



## **AUDIT, FINANCE & ADMINISTRATION COMMITTEE**

### **REPORT 16-007**

**9:30 a.m.**

**Monday, May 9, 2016**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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**Present:** Councillors A. Johnson (Chair), D. Skelly (Vice-Chair)  
C. Collins, L. Ferguson, B. Johnson, M. Pearson and A.  
VanderBeek

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### **THE AUDIT, FINANCE & ADMINISTRATION COMMITTEE PRESENTS REPORT 16-007 AND RESPECTFULLY RECOMMENDS THE FOLLOWING:**

**1. Freedom of Information Quarterly Report (January 1 to March 31) (CL16003) (City Wide) (Item 5.1)**

That Report CL16003 respecting Freedom of Information Quarterly Report (January 1 to March 31), be received.

**2. 2015 Provincial Offences Annual Report (CL16005) (City Wide) (Item 5.2)**

That Report CL16005 respecting 2015 Provincial Offences Annual Report, be received.

**3. Follow-Up of Performance Audit Report 2013-15 - Cheques (AUD16011) (City Wide) (Item 5.3)**

That Report AUD16011 respecting Follow-Up of Performance Audit Report 2013-15 - Cheques, be received.

**4. Tax Appeals Under Sections 357 and 358 of the *Municipal Act, 2001* (FCS16038) (City Wide) (Item 5.4)**

- (a) That Appendix "A" attached to AF&A Report 16-007 respecting the Tax Appeals processed under Section 357 of the *Municipal Act, 2001*, in the amount of \$156,905 be approved;

- (b) That Appendix “B” attached to AF&A Report 16-007 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 \$193,333 be approved.

**5. Treasurer’s Investment Report 2015 Fiscal Year by Aon Hewitt (FCS16035) (City Wide) (Item 5.5)**

That Report FCS16035, respecting Treasurer’s Investment Report 2015 Fiscal Year by Aon Hewitt, be received and referred to the Hamilton Future Fund Board of Governors for information.

**6. Proposed Write-offs of Outstanding Fines for Provincial Offences (CL16006) (City Wide) (Item 8.1)**

That staff be authorized to write-off the following outstanding Provincial Offences deemed uncollectible, in the total amount of \$1,541,754.55, as follows:

- (i) \$1,490,591.04 in uncollectible fines with a due date of December 31, 2008 and prior;
- (ii) \$51,163.51 for underpayments from July 1, 2014 to March 31, 2016.

**7. Policy for Business Travel, Seminars and Conferences - Amendments (FCS16036) (City Wide) (Item 8.2)**

That the Policy for Business Travel, Seminars and Conferences, as amended, and attached as Appendix “C” to AF&A Report 16-007, be approved.

**8. Request to Ban Due to Non-Adherence to Fair Wage Policy and Fair Wage Schedule (FCS16027) (City Wide) (Item 8.3)**

- (a) That, due to Bondfield Construction Company Ltd. (“Bondfield”) being found non-compliant with the Fair Wage Policy and Fair Wage Schedule three times within a three year period, and in accordance with the City’s Procurement Policy, staff be directed to reject any current and future bids, proposals or quotations received from Bondfield, or any of its related corporate or individual entities, until and including **May 11, 2022**;
- (b) That the City of Hamilton not enter into any contract with Bondfield Construction Company Ltd. or any of its related corporate or individual entities, until and including **May 11, 2022**.

**9. Revised Report of the 2015 Remuneration and Expenses as Required under Section 284 of the Municipal Act (FCS16026(a)) (City Wide) (Item 8.4)**

That Report FCS16026(a) respecting Revised Report of the 2015 Remuneration and Expenses as Required under Section 284 of the Municipal Act, be received.

**10. SoBi Hamilton Bike Share Employee Discount Pilot Project (HUR16008/PW16031) (City Wide) (Item 8.5)**

That the Audit, Finance & Administration Committee approve the discounted SoBi Hamilton Bike Share memberships for City of Hamilton employees for up to 2 years, as a pilot, to maximum of 500 memberships through a subsidy provided jointly by Human Resources and Public Works Departments.

**11. Governance Review Sub-Committee Report 16-002, May 2, 2016 (City Wide) (Item 8.6)**

**(i) Procedural By-law Updates – Mediated Settlement Assisted by Ombudsman (Added Item)**

That a clause which ensures that members of the media and the public are offered adequate time to re-enter a meeting following a closed session meeting be included during the next Procedural By-law amendments.

**(ii) Colombian Community's Request regarding Council's Code of Conduct (Item 4.1)**

That the following recommendations put forth by the Colombian Community be directed to the Integrity Commissioner and City Solicitor for consideration in their review of the Code of Conduct:

- Amend City of Hamilton Procedural By-law No. 14-300 – Code of Conduct for Council Members, Section 19 – Compliance with the Code of Conduct;
- Expand Section 19.1 – Additional disciplinary measures such as authority of Integrity Commissioner to censure Councillor; and
- Introduce Section 19.2 – mandating city staff to detail and emphasize authority of enforcement.

**(iii) 2017 Council/Committee Calendar (Item 4.4)**

That the 2017 Council/Committee Calendar be approved, attached as Appendix "D" to AF&A Report 16-007

**12. Water and Wastewater/Storm Extraordinary Circumstance Bill Adjustment Policy – 63 Durham Road, Stoney Creek (City Wide) (Item 9.1)**

That the July 2015 Water and Wastewater/Storm Billing for 63 Durham Road, Stoney Creek be deemed eligible under the Water and Wastewater/Storm Extraordinary Circumstance Bill Adjustment Policy and that staff be directed to adjust the account as per the approved Policy.

**13. Citizen Appointments to Volunteer Advisory Committees Under Audit, Finance & Administration Committee (City Wide) (Item 12.1)**

- (a) That the individuals, listed in the Private & Confidential Motion, respecting Citizen Appointments to Volunteer Advisory Committees Under Audit, Finance & Administration Committee, be appointed for a term commencing May 12, 2016 and expiring with the current term of Council or until such time as successors are appointed by Council; and,
- (b) That upon Council approval of the individuals to be appointed to the Volunteer Advisory Committees Under Audit, Finance & Administration Committee, for a term commencing May 12, 2016 and expiring with the current term of Council or until such time as successors are appointed by Council, those names be released as public information.

**FOR THE INFORMATION OF COMMITTEE:**

**(a) CHANGES TO THE AGENDA (Item 1)**

**ADDED DELEGATION REQUEST**

- 4.1 Delegation Request by Steven Aquino of Bondfield Construction Company, in reference to Item 8.3 – Request to Ban Due to Non-Adherence to Fair Wage Policy and Fair Wage Schedule (FCS16027) (City Wide)

The Agenda for the May 9 meeting of the Audit, Finance and Administration Committee was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

Councillor L. Ferguson declared an interest respecting Item 11(ii) of the Governance Review Sub-Committee Report 16-002, regarding the Colombian Community's Request regarding Council's Code of Conduct.

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

**(i) April 25, 2016 (Item 3.1)**

The Minutes of the April 25, 2016 Audit, Finance and Administration Committee meeting were approved, as presented.

**(d) DELEGATION REQUESTS (Item 4)**

**(i) Delegation Request by Steven Aquino, Bondfield Construction, in reference to Item 8.3 – Request to Ban Due to Non-Adherence to Fair Wage Policy and Fair Wage Schedule (FCS16027) (for today's meeting) (Added Item 4.1)**

The delegation request by Steven Aquino, Bondfield Construction, in reference to Item 8.3 – Request to Ban Due to Non-Adherence to Fair Wage Policy and Fair Wage Schedule (FCS16027), was approved for the May 9, 2016 Audit, Finance & Administration Committee meeting.

**(e) DELEGATIONS (Item 6)**

**(i) Delegation by Steven Aquino, Bondfield Construction, in reference to Item 8.3 – Request to Ban Due to Non-Adherence to Fair Wage Policy and Fair Wage Schedule (FCS16027) (Added Item 4.1)**

Steven Aquino, Vice-President, Bondfield Construction, addressed Committee respecting Report FCS16027 - Request to Ban Due to Non-Adherence to Fair Wage Policy and Fair Wage Schedule. The presentation included, but was not limited to, the following:

- Bondfield is one of Canada's largest general contractors and has wide expertise and experience completing numerous local projects.
- The company directly employs approximately 1,000 skilled trades workers.

- Bondfield and its subsidiaries were not directly in contravention with the Fair Wage Policy and Fair Wage Schedule, but rather two of its contractors were in contravention to the Policy.
- These sub-contractors have completed work for the City of Hamilton on behalf of other general contractors.
- Bondfield has provided contractors with the Fair Wage Policy and Fair Wage Schedule, as well as through site orientations and display of this Policy on safety boards at all sites.
- Bondfield could not meet the City's request to audit all of its contractors given the volume and sensitivity of financial information, and instead retained an external third party to complete this audit in order to demonstrate compliance. Having a third party auditor in this case did not meet city expectations.
- Through a 10-year ban, the City would essentially be putting the penalty on Bondfield and not the sub-contractors who were in contravention to the Policy.

The presentation by Steven Aquino, Bondfield Construction, respecting Item 8.3 – Request to Ban Due to Non-Adherence to Fair Wage Policy and Fair Wage Schedule, was received.

**(f) DISCUSSION ITEMS (Item 8)**

**(i) Request to Ban Due to Non-Adherence to Fair Wage Policy and Fair Wage Schedule (FCS16027) (City Wide) (Item 8.3)**

The following amendment was approved:

- (a) That, due to Bondfield Construction Company Ltd. ("Bondfield") being found non-compliant with the Fair Wage Policy and Fair Wage Schedule three times within a three year period, and in accordance with the City's Procurement Policy, staff be directed to reject any current and future bids, proposals or quotations received from Bondfield, or any of its related corporate or individual entities, until and including ~~May 11, 2026~~ **May 11, 2022**; and
- (b) That the City of Hamilton not enter into any contract with Bondfield Construction Company Ltd. or any of its related corporate or individual entities, until and including ~~May 11, 2026~~ **May 11, 2022**.

Councillors A. Johnson and C. Collins requested to be recorded as OPPOSED to the amending motion.

For disposition of this matter, please refer to Item 8.

**(g) PRIVATE AND CONFIDENTIAL (Item 12)**

**(i) Citizen Appointments to Volunteer Advisory Committees Under Audit, Finance & Administration Committee (City Wide) (Item 12.1)**

The Audit, Finance & Administration Committee determined that no discussion was required respecting Citizen Appointments to Volunteer Advisory Committees Under Audit, Finance & Administration Committee.

For disposition of this matter, please refer to Item 13.

**(h) ADJOURNMENT (Item 13)**

There being no further business, the Audit, Finance and Administration Committee, adjourned at 10:49 a.m.

Respectfully submitted,

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

Denis Farr  
Legislative Coordinator,  
Office of the City Clerk