

Shekar Chandrashekar
39 Haddon Ave. South
Hamilton ON L8S 1X5
Email: shekarfamily@hotmail.com
Tel: (905) 525-3082
Date: June6, 2018

Mr. Mayor and Madam Chair and Members of G.I.C. Committee

Attention: Stephanie Paparella, Legislative Coordinator

Dear Ms. Paparella

Re: To provide documentation in response to FCS 18030 in support of private delegation to G.I.C. Committee and to City Council

I am providing this written submission because it is a more effective tool than a verbal presentation as it gives no room for a distortion of the facts and takes the pressure off the time limitation for a verbal presentation.

In "Information Report 5.3", staff recommended to the A & A Committee that **"No further action is required to address the concerns raised by Mr. Chandrashekar"**.

My response to that is:

From a staff point of view, it may not require further action but from the point of view of this private citizen and that of taxpayers, **it is not the case**. Madam Chair, you are elected to place taxpayers' interests first. A & A Committee based a decision on inaccurate information provided to A & A committee without permitting a rebuttal. A & A Committee response is not conducive to **good leadership**.

Proposal:

- a) Increase delegate presentation time from 5 minutes to 10 minutes. This would conform to other Municipalities and Police Services Boards. This change would keep up current practice in other boards.
- b) The chairperson must review the staff report before it comes before the Committee to ensure that any fundamental rights of private citizens to provide representation have not been bypassed. The justification from staff to any questions from the public is to respond that it was approved by Council. That response is inadequate as the recommendation for approval came from staff therefore the explanation and defense of the approval should come from staff.

I take exception to the report's response under item 15: "This is Mr. Chandrashekar's personal opinion and no question was posed". This should have been reported as follows; **"disagreed and no question was posed."** The author of the report has responded in such a way as to undermine the credibility of a concerned private citizen.

The report does confirm that all accounting records go through City of Hamilton books. This fact has also been agreed by the Hamilton Police Chief. The report also confirms that according to Municipal Act S285, S286 and S287, Police Services accounting is the responsibility of the General Manager of Finance and Corporate Services. It further confirms that the Municipal Act overrides the Police Act in relation to accounting records.

The author of report FCS 18030 has combined my concerns regarding Hamilton Police Services and regarding the City of Hamilton in the same report. I will separate my responses to Hamilton Police Services from those of the City of Hamilton. I will address Hamilton Police Services to HPSB directly as I have in the past. As a result my responses are limited **to City of Hamilton only**. With that, I have highlighted a few items that I have **always** addressed with facts and supporting evidence. They are:

Item 1)

FOI Request for Police accounting records:

Staff response:

The information Privacy has ruled that this information is the property of HPS and should come from HPS, not the City of Hamilton.

Private Citizen Response: The issue was why has the City transferred FOI requests to Hamilton Police Services without advising the FOI requestor? This was not addressed in the staff report. The author of the report does not address my concern that my request was forwarded without informing me.

The report, FCS 18030, should have been forwarded to the HPSB before being presented to the A&A committee. The presentation to the A&A committee included the Police Services portion with the City portion; however, the HPSB had not approved their portion. **Again it is incorrect information.**

Item 2)

There were errors on the City's remuneration and expenses report.

Staff response:

Mr. Chandrashekar submitted a FOI to HPS seeking details of Board member expenses. HPS asked the Manager of Accounts Payable, Accounts Receivable and Business Application Support, for information regarding conference expenses which was then provided to Mr. Chandrashekar. The amounts provided did not include airfares for Madeleine Levy and Ms. Nancy Di Gregorio, as these were paid via credit card and not reimbursed through the submission of the travel expense form and receipts. Instead the airfares were submitted as part of monthly expenses and reimbursed through payroll. These amounts were captured and correctly reported on the Remuneration and expenses report (all expenses including conferences and mileage are combined and shown as expenses on this report)

Private Citizen Response:

First, the remuneration and expenses report **was not approved by HPSB before it went to City Council**. The author of this report does not acknowledge that this was an error. How long did it take to find out that there was millions in **missing cash at the Farmer's Market?** It is incorrectly presented to the A & A at their March 26, 2018 meeting. There were significant differences between what the City reported and what I obtained through FOI from Hamilton Police Services. When I pointed this out, I received **an intimidating memo** in response. **All copies are attached.**

Item 3)

Finance Staff didn't submit claim for \$90,000 of funeral expenses

Staff response: Mr.Chandrashekar did not provide details as to which funeral this was in reference to. Staff was not able to find information pertaining to this assertion. The staff member Mr. Chandrasekhar said made the statement no longer works at the City.

Private Citizen Response: Again the author of this report is misinforming the committee. The information was provided to **City staff on June 12, 2015.**

Questions to ask:

- Why didn't staff take any action to recover Hamilton taxpayers' dollars?
- Why did it take so long to answer private citizen's concern?
- Why is city staff saying that I didn't provide details when I provided it to the Director? He was not a junior clerk.
- It has taken 3 years to provide a report to A & A committee.

All documents are attached.

Item 4)

Chief and Deputies provided with car and car allowances. Mr. Chandrashekar claims the City absorbed these costs.

Staff response: These costs are taxable benefits and were charged through Payroll to HPS salary/ benefits accounts. The City does not absorb these costs.

Private Citizen Response: It is related to Police Services and will be addressing directly to HPSB directly.

Item 5)

The City no longer publishes detailed line budget. Why not?

Staff response: City Council approved revisions to the budget process, moving to service level performance measures and multi-year budgeting.

Private Citizen Response: This does not answer my question because multi-year budgeting started in 2018. I have now received a confirmation from the manager of current budget that **no detail line budget has ever been presented to Council.** The author of the report seems to imply that line budgeting occurred prior to 2018 and implies that line budgets were provided to Council. **The report is favorable to staff in that once Council has approved an issue, staff can disassociate themselves on the basis that Council has given its approval.**

Copy attached

Item 6)

Why does City need 19 communication officers?

Staff response: "Staff from the City Manager's office has had numerous discussions with Mr. Chandrashekar in person, via phone and e-mail, explaining the duties of the communication officers and the communication officer staffing level at the city and other Municipalities."

Private Citizen Response: Correction: The information originally given to me was 18 persons. It is actually 22. Since it is 22, it makes it more questionable.

Yes, I have had communications on this matter with Ms. McKinney, Ms. Mercanti and with the City Manager. I had received an incorrect organizational chart from City Staff. During 2018 budgeting deliberation, Councilor Chad Collins was much interested in the number of Media and Communications and Customer services. I provided actual information and detailed reports to Councilor Chad Collins and Councilor Tom Jackson but they took no action. **Why not?** There is a correlation between the number of elected members and the number of staff, in my opinion. The City of Toronto has **25 media** staff and the City of Hamilton **has 22**. The City of Toronto has customer services staff of **120** and the City of Hamilton has **52**. **Why are there so many in Hamilton? Isn't it overburdening taxpayers?** Toronto is a world class city with a population of 2.8 million. The City of Toronto has 40 million tourists annually and the City of Toronto has numerous T.V stations, Radio stations, newspapers and national sports leagues and is a Provincial Capital **and much more**.

Question to ask, what about City of Hamilton?

The City Council should take a leadership role to reduce the Media and Communications plus Customer Services staff proportionately to that of Toronto. Then:

- Doesn't this solve Hamilton's current budget crisis?
- Doesn't this alleviate Hamilton's Taxpayer burden?

Copies are attached.

Items 7 and 8

Staff response: Why did the City hire externally for a manager of Accounting Services and a City Solicitor when there were qualified internal candidates and it was appropriate to go internal?

The reports reply is: 'This is Mr. Chandrashekar's **personal opinion**, no response provided'

Private Citizen Response: Again, an appropriate response would have been "**disagree or no comment**". Furthermore, I disagree with that explanation because one of the applicants was well qualified but that person **did not get an interview**.

Another person was hired from outside and that person was let go because of the "**Ice Dogs flap**"

Copy attached.

Appendix "A" is related to HPSB. I will be addressing them directly.

Conclusion:

Mr. Mayor and Madam Chair and Members of G.I.C. as a private citizen, I appeal to you directly to recognize that since you are elected representatives, your priorities are the taxpayers and their interests.

Part of the budgeting problem is that there is close relationship between Council members and staff. This was confirmed by Andrew Dreschel's comment in an article he wrote: "You have to wonder why the same constraints and courtesies that protect staff aren't extended to the public at large. They are, after all, the very people who pay the salaries of staff and councilors"

I appeal to you to also recognize that reports are **written in such a way that you will agree with staff**. Once you approve such a report, it becomes a final decision. As decision makers you should ask questions as follows:

- Why did it take over 3 years to respond?
- Was there any back up to support concerns from the private citizen?
- Why has the staff report been written in point form without making reference to supporting documents?
- Why were Council members silent?

I have provided documents with supporting materials. It is the responsibility of staff to provide **accurate information to facilitate decision makers and to have an opportunity for a discussion in a public forum**. Without such an open discussion there is a material impact on Hamilton taxpayers.

Mr. Mayor and members of G.I.C. committee, the municipal election is approaching. According to the December 31, 2017, salary disclosures, total salary paid to City of Hamilton staff persons who make over \$100,000 is \$187 million dollars. This is a concern.

My mission is Taxpayers

We are no longer living in Dark ages. We are living in Digital world. Velocity of Information travels faster than light.

Respectfully submitted by a concerned private Citizen

A handwritten signature in black ink, consisting of a large, stylized initial 'S' followed by a long, horizontal, wavy line that ends in a small hook.

From: Shekar Chandrashekar <shekarfamily@hotmail.com>
Sent: March 27, 2018 12:28 PM
To: Rick Male
Cc: mike.zegarac@hamilton.ca; John Randazzo; ted mason; McRae, Angela
Subject: Re: Letter of Intimidation

This is for the record



From: Shekar Chandrashekar <shekarfamily@hotmail.com>
Sent: March 27, 2018 2:23 AM
To: Rick Male
Cc: mike.zegarac@hamilton.ca; John Randazzo; ted mason; McRae, Angela
Subject: Letter of Intimidation

This will be attached for April 9, 2018 A & A

From: Shekar Chandrashekar <shekarfamily@hotmail.com>
Sent: June 11, 2014 3:36 PM
To: Rick Male
Subject: Letter of intimidation

Another member of the police Board went to couple of conferences but never reported
This is for your information only

Subject: Letter of Intimidation
Date: Tue, 3 Jun 2014 12:04:39 -0400
From: Rick.Male@hamilton.ca
To: shekarfamily@hotmail.com

 **You will have to ask Police to explain the differences. They provide us the amounts to report. I'm not getting dragged into the middle of something between you and Police and I won't let you drag my staff into it either.** 

From: Shekar Chandrashekar [mailto:shekarfamily@hotmail.com]
Sent: June-03-14 10:31 AM
To: Male, Rick
Subject: Letter of Intimidation

I directly appeal to you.

Please, help me with this. From police I have obtained through FOI. Remuneration and expenses reported by the City as required under S 284 of the Municipal Act. FCS14006 City wide prepared by Bev Neill Dated March 24, 2014.

	2013 Report	PSB FOI Info	Difference	Description
<u>Nancy DiGregorio</u>				
Police Association of Ontario Labour Conference				
Toronto, Ontario				
March 4-5, 2013	1,185.13	1,185.13		
Ontario Police Services Board Conference				
Toronto, Ontario				
May 29-June 1, 2013	743.53	743.53		
Canadian Association of Police Boards				
Saskatoon, SK				
August 14-17, 2013	2,427.28	2,427.28		
International Association of chiefs of Police				
Philadelphia, PA				
October 18-23, 2013	2,816.24	2,816.24		
OAPSB Labour Seminar				
Toronto, ON				
November 3-5, 2013	889.83	889.83		
Cell Phone	803.58		803.58	Mileage & Other Expenses form
Meeting/Mileage	1,159.17		1,159.17	Mileage & Other Expenses form
Airfare *	759.17		759.17	Mileage & Other Expenses form
Total	10,783.93	8,062.01	2,721.92	
	2,013.00	PSB FOI	Difference	Description
	Report	Info		

<u>Madeleine Levy</u>				
Canadian Association of Police Boards				
Saskatoon, SK				
August 14-17, 2013	2,454.02	2,454.02		
International Association of chiefs of Police				
Philadelphia, PA				
October 18-23, 2013	2,644.62	2,644.62		
OAPSB Labour Seminar				
Toronto, ON				
November 3-5, 2013	1,028.25	1,028.25		
Airfare *	759.17		759.17	Mileage & Other
Total	6,886.06	6,126.89	759.17	Expenses form
* Note: This item was overstated on the report as it had				
been included as a prepaid item on the travel form and reimbursed				
on a Mileage and Other Expenses form				

From: Shekar Chandrashekar <shekarfamily@hotmail.com>

Sent: March 27, 2018 3:19 PM

To: Rick Male

Cc: mike.zegarac@hamilton.ca; chris.murray@hamilton.ca; Charles.Brown@hamilton.ca

Subject: See attached

If the report was presented on timely result would have been different. It took over 3 years

Item 3 and item 7 attachments related to them. I will be addressing all these to A & A After Tony left to library there were internal applicants but no interview was given to at least one qualified person. Also that person left shortly but again new hire externally

PS: I will be addressing HPSB directly related to that.

Minutes of the meeting

Present: Mr. Kirkopoulos
Shekar

Where: Mr. Kirkopoulos' office

When: June 12, 2015

Time: 11:00 AM

Subject: Outstanding Items

Shekar explained in detail and provided the following supporting documents:

- Rulings from Information Privacy commissioner's office with respect to Deep River Police Services Board and City of Greater Sudbury. These rulings are applicable to Boards, Agency and Municipalities. They clearly state Taxpayers' interests.
- Covering Letter, File 15-015, dated March 5, 2015, with respect to FOI request for State funeral costs for Lincoln Alexander (2012) and Nathan Cirillo (2014).
Record Search \$75.00 and copying \$0.20 cents
Actual City Costs: Lincoln Alexander \$6,063.35 and Nathan Cirillo \$85,049.20
- General Accounts Receivable Greater than \$1,000. Refer Appendix "A" to Report FCS 15028. This was initiated by the City not by Police Services but is related to Police Services, I requested this FOI from the City. I have not received any response from the City yet. I paid the fee of \$5.00.
- Email from Amy Bodner advising me that audit findings will not be discussed nor released until presented to A & A, yet it was released a month earlier to City staff to prepare response favorable to Police Board. Why?
My response to A & A expressing my disappointment and indicating that the report was not independent and unbiased.
This is still an outstanding issue with me.
- Always followed protocols

Mr.Kirkopoulos:

Mr. Kirkopoulos said he would take judicial and impartial action on three of Shekar's concerns, specifically:

5 ITEM 3

- The City did not claim Federal Government funding for a state funeral costing over \$85,000 but the City charged over \$75 to a taxpayer to find out this information. (Record searches \$75, copy of 1 page \$0.20). Shekar has no problem paying for copying charge but charging for a search for information that should have been readily available is excessive. Also, does this support an objective of good customer service which is the primary objective of the City Manger?
- General Accounts Receivable Report FCS 15028, initiated by the City not by Police Services.
- Email from Amy Bodner advising me that audit findings will not be discussed nor released until presented to A & A, yet it was released a month earlier to City staff to prepare response favorable to Police Board.

Understanding:

Next meeting is scheduled for July 2, 2015 @ 11:00 AM



Hamilton

Debbie-Ann Rashford
Office of the City Clerk - Freedom of Information section
City Manager's Office
debbie-ann.rashford@hamilton.ca
Phone (905) 546-2424 x4350 Fax # (905) 546-2095

March 5, 2015

Mirle B. Chandrashekar
39 Haddon Avenue South
HAMILTON ON L8S 1X5

Dear Mirle Chandrashekar

Re: Freedom of Information Request #15-015

I am writing to you in regard to the above-noted subject and further to my letter dated February 12, 2015.

City department staff completed record searches and provided our office with responsive information concerning the City expenses for the funeral of former Lt. Governor Lincoln Alexander and Cpl. Nathan Cirillo. No responsive records have been identified by staff with respect to Federal or Provincial reimbursements to the City of Hamilton.

A record has been prepared that contains expense information by City department and will be disclosed to you upon payment of the processing costs assessed to this request.

PROCESSING FEES

Section 45 (1) of the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) requires the person who makes a request for access to a record, to pay fees in the amounts prescribed by the *Act's Regulations*. The processing fees for request #15-015 are as detailed below.

- Record Searches – 150 minutes @ \$7.50 per 15 minutes = \$75.00
 - Copy 1 page @ 20 cents per page = \$.20
- TOTAL** \$75.20

Please direct your payment to my attention and reference freedom of information file #15-015. Payment to the *City of Hamilton* is due by **March 26, 2015**, otherwise the City will consider the request to be abandoned and the file will be closed.

The *Act* provides that all or part of the fee can be waived if in our opinion it is fair and equitable to do so, if the fee will cause you a financial hardship or if dissemination of the record will benefit public health or safety.

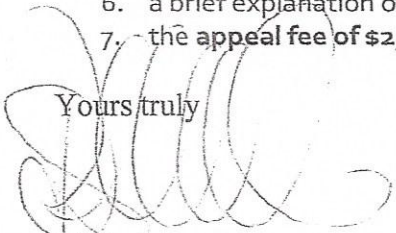
Please contact me if you have any questions regarding this decision. If you have questions about the record contents please direct your inquiry to **Mike Kirkopoulos** – Director of Communications & Intergovernmental Affairs, City Manager's Office, at (905) 546-2424 ext. 2261.

Pursuant to section 39 of the *Act*, you may also request a review of the City's access decision within 30 days of the date of the decision by sending a completed *Appeal Form* (available at www.ipc.on.ca) or letter to the IPC Registrar, Information and Privacy Commissioner/Ontario, 2 Bloor Street East, Suite 1400, Toronto, Ontario, M4W 1A8, telephone: 1-800-387-0073.

The appeal should include:

1. your name, address and telephone number;
2. the government organization's name (City of Hamilton);
3. the freedom of information request file number;
4. a copy of the City's decision letter;
5. a copy of your request;
6. a brief explanation of the basis for the appeal; and,
7. the appeal fee of \$25.00, payable to the Minister of Finance

Yours truly



Debbie-Ann Rashford
Access & Privacy Officer

/dcr

15-015 FUNERAL COSTS - L. ALEXANDER, N. CIRILLO

Lincoln Alexander (2012)

City Clerk \$3,875.71 catering, floral arrangements
 Finance \$0.00
 Fire \$0.00
 Public Works \$944.64 horticulture
 HSR \$0.00
 Traffic \$0.00
 other City depts/div \$1,243.00 flowers
 Tourism & Culture \$6,063.35

Nathan Cirillo (2014)

\$29.36 flowers
 \$16,118.40 facility rental, map plots
 \$8,433.10 staffing
 \$54,439.48 parks, cemeteries, horticulture, labour, vehi
 \$5,588.51 bus charters incl drivers, staff
 \$440.35 labour, vehicle
 \$0.00
 \$85,049.20

COPIED

NEWS Feb 24, 2015 by [Bill Dunphy](#) Hamilton Spectator

Policing at Cirillo's funeral cost \$296,000

Lincoln Alexander's funeral cost Hamilton police \$83,000, after province paid half

NEWS Feb 24, 2015 by [Bill Dunphy](#) Hamilton Spectator

Hamilton police say the full cost to the service for assisting in the funeral of Cpl. Nathan Cirillo was \$296,097.41 - Instagram

Cpl Nathan Cirillo's funeral procession in Hamilton. - The Hamilton Spectator file photo

It was, according to local historians, the biggest funeral this city is likely to see in a lifetime — and also likely the costliest.

In response to a Freedom of Information request from a private citizen, Hamilton police say the full cost to the service for assisting in the funeral of Cpl. Nathan Cirillo was a whopping \$296,097.41, slightly under original estimates of about \$310,000.

Cirillo, 24, was a member of the Argyll and Sutherland Highlanders, and was an unarmed honour guard at the National War Memorial in Ottawa on Oct. 22 when he was shot and killed by Michael Zehaf-Bibeau.

Zehaf-Bibeau then rushed into the Parliament buildings, shooting and injuring another guard before he himself was shot and killed. His rampage was described as an act of terrorism by the federal government.

We have not received any funding to offset incurred costs and none is expected.

Catherine Martin

Hamilton police corporate communicator

Cirillo, a city resident and father, received a full military funeral in Hamilton six days later that included thousands of military, police and firefighters, as well as Prime Minister Stephen Harper and the leaders of the opposition parties.

Security was high for the funeral and along the procession route and included road closings, security sweeps, snipers on rooftops and fully equipped emergency response teams on site and on standby.

Many more thousands of Hamiltonians lined the streets for the funeral procession and watched the services from First Ontario Centre.

"I don't think there is any comparison to any funeral that has taken place in the city," local historian Robin McKee told The Spectator.

"It is absolutely the biggest we will see in our lifetime."

Published reports estimate the city's costs at about \$70,000, and both the city and police said they would be seeking reimbursement from senior levels of government.

But on Monday, police corporate communicator Catherine Martin said "we have not received any funding to offset incurred costs and none is expected."

Total costs to the taxpayers of Canada would include many tens of thousands of dollars more for the travel and accommodation costs of the many, many dignitaries, military and emergency services personnel.

The only comparable funeral in the city's recent past was the official state funeral provided for former Lt.-Gov. Lincoln Alexander.

In the same Freedom of Information request response, Hamilton police said they were reimbursed for half of their costs associated with Alexander's funeral — resulting in a net cost to the service of \$82,633.83.

bdunphy@thespec.com

905-526-3262 | @BillAtTheSpec

LOCAL

Policing at Cirillo's funeral cost \$296,000

Lincoln Alexander's funeral cost Hamilton police \$83,000, after province paid half

L. DUNPHY
Hamilton Spectator

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We have not received any funding to offset

RE: Simple Request

HT

Hewitson, Tom <Tom.Hewitson@hamilton.ca>

Reply
Tue 04-03, 2:15 PM

Zegarac, Mike (Mike.Zegarac@hamilton.ca)

You forwarded this message on 2018-04-03 2:48 PM

No, not since amalgamation. I cannot speak to prior years.

Tom

From: Shekar Chandrashekar [mailto:shekarfamily@hotmail.com]
Sent: April-03-18 9:41 AM
To: Hewitson, Tom
Cc: Zegarac, Mike
Subject: Simple Request

Good Morning Tom
Was there a time City produced detail line budget prior to 2018?
Tom always thankful
shekar

From: Shekar Chandrashekar <shekarfamily@hotmail.com>

Sent: March 27, 2018 9:33 AM

To: Rick Male

Cc: mike.zegarac@hamilton.ca; tom.jackson@hamilton.ca; Chad Collins;

Charles.Brown@hamilton.ca; McKinney, Andrea; McRae, Angela; Cindy.Mercanti@hamilton.ca

Subject: See Attached

These were given to Councilor Jackson and Councilor Chad Collins during Budgeting deliberations and they are decision makers.

Informations received from Ms.McKinney and Ms.Mercanti

a) Incorrect is 18 not 19 per Ms.McKinney(If it is 19 makes it worse)

b) Incorrect Jane Lee had retired years ago.

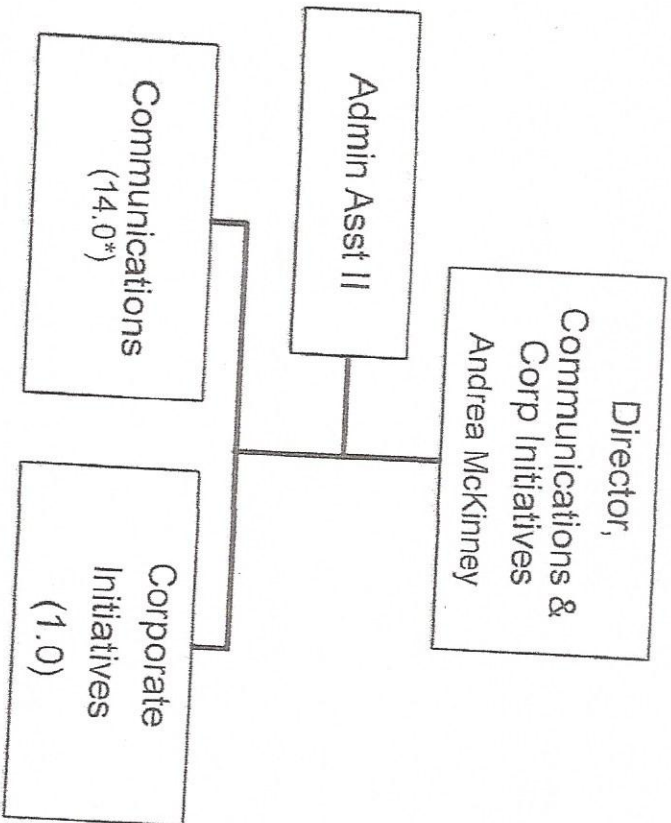
These will be attached and I will be addressing to April 9,2018 A & A

ITEM 6

13

Comparative statements regarding Media and Communication department Between City of Hamilton and City of Toronto		
Description	Hamilton	Toronto
Media and Communications		
Population	537,000	2,800,000
Number Councillors including Mayor	16	45
Annual Tourists	4.5 Million	40Million
Number of Media and Communication including a mangers	22	25
Average Number of Populations per ward	35,800	63,636
Number of Media and Communications per Capita	24,409	112,000
Media per per councilor	1.47	0.57
Customer Services		
Number of Customer Services	52	120
Number of Customer Services per ward	10,327	23,333
Customer Services per Concilor	3.47	2.73
Job Description received from Hamilton		
Communications Planning		
Emergency response communications	Yes	Yes
Media relations	Yes	Yes
Issues management	Yes	Yes
Public awareness campaigns	Yes	Yes
Community engagement	Yes	Yes
In -house media training program*	Yes	Yes
Brand management and oversight	Yes	Yes

Leadership Development Planning	Yes	Yes
Corporate responsibility for internal and external communications	Yes	Yes
Marketing and change management		
Centralized media / advertising buying	Yes	Yes
Video data production/photography	Yes	Yes
Open data program	Yes	Yes
Digital communications	Yes	Yes
Website management, content development and AODA compliance	Yes	Yes
Corporate app development	Yes	Yes
Social media channel delivery	Yes	Yes
SMART City Strategy development and implementation	Yes	Yes
Support Strategic Plan implementation	Yes	Yes
Launched Corporate Performance Excellence Program		
Rolling out corporate performance excellence and continuous improvement model	Yes	Yes
Working with divisions to establish key performance levels and measurements for internal monitoring and public reporting	Yes	Yes
Launched Continuous improvement of practice	Yes	Yes
Redesigned and launched corporate governance model and delivery	Yes	Yes
Additional Job Description received from Toronto		
Event planning as part the Service we provide to other divisions	NO	Yes
Photography,Videography and Viddeo production,the offical City photographer and vidographer are part bof City Clerrk's division is not part of Media and Communication Department.	No	Yes



Complement (FTE)	Management	Other	Total	# of staff/ Management
2016	2	17*	19*	8.5:1*
2017	2	15*	17*	7.5:1*
Change	0	-2	-2	-1:1*

*6 positions included in the complement, are funded by the operating departments and appear in their budget

Agenda

Meeting with:
Chris Murray
Mike Zegarac, and
shekar

When: April 26, 2017

Where: City Manager's Boardroom

Time: between 10:00AM to 10:30AM FIXED

- a) Council in dark
- b) Staff not following Council approval Examples: Future fund refer to:
 - In 2004 Council **committed** (KEY WORD) to fund the waste Management Master Plan.
 - In 2009 Council approved using \$60million as a grant to fund Pan Am Games Stadium
 - On July 12, 2012 Council approved to the HFF as the Velodrome is no longer being built in Hamilton. A total of \$247,224 had been spent on the Velodrome project which has been funded from Fund "A". Velodrome was cancelled. Yet Reserve Statement continues to shoe \$60 Million.
- c) Central Garage and Transit provision.
 - Each year provision is provided by Current Budget Why Capital.? And Preparation time could be employed where necessary. I am familiar with all these I was in charge of it.Refer to Reserve report:
 - **Central Garage:** from 2003 to 2015 smooth provision in 2016 significantly increased why?
 - **Transit:** from 2003 to 2014 smooth provision in 2015 and 2016 huge increase significantly increased combined huge amount. If Commitment reduced to previous levels HSR budget would have solved. Needs explanation and discloser
 - **Presto card:** No longer automatic transfer. Conductor has to provide paper transfer manually. Costing tax payers' money
 - For simple question Public works provided three different answers
- d) Metrolinx
- f) Questions are:
 - Sustainability
 - Measurement
 - Allocation
 - General revenues and goes on. Those are just words thrown at me when I try to help. WHY?
 - Chart of Accounts

Examples are many but to illustrate one:

 - Fire department each year more than \$1million paid to fire employees but neither actual nor but budget is not provided in Fire department budget. Budget and actual are provided in Corporate.
 - LRT..FOI and response from Mr.Zegarac

**These will be discussed in future date
Savings \$20million without problem**

- c) Media persons from 19 to 17 in 2017. Toronto has 33 and Toronto 6 times bigger than Hamilton and you may be surprised amount of IT work they do
- e) Police Services Forensic Building financing was there a need to issue Debt?
- f) Financial Statements, No Actual for Sick leave, Vacation etc No B.I.A., Library etc.?
- g) City is in charge of Police Accounting Records..Absolute fact
- h) Investment loss
- i) Penalty and Interest
- l) Energy savings why allocation?
- m) Lunches not \$33,000.00If you add other committees, Staff meetings it would be over \$300k
- n) Budget book produced each year is of no good for value for money because of **no details?**
- 2017 Budget problem created by Staff
 - \$20million can be easily reduced in 2017budget without impacting base budget or sustainability
 - Moral of employee's all time low
 - Contractual services:
 - Human resources and
 - Public works
 - Hiring financial Manager from outside without giving an Interview to Internal Candidates?
 - Hiring a Legal Solicitor from out side????
 - G.M. marching in Washington with City Vehicle
 - Another employee works from????
- q) I have lot more. Following it closely sine 2004

Minutes of the meeting

Meeting with Mr. Murray and Mr. Zegarac

Date: June 19, 2016
Time: From 11:00 am to 12:00 pm
Where: City managers' board room

Present:
Mr. Murray
Mr. Zegarac and his staff
Mr. Brown
Shekar Concerned Citizen

Agenda

1) Understanding Future fund "A" accounting

Shekar: Future Fund "A"

At the April 26, 2017, meeting I provided Future Fund "A" and "B" reconciliation for the periods from 2003 to 2016 and projected December 31, 2016, with all back up and council approvals.

At the June 19, 2017, meeting, I provided my explanation of how accounting entries should have been done to conform to City Council direction. Disclosure of the accounting for the fund should be publicly apparent and not limited to disclosure through an internal statement prepared for the governance committee.

Shekar will stand by for independent evaluation and payment. He was adamant that no funds are/were available yet staff continues to approve council requests.

Mr.Zegarac :
Directed questions to budget staff who prepares and controls reserve report.

Mr. Brown:
Directed a couple of questions to Mr. Zegarac.

2) Financing Forensic Building

Shekar:

- **Provided all reconciliations of Hamilton Police Services Reserves.**
- **Insisted that they have enough funds to finance Forensic Building without issuing new debt**
- **Enclosed is my article**
- **Pointed out FCS 12023. Why is City's share of financing (\$750,000) towards Forensic Building instead of being fully funded through the Police budget/reserve? (Total \$1.5 million)**
- **Police have built up funds from Salary Contingency and Pan Am game.**
- **Are actual amount of expenditures is it City books or Police books?
Waiting for confirmation of this from Mr. Zegarac**

Mr. Zegarac:
No response to the above.

3) Fire Department sick leave payment.

Was agreed at the April 26, 2017. This is to reconfirm and finalize it.

Shekar:
Confirmed

Mr. Zegarac:
Adjustment might make it into the 2017 or the 2018 Fire department budget.
Directed to Budget Staff

Shekar:
Will advise Fire Department

4) Schedule of Police Operations complete budget and details provided

Shekar:
Pointed out there is a significant difference between schedules of Operations as presented by KPMG vs the actual levy passed by Council regarding the Municipal Contribution to Police Services budget. They are public documents. They should be the same.

Mr. Zegarac:
Directed to his accountant who is in charge of preparation financial statements.

5) Cost allocation

Shekar:
Sent complete PSB budget
Provided complete set of cost allocations from 2013 to 2017
Pointed out difference in Police Base as approved by the PSB.
This change in base takes place after PSB budget approval but before Actual Levy BY-LAW passed.
Pointed out how City can adjust Police Share of Levy without changing overall levy.
If the Police Services Levy is not adjusted, it gives an unfair advantage to Police Services base budget for the following year and understates the percentage change in their budget.

Mr.Zegarac:
Directed this to his Budget Staff

Shekar:
Has not elaborated further at this time. Will explain further at subsequent meeting.

6) Free City Hall Lunches March 8 and June 19, 2017, on Council's dollar.

Shekar:
Pointed out statement made

Mr. Zegarac:
Intent was based on Employment standard Act.

Shekar: Sorry I am familiar with Employment Act

Mr.Zegarac:

Shekar, do you have any suggestions?

Shekar:
Thank you

Councilors are well paid and they can afford to pay for their own lunches. Also pointed out that councilors receive a 1/3 exemption per Income tax Act.

7) Savings and several other budget materials will be discussed with Mr. Zegarac at a later date

Shekar:

Due to time constraints, I will provide information on more extensive items including \$20 million or more in savings at subsequent meeting. I will show clearly that there is no current operating budget problem.

8) Miscellaneous:

Mr. Murray:

When you worked for the City, how many hours a day you worked?

Shekar:

Approx. 7 and a quarter.

Mr. Murray:

Did you get over time compensation?

Shekar:

Yes, one week of lieu of over time.

Mr. Murray:

Is fair?

Shekar:

Yes.

Conclusion:

Shekar:

I have completed part of the discussions I had planned. That is what I promised A & A and GIC committee.

Mr. Murray:

Of course. You have provided all documents.

PS:

Mr. Zegarac is to provide break down of HST Receivables for 2016 and 2015

City lawyer exits after Ice Dogs flap

By Karena Walter, The Standard
Friday, November 11, 2016 8:32:47 EST PM

A day after the owners of the Niagara IceDogs yanked a \$1 million donation to the city because they couldn't finalize an agreement with staff, St. Catharines and its city solicitor parted ways, The Standard has learned.

Director of Legal and Clerk Services Nicole Auty's abrupt departure came after she attended St. Catharines city council Monday night, where councillors discussed the IceDogs problem in camera.

She was no longer working for the city on Tuesday.

"I can't discuss with you detailed personnel items. I can simply confirm she is no longer working for the city," said St. Catharines corporate communications director Cindy Pfeffer.

A call to city CAO Dan Carnegie was directed to Pfeffer, who confirmed Auty left on Tuesday.

But multiple sources close to the situation said city councillors made the decision Monday to have Auty dismissed because of the Burke donation fallout.

The Standard does not know if the dismissal was with or without cause or if Auty resigned.

Her departure came hours after some councillors learned Bill and Denise Burke were pulling their \$1 million donation to the Meridian Centre fundraising campaign.

23 ITEM 1

The donation was pledged in 2014 in return for naming rights for a street that semi-circles the Meridian Centre.

City council approved a motion in March 2014 that would name the street IceDogs Way "in perpetuity." There was also an option to go with Burke Way if the family wanted to rename the street at some point.

Five months after a press conference at City Hall announcing the donation, city staff sent a draft agreement to the Burkes that contained a 20-year expiry date on the naming rights.

The Burkes responded that the naming agreement approved by council was "in perpetuity."

The city then offered a longer expiry date, but the Burkes held their ground that those terms were not part of the original \$1-million agreement.

On Monday, the Burkes released a statement through a PR firm that said they've struggled for two years with the city to come to a naming rights agreement and have "given up" trying to complete the deal.

"Much to our family's frustration, city staff have continued to obstruct our efforts to try and resolve this situation," they said in the statement, that included a two-page timeline of events. "At one point the city took over a year to respond to our inquiries during the discussions. It is unfathomable to us that we would encounter so much difficulty just trying to make a charitable donation."

City councillors have reacted this week with shock, claiming none of them knew about the donation problems until Monday.

"I think there was a communications gap between council and staff because we weren't aware that this was still ongoing and that it hadn't been finalized," said St. Patrick's Coun. Mark Elliott, who said he first heard there was an issue at the council meeting.

"It's disappointing. I'm hoping that the IceDogs will come back to the table and we've committed to giving them what they wanted from the beginning. Hopefully they come back and we can just get this finalized up and move on."

Merriton Coun. Jennie Stevens said she heard it on the radio on the way to the meeting and couldn't believe councillors hadn't been made aware of the problems.

"Maybe we're all going to learn a lesson with this," she said. "The CAO is going to have to follow up with (every) new (city) council, new mayor and say 'this is what's going on'. Communication. That's all I ask. **Don't withhold anything. Give it to us, good or bad news. We have to give our constituents that.**"

After an hour and half-long in camera session Monday night, city councillors emerged with two motions related to the IceDog donation.

The first directed staff and the mayor to follow up on the matter with the Burkes and "do whatever is necessary" to finalize the agreement.

They also directed the CAO to do an internal review of the breakdown of the Burke donation and report back on any other possible agreements that are still outstanding.

"We identified the situation. We addressed it immediately at council," said St. Andrew's Coun. Matt Harris.

"We think we're in a position to have a meaningful conversation with the Burkes about the million-dollar donation."

Mayor Walter Sendzik said Friday he could not comment on Auty's departure.

He said on Tuesday that it was "surprising" a \$1-million donation made in 2014 wasn't accompanied by a signed agreement prior to the unveiling of the sign. "The fact that that didn't transpire, that's not how you do business. So that's an unacceptable process that needs to be addressed, if there's any outstanding agreements like that."

Sendzik said Friday he's trying to set up a meeting with the Burkes early next week and "get back on track."

The Standard was unable to reach Auty. She is no longer at her city hall line and did not respond to an email to her city address. The Law Society of Upper Canada still lists her contact information at city hall.

Auty was hired in 2011 to replace the city's retiring solicitor. She began in May and came to St. Catharines from a law firm in Toronto.

At the time, the city said she had experience in several areas of municipal law, was also the co-author of a manual on municipal law and a member of the executive committee of the Ontario Bar Association.

The city paid her a salary of \$153,388 in 2015 according to the sunshine list.

Assistant city solicitor Heather Salter has been appointed an interim director.

A job posting for a new solicitor has not been made.

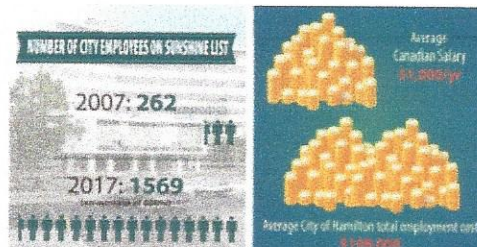
kwalter@postmedia.com

SUNSHINE LIST CASTS MASSIVE SHADOW OVER CITY OF HAMILTON FINANCES



Bay Observer Staff

POSTED ON APRIL 09, 2018, 8:33 AM



The annual release of the sunshine list detailing government employees making in excess of \$100,000 is typically a one-day wonder. Media focus on the top wage earners, and in recent years there is an annual debate about whether the list itself should be indexed for inflation, since in government circles at least, a \$100,000 annual salary is no big deal; although the median wage in Ontario is just over \$52,000.

What is more interesting than what individuals are earning, (although one might ask why the President of an electrical utility is worth almost ten times the highest paid Hospital CEO) is the sheer number of individuals now topping \$100,000 annually.

At the municipal level the city of Hamilton has seen staggering growth in the number of employees now in the 100K club since a decade ago. A few statistics illustrate the growth. Inflation in the ten years between 2007 and 2017 has increased 18 percent. In 2007 the City of Hamilton had 262 employees on the sunshine list. In 2017 it was 1569—an increase of 600%

Looking ahead it appears the majority of city employees not on the sunshine list will soon be joining it. The 2007 city budget showed employee related costs, which includes

pension contributions, vacation pay and health benefits sits at \$776 Million which works out to \$108,000 for every city employee. Even after subtracting the benefits that don't count as part of their salary for the purposes of the Sunshine list; it appears the average city worker is knocking on the door of what once was an elite group, but now apparently will include almost everybody, including, and it is only a matter of time, city councillors who currently receive roughly \$94,000 per year.

Developers question integrity commissioner's oversight Ethics watchdog refuses to monitor councillors' comments during debates, Andrew Dreschel writes

OPINION 06:40 PM by [Andrew Dreschel](#) Hamilton Spectator

The father-and-son team behind Hamilton-based Sonoma Homes have twice asked the city's integrity commissioner to investigate allegations against Coun. Lloyd Ferguson. - Cathie Coward, Hamilton Spectator file photo

The father-and-son team behind Hamilton-based Sonoma Homes are like hounds with a rawhide chew.

They just won't let go of their code of conduct complaint to the city's integrity commissioner about Ancaster Coun. Lloyd Ferguson.

Twice, Carmen Chiaravalle and his son Michael have formally asked George Rust-D'Eye to investigate their allegations that Ferguson made disparaging and slanderous comments about their honesty during a planning debate last year.

Twice, Rust-D'Eye has declined to look into the matter.

In the aftermath of those rejections, the frustrated Chiarvalles are raising questions about the power and effectiveness of the integrity commissioner that go well beyond their beef with Ferguson, questions which, lamentably, Rust-D'Eye shows no willingness to address.

The nub of the issue is Rust-D'Eye says he doesn't have the authority "to monitor or interfere" with the conduct of councillors during debates. The Chiarvalles are, quite rightly, incredulous. What's the point of having an integrity commissioner, they ask, if he won't oversee councillors' behaviour during meetings?

Their complaint dates to an April 2017 meeting at which Sonoma Homes was seeking Official Plan and zoning amendments to build a three-storey, 19-unit condo at 125 Wilson St. in Ancaster. The variances were supported by city staff.

In speaking against the application, Ferguson claimed, among other things, the developers had "betrayed" his trust, weren't playing fair and had been "sneaking" around cutting trees.

The committee and then council turned down the variances. Sonoma denied Ferguson's "false allegations" and appealed to the Ontario Municipal Board, which eventually ruled in its favour.

Rust-D'Eye originally cited four reasons for not investigating, one of them being it was before the OMB. After Sonoma won the appeal, Rust-D'Eye still refused to investigate based on the other three reasons.

- He claimed it's up to the chair and council to govern the conduct of councillors during committee meetings.
- He claimed reviewing the conduct of one councillor during the debate could be seized upon as questioning the decision-making of the whole committee.
- And — most bewilderingly of all — he claimed it was not within his jurisdiction to monitor the conduct of councillors during debates.

Clearly, Rust-D'Eye is interpreting council's code of conduct with a weak knee and a soft pedal.

This isn't about challenging the qualified privilege councillors enjoy to make public policy statements which may be untrue or even defamatory without legal risk.

This is about living up to a code that's meant to ensure public confidence that councillors are operating with integrity, transparency, justice and courtesy. It requires councillors to be conscientious and diligent. It calls upon them to behave with decorum.

Whether Ferguson broke the code would require at least a preliminary investigation, such as watching the video of the meeting. Rust-D'Eye wasn't prepared to do that.

I asked Rust-D'Eye to explain why, despite the above provisions, he doesn't believe he should investigate questionable comments made by councillors during debates. Does that apply in all instances, no matter what a councillor may have said?

Rust-D'Eye confided his response to the Chiaravalle complaint. He emailed he doesn't believe it would be "appropriate" to explain his reasons for his disposition and that his responsibility is to report to council, which he has done.

But obviously this is about much more than the rights or wrongs of a particular complaint against an individual councillor.

It's about an integrity commissioner timidly interpreting the code of conduct and, consequently, a code whose feeble language desperately needs to be strengthened.

Interestingly, language in the code respecting how councillors treat city employees is much stronger and prescriptive. It explicitly prohibits them from "maliciously, falsely, negligently, recklessly or otherwise improperly" injuring staff's professional or ethical reputation.

You have to wonder why the same constraints and courtesies that protect staff aren't extended to the public at large.

They are, after all, the very people who pay the salaries of staff and councillors, not to forget Rust-D'Eye's billings (\$12,000 last year) and his annual \$7,000 retainer as the city's lobbyist registrar.

*Andrew Dreschel's commentary appears Monday, Wednesday and Friday.
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