



## AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 18-003

9:30 a.m.

March 26, 2018

Council Chambers  
Hamilton City Hall

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

**Absent:** Councillors B. Johnson (Vice-Chair), and A. Johnson - Personal

### THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 18-003 AND RESPECTFULLY RECOMMENDS:

**1. Freedom of Information Quarterly Report (Q4 - October 1 to December 31 (CL17001(c)) (City Wide) (Item 5.2)**

That Report CL17001(c), respecting the Freedom of Information Quarterly Report (Q4 – October 1 to December 31), be received.

**2. Response to Mr. Shekar Chandrashekar, Respecting a Freedom of Information Request to Access to Police Services Accounting Records (FCS18030) (City Wide) (Outstanding Business List Item) (Item 5.3)**

That Report FCS18030, respecting the Response to Mr. Shekar Chandrashekar, Respecting a Freedom of Information Request to Access to Police Services Accounting Records, be received.

**3. 2016 Audited Financial Statements for City of Hamilton Business Improvement Areas (BIAs) (FCS18023) (City Wide) (Item 5.4)**

That Report FCS18023, respecting the 2016 Audited Financial Statements for City of Hamilton Business Improvement Areas (BIAs), be received.

**4. Report of the 2017 Remuneration and Expenses as Required under Section 284 of the Municipal Act (FCS18015) (City Wide) (Item 5.6)**

That Report FCS18015, respecting the Report of the 2017 Remuneration and Expenses as Required under Section 284 of the Municipal Act, be received.

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**5. Attendance Support Program Relaunch (HUR18007) (City Wide) (Item 5.7)**

That Report HUR18007, respecting the Attendance Support Program Relaunch, be received.

**6. Occupational Injury and Illness Claims Annual Report (HUR18008) (City Wide) (Item 5.8)**

That Report HUR18008, respecting Occupational Injury and Illness Claims Annual Report, be received.

**7. Employee Attendance Report 2017 (HUR18009) (City Wide) (Item 5.9)**

That Report HUR18009, respecting the Employee Attendance Report 2017, be received.

**8. Anti-Racism Resource Centre Update (HUR18010) (City Wide) (Item 5.10)**

That Report HUR18010, respecting the Anti-Racism Resource Centre Update, be received.

**9. Water and Wastewater / Storm Third Party Billing Arrangements (FCS18025) (City Wide) (Item 8.1)**

- (a) That the practice of permitting property owners to redirect a property's water and wastewater / storm invoice to a residential tenant be discontinued effective June 1, 2018;
- (b) That water and wastewater / storm accounts redirected to residential tenants as of May 31, 2018, be grandfathered such that the invoices will continue to be issued to the tenant(s) until such time as the existing tenant(s) vacate the property;
- (c) That staff, in conjunction with Hamilton Water's Community Outreach Section and Alectra Utilities Corporation, develop and implement a communication strategy to advise property owners of the changes to third-party utility billing.

**10. Area-Specific Development Charges - 2019 Development Charges Background Study (FCS18034) (City Wide) (Item 8.2)**

- (a) That for the 2019 Development Charges Background Study staff be directed to calculate area-specific charges for Stormwater between the combined sewer system and separated sewer system and that a City-wide charge be maintained for reference throughout the process;

- (b) That the Special Area Charge for Dundas / Waterdown (wastewater capacity) contained in the Development Charges Background Study since amalgamation continue to be applied on an area-specific basis;
- (c) That for the 2019 Development Charges Background Study area-specific Development Charges for the following services have been considered, as required by Section 10 (2) (c.1) of the *Development Charges Act, 1997*, and that staff be directed to calculate the charges on a City-wide basis:
  - (i) Water (urban)
  - (ii) Wastewater Facilities (urban)
  - (iii) Wastewater Linear (urban)
  - (iv) Services Related to a Highway
  - (v) Public Works Facilities, Fleet and Equipment
  - (vi) Police Services
  - (vii) Fire Services
  - (viii) Outdoor Recreation (Parkland Development)
  - (ix) Indoor Recreation (Recreation Facilities)
  - (x) Library Services
  - (xi) Administrative Studies
  - (xii) Ambulance Services
  - (xiii) Long Term Care
  - (xiv) Health Services
  - (xv) Social and Child Services
  - (xvi) Social Housing
  - (xvii) Airport Services
  - (xviii) Parking Services
  - (xix) Provincial Offences Act Space
  - (xx) Waste Diversion
  - (xxi) Transit;
- (d) That the 2019 Development Charges Background Study be prepared with the 2031 growth forecasts and that staff be directed to request approval to initiate a new Development Charges Background Study once the Infrastructure Masterplans using the 2041 growth figures are substantially complete which is expected to be in advance of the typical five-year Development Charges By-law period.

**11. Request for Extension, Development Charge Deferral Agreement #149, 35 Upper Centennial Parkway (FCS18033) (City Wide) (Outstanding Business List Item) (Item 8.3)**

- (a) That the General Manager of Finance and Corporate Services be authorized to enter into a Forbearance Agreement in a form satisfactory to the City Solicitor, which effectively extends Development Charge Deferral Agreement #149 according to the terms outlined in Appendix "A" to AF&A Report 18-003, **as amended:**

- (i) to extend the Development Deferral Agreement Extension to December 21, 2018;*
    - (ii) to immediately transfer the monthly payment amounts to the property tax roll, if unpaid;*
    - (iii) to increase the Total Payments to \$1,424,106.90;*
    - (iv) to increase the Total Interest to \$66,507.54; and*
    - (v) adjust the Payment Schedule accordingly; and*
  - (b) That the interest accumulated on Development Charge Deferral Agreement #149 while the balance was held by Accounts Receivable be reversed and the interest to date, as calculated in Appendix "A" to AF&A Report 18-003, **as amended**, be recorded and allocated to the Development Charge Reserves.
- 12. Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee Membership (Item 10.1)**
- (a) That the letter of resignation from Hibbert Briscoe from the Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee, and attached hereto, be received; and
  - (b) That the membership number of the Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee be adjusted accordingly in order to obtain quorum.
- 13. Hamilton Mundialization Advisory Committee Membership (Item 10.2)**
- (a) That the letter of resignation from Jeff Bonner from the Hamilton Mundialization Advisory Committee, and attached hereto, be received; and
  - (b) That the membership number of the Hamilton Mundialization Advisory Committee be adjusted accordingly in order to obtain quorum.
- 14. Joe Sams Leisure Park Shade Structure (Added Item 10.3)**
- WHEREAS, the Joe Sams Leisure Park is a current capital project and the current budgeted funding is not sufficient because of high bid prices for previous tenders;
- WHEREAS, the Parkside Hills Park is a current capital project, but cannot proceed in 2018 because of outstanding legal agreements related to land ownership;
- WHEREAS, the Lion's Club and Flamborough Baseball Association are fundraising to contribute to the cost of the shade structure at Joe Sams Leisure Park; and

WHEREAS, the Lion's Club of Waterdown is celebrating it's 50<sup>th</sup> Anniversary in 2018;

THEREFORE BE IT RESOLVED:

That \$300,000 (\$270,000 Development Charge funding, \$30,000 Levy Funding) be directed to Capital Account 4400756755 Joe Sams Leisure Park, from Capital Account 4401856300 Parkside Hills, for the purposes of completing the Joe Sams Leisure Park masterplan implementation of a shade structure and playground.

**FOR INFORMATION:**

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

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

**1. DELEGATION REQUEST**

- 4.2 Fausto Carnicelli, Southmount Healthcare Centre Inc, respecting background support to the request for a forbearance agreement with respect to Development Charge Deferral. (For today's meeting)
- 4.3 Zachary Waxman, respecting interest on property tax bill unable to be credited. (For a future meeting)
- 4.4 Don McLean, respecting Item 8.2 – Area Specific Development Charges – 2019 Development Charges Background Study. (FCS18034) (For today's meeting)

**2. CONSENT ITEMS**

- 5.11 Correspondence from Shekar Chandrashekar respecting Item 5.3, Regarding a Response to the Freedom of Information Request to Access to Police Services Accounting Records

**3. NOTICES OF MOTION**

- 10.3 Joe Sams Leisure Park Shade Structure

The agenda for the March 26, 2018 Audit, Finance and Administration Committee meeting was approved, as amended.

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

Councillor Pearson declared an interest to Item 8.1, Water and Wastewater / Storm Third Party Billing Arrangements (FCS18025) as she owns rental properties.

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

**(i) February 12, 2018 (Item 3.1)**

The Minutes of the February 12, 2018 meeting of the Audit, Finance and Administration Committee were approved, as presented.

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

**(i) Gregory Hersen, MJ Dixon Construction Company Limited, respecting the commercial relationship between the City and MJ Dixon, and the City's potential prohibition against MJ Dixon bidding or entering into contracts on City projects. (For today's meeting) (Item 4.1)**

The delegation request from Gregory Hersen, MJ Dixon Construction Company Limited, respecting the commercial relationship between the City and MJ Dixon, and the City's potential prohibition against MJ Dixon bidding or entering into contracts on City projects, was approved for today's meeting.

**(ii) Fausto Carnicelli, Southmount Healthcare Centre Inc, respecting background support to the request for a forbearance agreement with respect to Development Charge Deferral. (For today's meeting) (Added Item 4.2)**

The delegation request from Fausto Carnicelli, Southmount Healthcare Centre Inc, respecting background support to the request for a forbearance agreement with respect to Development Charge Deferral, was approved for today's meeting.

**(iii) Zachary Waxman, respecting interest on property tax bill unable to be credited. (For a future meeting) (Added Item 4.3)**

The delegation request from Zachary Waxman, respecting interest on his property tax bill, was approved for a future meeting.

**(iv) Don McLean, respecting Item 8.2 – Area Specific Development Charges – 2019 Development Charges Background Study. (FCS18034) (For today's meeting) (Added Item 4.4)**

The delegation request from Don McLean, respecting Item 8.2 – Area Specific Development Charges – 2019 Development Charges Background Study, was approved for today's meeting.

**(e) CONSENT ITEMS (Item 5)**

**(i) Minutes of Various Advisory Committees (Item 5.1)**

The following minutes from various advisory committee meetings, were received as presented:

- (1) Hamilton Mundialization Advisory Committee – January 17, 2018 (Item 5.1.a)
- (2) Immigrant and Refugee Advisory Committee – November 9, 2017 (Item 5.1.b)
- (3) Committee Against Racism – January 23, 2018 (Item 5.1.c)
- (4) Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee – January 18, 2018 (Item 5.1.d)
- (5) Aboriginal Advisory Committee – December 7, 2017 (Item 5.1.e)

**(ii) Development Charges Stakeholders Sub-Committee Report 18-001 - March 1, 2018 (Item 5.5)**

Development Charges Stakeholders Sub-Committee Report 18-001 - March 1, 2018, was received.

**(iii) Correspondence from Shekar Chandrashekar respecting Item 5.3, Regarding a Response to the Freedom of Information Request to Access to Police Services Accounting Records (Added Item 5.11)**

Correspondence from Shekar Chandrashekar, respecting Item 5.3, was received.

**(f) PUBLIC HEARINGS/DELEGATIONS (Item 6)**

**(i) Gregory Hersen, MJ Dixon Construction Company Limited, respecting the commercial relationship between the City and MJ Dixon, and the City's potential prohibition against MJ Dixon bidding or entering into contracts on City projects. (Added Item 6.1)**

The delegation from Gregory Hersen, MJ Dixon Construction Company Limited, respecting the commercial relationship between the City and MJ Dixon, and the City's potential prohibition against MJ Dixon bidding or entering into contracts on City projects, was deferred to the April 9, 2018 Audit, Finance & Administration Committee meeting.

**(ii) Fausto Carnicelli, Southmount Healthcare Centre Inc, respecting background support to the request for a forbearance agreement with respect to Development Charge Deferral. (Added Item 6.2)**

Fausto Carnicelli, of Southmount Healthcare Centre Inc, addressed the Committee respecting the background support to the request for a forbearance agreement with respect to Development Charge Deferral.

The delegation from Fausto Carnicelli, Southmount Healthcare Centre Inc, respecting background support to the request for a forbearance agreement with respect to Development Charge Deferral, was received.

For further disposition of this matter, refer to Item 11.

**(iii) Don McLean, respecting Item 8.2 – Area Specific Development Charges – 2019 Development Charges Background Study (FCS18034) (Added Item 6.3)**

Don McLean addressed the Committee respecting the Area Specific Development Charges – 2019 Development Charges Background Study – Report FCS18304 – Item 8.2 on today's agenda, with the aid of a PowerPoint presentation. This presentation was been added to the official record.

The delegation from Don McLean, respecting the Area Specific Development Charges – 2019 Development Charges Background Study – Report FCS18304 – Item 8.2 on today's agenda, was received.

A copy of the presentation are available at [www.hamilton.ca](http://www.hamilton.ca)

For further disposition of this matter, refer to Item 10.

**(g) STAFF PRESENTATIONS (ITEM 7)**

**(i) Status of Women Committee - 2017 Highlights & 2018 Elect More Women Activities (Item 7.1)**

The Status of Women Committee addressed the Committee respecting their 2017 Highlights and 2018 Elect More Women Activities, with the aid of speaking notes. These speaking notes have been added to the official record.

The presentation from Status of Women Committee, respecting their 2017 Highlights and 2018 Elect More Women Activities, was received.



**(h) DISCUSSION ITEMS (ITEM 8)**

**(i) Request for Extension, Development Charge Deferral Agreement #149, 35 Upper Centennial Parkway (FCS18033) (City Wide) (Outstanding Business List Item) (Item 8.3)**

That Appendix 'B' of Report FCS18033, respecting a Request for Extension, Development Charge Deferral Agreement #149, 35 Upper Centennial Parkway, be *amended*:

- (a) to extend the Development Deferral Agreement Extension to December 21, 2018;*
- (b) to immediately transfer the monthly payment amounts to the property tax roll, if unpaid;*
- (c) to increase the Total Payments to \$1,424,106.90;*
- (d) to increase the Total Interest to \$66,507.54; and*
- (e) adjust the Payment Schedule accordingly.*

For further disposition of this matter, refer to Item 11.

**(i) NOTICES OF MOTION (ITEM 10)**

**(i) Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee Membership (Item 10.1)**

Councillor Pearson introduced a Notice of Motion regarding Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee Membership.

The Rules of Order were waived to allow for the introduction of a Motion regarding the Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee Membership.

For disposition of this matter refer to Item 12.

Councillor VanderBeek relinquished the Chair to Councillor Skelly.

**(ii) Hamilton Mundialization Advisory Committee Membership (Item 10.2)**

Councillor VanderBeek introduced a Notice of Motion regarding the Hamilton Advisory Committee Membership.

The Rules of Order were waived to allow for the introduction of a Motion regarding the Hamilton Advisory Committee Membership.

For disposition of this matter refer to Item 13.

Councillor VanderBeek assumed the Chair.

**(iii) Joe Sams Leisure Park Shade Structure (Added Item 10.3)**

Councillor Pearson introduced a Notice of Motion regarding the Joe Sams Leisure Park Shade Structure.

The Rules of Order were waived to allow for the introduction of a Motion regarding the Hamilton Advisory Committee Membership.

For disposition of this matter refer to Item 14.

**(j) GENERAL INFORMATION / OTHER BUSINESS (ITEM 11)**

The following amendments to the Outstanding Business List, were approved:

- (i) Items considered complete and needing to be removed: (Item 11.1.a)

Concerns with HPS Accounting Records (from Shekar Chandrashekar) (Item 5.3 on today's agenda)

Request for extension of DC Deferral (Item 8.3 on today's agenda)

**(k) PRIVATE AND CONFIDENTIAL (ITEM 12)**

**(i) Closed Session Minutes – February 12, 2018 (Item 12.1)**

- (a) The Closed Session Minutes of the February 12, 2018 Audit, Finance and Administration meeting, were approved as presented; and
- (b) The Closed Session Minutes of the February 12, 2018 Audit, Finance and Administration meeting, remain confidential.

**(ii) Commercial Relationship Between City of Hamilton and MJ Dixon Construction Limited (LS13018(b) / FCS13041(b)) (City Wide) (Item 12.2)**

Report LS13018(b) / FCS13041(b), respecting the Commercial Relationship Between City of Hamilton and MJ Dixon Construction Limited was deferred to the April 9, 2018 Audit, Finance & Administration Committee meeting.

**(I) ADJOURNMENT (Item 13)**

There being no further business, the Audit, Finance and Administration Committee, was adjourned at 11:41 a.m.

Respectfully submitted,

Councillor VanderBeek, Chair  
Audit, Finance and Administration  
Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk

**Staff Recommendation: Provide a DC Deferral Agreement Extension to December 21, 2018 and interest at the City's five-year serial debenture rate plus 2.25%.**

The recommended schedule uses the August 2017, five-year serial debenture rate which was the rate at the original expiry of the agreement.

Amount: \$1,357,599.36

This is the balance owing on DC Deferral Agreement #149 at expiry on August 13, 2017

The balance has accumulated interest through Accounts receivable. The balance referenced in the Appendix "A" to Report FCS18033 includes the interest up to the October 2017 statement. Staff Recommends reversing the interest accumulated while the balance was held by Accounts Receivable and recording the interest calculated in this schedule to the appropriate DC reserves.

Interest Rate Applied: Five-year serial debenture rate plus 2.25%

August 2017 Rate: 2.09%

Plus: 2.25% (including 0.25% administrative fee)

Interest Rate 4.34%

Payments: Increasing through term as below. Monthly amount to be immediately transferred to property tax roll if unpaid.

Compound Period: With each payment date (one per month, not on same date), monthly prior to first payment

Total Payments: \$ 1,424,106.90

Total Interest: \$ 66,507.54

## Payment Schedule for Staff Recommendation

| Period<br>(Payment date is the beginning date, interest adjusted accordingly) |           | Interest Rate (%) | Principal (\$) | Payments (\$) | Period Interest Charge (\$) | Closing Balance Outstanding (\$) | Owner Proposed Payment delayed two months (\$) | Amount required to cover interest (\$) | Total payment (\$) |
|---|-----------|-------------------|----------------|---------------|-----------------------------|----------------------------------|--|--|--------------------|
| 13-Aug-17   | 12-Sep-17 | 4.34%             | 1,357,599.36   | -             | 4,842.72                    | 1,362,442.08                     |  |  |                    |
| 13-Sep-17   | 12-Oct-17 | 4.34%             | 1,362,442.08   | -             | 4,860.00                    | 1,367,302.08                     |  |  |                    |
| 13-Oct-17   | 12-Nov-17 | 4.34%             | 1,367,302.08   | -             | 5,039.91                    | 1,372,342.00                     |  |  |                    |
| 13-Nov-17   | 12-Dec-17 | 4.34%             | 1,372,342.00   | -             | 4,895.31                    | 1,377,237.31                     |  |  |                    |
| 13-Dec-17   | 12-Jan-18 | 4.34%             | 1,377,237.31   | -             | 5,076.53                    | 1,382,313.84                     |  |  |                    |
| 13-Jan-18   | 12-Feb-18 | 4.34%             | 1,382,313.84   | -             | 5,095.25                    | 1,387,409.09                     |  |  |                    |
| 13-Feb-18   | 12-Mar-18 | 4.34%             | 1,387,409.09   | -             | 4,619.12                    | 1,392,028.21                     |  |  |                    |
| 13-Mar-18   | 21-Mar-18 | 4.34%             | 1,392,028.21   | -             | 1,489.66                    | 1,393,517.87                     |  |  |                    |
| 22-Mar-18   | 22-Apr-18 | 4.34%             | 1,393,517.87   | -             | 5,302.24                    | 1,398,820.11                     |  |  |                    |
| 23-Apr-18   | 20-May-18 | 4.34%             | 1,398,820.11   | -             | 4,657.11                    | 1,403,477.23                     |  |  |                    |
| 21-May-18   | 17-Jun-18 | 4.34%             | 1,403,477.23   | 99,700.00     | 4,340.69                    | 1,308,117.91                     | 96,390.00                                      | 3,310.00                               | 99,700.00          |
| 18-Jun-18   | 23-Jul-18 | 4.34%             | 1,308,117.91   | 99,700.00     | 5,172.69                    | 1,213,590.60                     | 96,390.00                                      | 3,310.00                               | 99,700.00          |
| 24-Jul-18   | 20-Aug-18 | 4.34%             | 1,213,590.60   | 185,050.00    | 3,424.34                    | 1,031,964.94                     | 179,010.00                                     | 6,040.00                               | 185,050.00         |
| 21-Aug-18   | 17-Sep-18 | 4.34%             | 1,031,964.94   | 185,050.00    | 2,819.65                    | 849,734.58                       | 179,010.00                                     | 6,040.00                               | 185,050.00         |
| 18-Sep-18   | 21-Oct-18 | 4.34%             | 849,734.58     | 213,650.00    | 2,571.52                    | 638,656.11                       | 206,550.00                                     | 7,100.00                               | 213,650.00         |
| 22-Oct-18   | 21-Nov-18 | 4.34%             | 638,656.11     | 213,650.00    | 1,566.58                    | 426,572.69                       | 206,550.00                                     | 7,100.00                               | 213,650.00         |
| 22-Nov-18   | 20-Dec-18 | 4.34%             | 426,572.69     | 213,650.00    | 734.20                      | 213,656.90                       | 206,550.00                                     | 7,100.00                               | 213,650.00         |
| 21-Dec-18   |           | 4.34%             | 213,656.90     | 213,656.90    | -                           | (0.00)                           | 206,550.00                                     | 7,106.90                               | 213,656.90         |