executive Director, Urban Native Homes Inc.
3. Vicki Montour, Native Women's Centre
4. Melanie McAulay, Sacajawea Non-Profit Housing inc.
5. Constance McKnight, Executive Director, De dwa de dehs nye>s Aboriginal Health Centre
6. Kathleen Lannigan, Métis Nation of Ontario Training Initiative
7. Elize Hartley, President, Métis Women's Circle
8. Monique Lavallee, Executive Director, Niwasa Aboriginal Education Programs
9. Ted Martin, Executive Director, Hamilton Executive Directors' Aboriginal Coalition
10. Shari St. Peter, Executive Director, Niagara Peninsula Aboriginal Area Management Board

(b) 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 from Frank Sondola, respecting an Appeal for a Flat Rate Water Assessment for 118 Steven Street, Hamilton, ON
- (ii) Item 12.1 – Development Charges By-law 12-053 Proposed Settlement of Appeal by OREV Investments Ltd. and 992527 Ontario Limited; the reasons for moving into Closed Session are as follows:

“Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 10-053, and Section 239, 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, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.”

(Clark/Powers)

That the agenda for the June 10, 2013 Audit, Finance & Administration Committee meeting be approved, as amended.

CARRIED

(c) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

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

(i) May 13, 2013 (Item 3.1)

(Johnson/Clark)

That the Minutes of the May 13, 2013 meeting of the Audit, Finance and Administration Committee be approved, as presented.

CARRIED

(e) DELEGATION REQUESTS (Item 4)

(i) Frank Sondola, respecting an Appeal for a Flat Rate Water Assessment for 118 Steven Street, Hamilton, ON (Items 4.1/6.1)

(Johnson/Clark)

(a) That the request to appear before Committee, submitted by Frank Sondola, respecting an Appeal for a Flat Rate Water Assessment for 118 Steven Street, Hamilton, ON, be approved.

(b) That the Rules of Order be waived in order to allow the delegation of Frank Sondola, respecting an Appeal for a Flat Rate Water Assessment for 118 Steven Street, Hamilton, ON, to appear before the Audit, Finance & Administration Committee on June 10, 2013.

CARRIED

Mr. Sandola was asked if he would prefer to have his appeal heard in Closed Session; if he would be disclosing personal financial information, or if the matter could be heard in Open Session.

Mr. Sandola advised that Open Session would be fine. Subsequently, Mr. Sandola asked if the matter could be held over to the next meeting.

(Powers/Clark)

That, at the request of the Appellant, the matter be tabled to the July 10, 2013 agenda of the Audit, Finance & Administration Committee.

CARRIED

(f) 2012 City of Hamilton Financial Report and Audited Financial Statements (FCS13040) (City Wide) (Item 7.1)

Lois Ouellette, of KPMG, provided a verbal overview the KPMG Audit Findings Report for the City of Hamilton, year ended December 31, 2012 (attached as Appendix "C" to Report FCS13040.

(Clark/Powers)

That the presentation from Lois Ouellette, of KPMG, respecting the KPMG Audit Findings Report for the City of Hamilton, year ended December 31, 2012, be received.

CARRIED

(g) Grants Sub-Committee Report 13-003 (Item 8.5)

Councillor Powers put forward the following amending motion:

(Powers/Johnson)

(i) 2013 Community Partnership Program (GRA13003) (City Wide) (Item 4.1)

WHEREAS the 2013 budget for the Culture Category of the Community Partnership Program (CPP) went over budget, staff had recommended to the Grants Sub-committee a pro-rated amount for the following applicants; resulting in a reduction to the usual annual grant provided;

AND WHEREAS there is funding available in the 2013 CPP contingency category to fund these programs without a reduction to their usual, annual CPP grant,

THEREFORE BE IT RESOLVED THAT:

(a) That the 2013 Community Partnership Program (CPP) "Possible Funding" for the following applicants be increased as follows (shown on Appendix "B", as amended, attached hereto), for a total amount of \$5,431, to be funded from the 2013 CPP Contingency Category:

- (i) Bach Elgar Choral Society – Bach Elgar Choir 2013-2014 Concert Season (from \$15,772 to \$18,544 for a difference of \$2,772);
- (ii) McMaster Museum of Art – Public Programs at the McMaster Museum of Art (from \$3,513 to \$4,131 for a difference of \$618);

- (iii) Canadian Football Hall of Fame – Educational Programming (from \$4,380 to \$5,150 for a difference of \$770);
 - (iv) Jewish Community Centre of Hamilton and Area – Yom Ha’atzmaut (from \$2,067 to \$2,430 for a difference of \$363);
 - (v) Caribbean Potpourri Youth Support Program – Caribbean Potpourri Variety Show (from \$3,904 to \$4,590 for a difference of \$686);
 - (vi) Hamilton Children’s Choir – Bursary Program (from \$1,262 to \$1,484 for a difference of \$222).
- (b) That, as the South Asian Heritage Association – South Asian Heritage Month Celebration, 2013 recommended funding amount was increased from \$3,062 to \$5,000, for a difference of \$1,938 (as shown in Appendix “B” attached hereto) bringing the Culture Category over budget by \$1936, the shortfall of \$1,936 be funded from the 2013 Contingency Category of the Community Partnership Program.
- (c) That, as the Hamilton All Star Jazz Band (CUL-16) 2013 recommended funding amount was increased from \$3,613 to \$4,015, for a difference of \$402, bringing the Culture Category of the CPP over budget by \$402, the short fall of \$402 be funded from the Contingency Category of the Community Partnership Program (as shown in Appendix “A”, as amended, attached hereto).
- (d) That sub-section (b) to Item 1 of the Grants Sub-Committee Report 13-003 be amended by deleting the dollar amount of “**\$3,012,054**” and replacing it with the dollar amount of “**\$3,013,554**”; and, by deleting Appendix “A” to Report 13-003 in its entirety and replacing it with a revised Appendix “A” attached hereto, to read as follows:
- “(b) That the 2013 Community Partnership Program recommended funding allocation, in the amount of **\$3,013,554** (as outlined in the attached Appendix “A” to Report 13-003), be approved;”
- (e) That sub-section (c) to Item 1 of the Grants Sub-Committee Report 13-003 be amended by deleting the dollar amount of “**\$175,124**”

and replacing it with the dollar amount of “**\$180,555**”; and, by deleting Appendix “B” to Report 13-003 in its entirety and replacing it with a revised Appendix “B” attached hereto, to read as follows:

1. 2013 Community Partnership Program (GRA13003) (City Wide) (Item 4.1)

“(c) That **\$180,555** be committed for the groups listed in Appendix “B” (attached hereto), which will require no further rating, pending receipt of additional information;”

- (f) Whereas, the Flamborough Horticultural Society has contacted staff to withdraw their original request to have their Committed grant, in the amount of \$1,500, held to 2014, and the 2013 CPP base amount of \$1,500 is now reflected in Appendix “A”, as amended, attached hereto;

Therefore be it resolved:

(a) That sub-section (h)(i) to of the Grants Sub-Committee Report 13-003, which reads as follows, be deleted in its entirety:

(h) That the 2013 base figures be maintained in 2014 for the following groups:

“(i) Flamborough Horticultural Society – Trillium Funds in the amount of \$1,500 in the Committed category;”

For disposition of this matter, please refer to Item 13(a) above.

(ii) Festival of Friends 2012 Policing Costs (5.2)

Councillor Powers put forward the following amending motion:
WHEREAS the Festival of Friends is not funded through the Community Partnership Program, but rather through Agencies, Boards and Committee’s (ABCs);

THEREFORE BE IT RESOLVED:

That 1/3 of the outstanding balance (of \$28,299.61) owing to Hamilton Police Service for the Festival of Friends 2012 event policing costs, in an

amount not to exceed \$9,433.20, to be funded from the tax stabilization reserve, be approved.

For disposition of this matter, please refer to Item 13(b) above.

(h) Update – Needs Assessment of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Community of Hamilton and LGBTQ Space Requirements (FCS11104(e)) (City Wide) (Item 8.4)

(Powers/Clark)

That staff be directed to report to the Audit, Finance & Administration Committee every six (6) months with respect to the Lesbian, Gay, Bisexual, Transgender, and Queer community space requirements.

CARRIED

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

(i) Amendments to the Outstanding Business List (Item 11.1)

(Johnson/Clark)

(a) That the following proposed new due dates be approved:

(i) Item “L” – Benefit Payouts
Current Due Date: June 10, 2013
Proposed New Due Date: October 8, 2013

(ii) Item “N” – Open Data
Current Due Date: June 10, 2013
Proposed New Due Date: July 10, 2013

(b) That the following Items be considered complete and removed from the Audit, Finance & Administration Committee’s Outstanding Business List:

(i) Needs Assessment of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Community of Hamilton

(ii) Proposed Fair Wage Policy and Fair Wage Schedule

CARRIED

(j) PRIVATE & CONFIDENTIAL (Item 12)

(i) Development Charges By-law 12-053 Proposed Settlement of Appeal by OREV Investments Ltd. and 992527 Ontario Limited (LS13022) (Wards 1, 2 and 3) (Item 12.1)

As the Audit, Finance & Administration Committee determined that no discussion of Report LS13022 was required, the Committee provided its recommendation in Open Session, shown Item 14 above.

(k) ADJOURNMENT (Item 13)

(Powers/Johnson)

That, there being no further business, the Audit, Finance & Administration Committee, be adjourned at 11:06 a.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson, Chair
Audit, Finance & Administration Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk