



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 18-011

9:30 a.m.
August 15, 2018
Council Chambers
Hamilton City Hall

Present: Councillors A. VanderBeek (Chair), B. Johnson, M. Pearson,
L. Ferguson, C. Collins, and A. Johnson

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. **Whistleblower Information Update for Q2 2018 (AUD18006) (City Wide) (Item 5.2)**

(B. Johnson/Pearson)

That Report AUD18006, respecting the Whistleblower Information Update for Q2 2018, be received.

CARRIED

2. **Treasurer's Write-off of Taxes under Section 354 of the Municipal Act, 2001 (FCS18073) (Ward 11) (Item 5.3)**

(Collins/Pearson)

That property taxes in the amount of \$6,145.01 for 1165 Green Mountain Road, Stoney Creek (Roll #2518 003 510 04200 0000) be written off under Section 354 of the Municipal Act, subject to the property being transferred back to the City of Hamilton (City), effective August 23rd, 2018, and that Alectra Utilities be refunded the property taxes paid in error.

CARRIED

3. **Hamilton Street Railway (HSR) Pension Plan - Pension Benefit Guarantee Fund (PBGF) Exemption (FCS18075) (City Wide) (Item 5.4)**

(Pearson/Collins)

That the Mayor, on behalf of Council, send a letter to the Premier and the Minister of Finance to lobby for a retroactive exemption of Pension Benefit Guarantee Fund (PBGF) for the period 2009 to 2014, and to request a meeting with the Premier and/or Minister to discuss the matter.

CARRIED

4. Freedom of Information Quarterly Report (April 1 to June 30) (CL18003(a)) (City Wide) (Item 5.5)

(Ferguson/A. Johnson)

That Report CL18003(a), respecting the Freedom of Information Quarterly Report (April 1 to June 30), be received.

CARRIED

5. City of Hamilton Development Charges By-law 14-153 - Amendments to the Downtown Community Improvement Project Area (CIPA) Exemption (FCS18054(a)) (City Wide) (Item 6.1)

(A. Johnson/B. Johnson)

(a) That no further Public Meeting is required with respect to the By-law attached hereto as Appendix "A" to Report FCS18054(a);

(b) That the By-law, attached hereto as Appendix "A" to Report FCS18054(a), prepared in a form satisfactory to the City Solicitor, be passed and enacted.

CARRIED

6. Commercial Relationship Between the City of Hamilton and Ontario Inc. 2380585, c/o Wise and Hammer Inc. and Related Entities (FCS17085(a) / BOH17042(a)) (City Wide) (Item 8.1)

(Ferguson/Collins)

(a) That, due to the impairment of the commercial relationship between the City of Hamilton and Ontario Inc. 2380585, c/o Wise and Hammer Inc. or any of its related corporate or individual entities, staff be directed to reject any current and future bids, proposals or quotations received from Ontario Inc. 2380585, c/o Wise and Hammer Inc. or any of its related corporate or individual entities, until and including June 25, 2023; and

(b) That the City of Hamilton not enter into any contract with Ontario Inc. 2380585, c/o Wise and Hammer Inc., or any of its related corporate or individual entities, until and including June 25, 2023.

CARRIED

7. Water and Wastewater / Storm Consecutive Estimated Accounts Policy Amendment (FCS18074) (City Wide) (Item 8.3)

(Collins/Ferguson)

(a) That the amended Water and Wastewater / Storm Consecutive Estimated Accounts Policy, attached as Appendix "A" to Report FCS18074, be approved;

(b) That the following user fees be approved and that the City Solicitor be authorized and directed to prepare for Council approval all necessary by-laws to add the fees to the 2018 Water and Wastewater / Storm Fees and Charges By-law:

- (i) Non-compliance Administration: \$20.00 plus HST
 - (ii) Non-compliance Notification Posting: \$25.00 plus HST
 - (iii) Non-compliance Turning Water Off: \$76.50 (HST exempt)
 - (iv) Non-compliance Turning Water On: \$76.50 (HST exempt)
- (c) That the City Solicitor be authorized and directed to prepare all necessary by-laws to implement the Water and Wastewater / Storm Arrears Policy set out in Recommendation (a) of Report FCS18074 which may include necessary amendments to be made to the Waterworks By-law R84-026.

CARRIED

8. Fees and Charges for the Supply of Raw Water to 690 Strathearne Avenue North (FCS18049(a)) (Ward 4) (Item 8.4)

(Collins/Ferguson)

- (a) That charges for raw water supplied to 690 Strathearne Avenue North by the City of Hamilton be imposed at the following rates, effective September 1, 2018:
- (i) metered raw water at the rate of \$0.1118 per cubic metre;
 - (ii) daily raw water fixed charges at the following rates:

Meter Size	Daily Rate
200 mm	\$ 27.20
250 mm	\$ 39.10
300 mm	\$ 57.80

- (b) That staff advises the owner of 690 Strathearne Avenue North, currently ArcelorMittal Long Products Canada, that the continued supply of raw water by the City to 690 Strathearne Avenue North is contingent upon the following conditions being met:
- (i) that effective September 1, 2018, in addition to other flow-through costs and expenses described in Report FCS18049(a), the owner pays water rates set out in recommendation (a) in Report FCS18049(a) for the supply of raw water to the property;
 - (ii) that by December 23, 2018, the owner enters into a Raw Water Supply Agreement with the City of Hamilton on such terms as are set out in recommendation (c) in Report FCS18049 / LS18014;
 - (iii) that by December 23, 2018, the owner enters into an Easement Agreement with the City of Hamilton to support the existing pipeline that crosses City lands on such terms as are set out in recommendation (c) in Report FCS18049 / LS18014;

- (iv) that the owner installs a backflow prevention device that meets City requirements to protect against any backflow conditions at its sole expense;
- (c) That the City Solicitor be authorized and directed to prepare all necessary by-laws to implement Recommendation (a) of Report FCS18049(a) which may include necessary amendments to be made to the 2018 Water and Wastewater / Storm Fees and Charges By-law 17-265 and Waterworks By-law R84-026;
- (d) That the General Manager of Finance and Corporate Services be directed to report back to the Audit, Finance and Administration Committee in January 2019 regarding the implementation of Recommendation (b) of Report FCS18049(a).

CARRIED

9. Development Charge Exemption Request from Trillium Housing (HSC18040) (City Wide) (Outstanding Business List Item) (Added Item 8.5)

(Collins/Pearson)

- (a) That the request for Development Charge exemptions for the affordable units in the Highbury and Winona Developments by Trillium Housing, be denied;
- (b) That the General Manager of the Healthy and Safe Communities Department or his designate be authorized and directed to deliver and administer a municipal Down Payment Assistance Program, with an upset limit of \$1,800,175, for eligible purchasers of the two Trillium Housing Non-Profit housing developments (Winona and Highbury), in accordance with the program guidelines, attached as Appendix "A" to Report HSC18040;
- (c) That the General Manager of the Healthy and Safe Communities Department or his designate be authorized to approve and execute any agreements and ancillary documentation, in a form satisfactory to the City Solicitor, that are required to deliver and administer a municipal Down Payment Assistance Program for eligible purchasers of the two Trillium Housing Non-Profit housing developments (Winona and Highbury);
- (d) That the annual interest cost of \$61,000 (when the program is at capacity) of providing the Trillium Down Payment Assistance Program in accordance with the program guidelines, be absorbed within the Housing Services Division existing operating budget;
- (e) That the initial, one-time cost of administration of the Trillium Housing Down Payment Assistance Program for the two Trillium Housing Non-Profit housing developments (Winona and Highbury), in the amount of \$100,000 be funded through the Municipal Down Payment Assistance Program Reserve (#112009); and,

- (f) That the matter respecting “Trillium Housing Non-Profit” be identified as complete and removed from the Audit, Finance and Administration Committee Outstanding Business List.

CARRIED

10. Commercial Relationship Between City of Hamilton and Primary Response Inc. (LS18040 / FCS18063) (City Wide) (Item 12.2)

(B. Johnson/Ferguson)

- (d) That recommendation (c), and the contents of Report LS18040/FCS18063, respecting “Commercial Relationship Between City of Hamilton and Primary Response Inc” remain confidential; and
- (e) That **amended** recommendations (a) and (b) of Report LS18040/FCS18063, respecting “Commercial Relationship Between City of Hamilton and Primary Response Inc.” be approved and remain private and confidential until approved by Council.

Main Motion as Amended CARRIED

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. DELEGATION REQUESTS

- 4.2 Joe Deschenes Smith, Trillium Housing, respecting Development Charge Exemption Request (Added Item 8.5 on today's agenda) (For today's meeting)
- 4.3 Amir Atri, Garda Canada Security Corp (GardaWorld), respecting the Commercial Relationship Between the City of Hamilton and Primary Response Inc (Item 12.2 on today's agenda) (For today's meeting)

2. PUBLIC HEARINGS / DELEGATIONS

- 6.1 At the request of the Delegate, Dominic Sorbara, would like to move his Delegation to the September 10th, 2018 AF&A Committee Meeting as he has a work commitment and is unable to attend today

3. DISCUSSION ITEMS

- 8.5 Development Charge Exemption Request from Trillium Housing (HSC18040) (City Wide) (Outstanding Business List Item)

4. OUTSTANDING BUSINESS LIST

- 11.1(a) Outstanding Business List – Items considered complete and needing to be removed:

Trillium Housing - Development Charges
(Added Item 8.5 on today's agenda)
Item on OBL: N

(Collins/Pearson)

That the agenda for the August 15, 2018 Audit, Finance and Administration Committee meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

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

(i) July 11, 2018 (Item 3.1)

(Collins/Pearson)

That the Minutes of the July 11, 2018 meeting of the Audit, Finance and Administration Committee be approved, as presented.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

- (i) Robert Zeidler, 2418032 Ontario Ltd., respecting excessive water charges at 270 Sherman Ave. N. (For a future meeting) (Item 4.1)**

(Collins/Pearson)

That the delegation request from Robert Zeidler, 2418032 Ontario Ltd., respecting excessive water charges at 270 Sherman Ave. N., be approved for a future meeting.

CARRIED

- (ii) Joe Deschenes Smith, Trillium Housing, respecting Development Charge Exemption Request (Added Item 8.5 on today's agenda) (For today's meeting) (Added Item 4.2)**

(Collins/B. Johnson)

That the delegation request from Joe Deschenes Smith, Trillium Housing, respecting Development Charge Exemption Request (Added Item 8.5 on today's agenda), be approved for today's meeting.

CARRIED

- (iii) **Amir Atri, Garda Canada Security Corp (GardaWorld), respecting the Commercial Relationship Between the City of Hamilton and Primary Response Inc (Item 12.2 on today's agenda) (For today's meeting) (Added Item 4.3)**

(Collins/Pearson)

That the delegation request from Amir Atri, Garda Canada Security Corp (GardaWorld), respecting the Commercial Relationship Between the City of Hamilton and Primary Response Inc (Item 12.2 on today's agenda), be approved for today's meeting.

CARRIED

(e) CONSENT ITEMS (Item 5)

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

(Pearson/B. Johnson)

That the following minutes from various advisory committee meetings, be received as presented:

- (1) Advisory Committee for Immigrants and Refugees – June 14, 2018 (Item 5.1(a))
- (2) Hamilton Mundialization Committee – March 21, 2018 (Item 5.1(b))
- (3) Committee Against Racism – March 27, 2018 (Item 5.1(c))
- (4) Committee Against Racism – July 5, 2018 (Item 5.1(d))

CARRIED

(f) PUBLIC HEARINGS/DELEGATIONS (Item 6)

- (i) **City of Hamilton Development Charges By-law 14-153 - Amendments to the Downtown Community Improvement Project Area (CIPA) Exemption (FCS18054(a)) (City Wide) (Item 6.1)**

Chair VanderBeek advised that Item 6.1 was a public meeting pursuant to Section 12 of the Development Charges Act, 1997, to present and obtain public input on the City's proposed amendment to the Development Charges By-law. The Chair further advised that notice of the public meeting was published in the Hamilton Spectator on July 20, 2018 and the Hamilton Community News on July 19, 2018, inviting interested parties to make representations at today's meeting. Any person in attendance can make representations relating to the proposed amendment to the Development Charges By-law.

Delegations

6.1(a) Shekar Chandrashekar

Shekar Chandrashekar, addressed the Committee respecting the proposed amendment to the Development Charges By-law.

(A. Johnson/Ferguson)

That the delegation be received.

CARRIED

(Ferguson/Pearson)

That the public meeting be closed.

CARRIED

For further disposition of this matter, refer to Item 5.

(ii) Matthew Kelly, respecting a Risk Management Claim for pothole damage (Approved July 11, 2018) (Item 6.3)

Matthew Kelly addressed the committee respecting a Risk Management Claim for pothole damage, with the aid of a presentation. A copy of the presentation has been included in the official record.

(Ferguson/Pearson)

That the delegation from Matthew Kelly, respecting a Risk Management Claim for pothole damage, be received.

CARRIED

A copy of the presentation is available at www.hamilton.ca.

(iii) Anthony Godlewski, respecting a \$5,000 water bill at 92 East 15th Street (Approved July 11, 2018) (Item 6.4)

Anthony Godlewski and Darryl Hennigar addressed the committee respecting a \$5,000 water bill at 92 East 15th Street, with the aid of a presentation. A copy of the presentation has been included in the official record.

(A. Johnson/Pearson)

That the delegation from Anthony Godlewski and Darryl Hennigar, respecting a \$5,000 water bill at 92 East 15th Street, be received.

CARRIED

A copy of the presentation is available at www.hamilton.ca.

(iv) Supporting documentation provided by staff respecting water billing at 92 East 15th Street (Item 6.4(a))

(B. Johnson/Pearson)

That the supporting documentation provided by staff, respecting water billing at 92 East 15th Street, be received.

CARRIED

(v) Joe Deschenes Smith, Trillium Housing, respecting Development Charge Exemption Request (Added Item 8.5 on today's agenda) (For today's meeting) (Added Item 6.5)

Joe Deschenes Smith from Trillium Housing, addressed the Committee respecting their Development Charge Exemption Request.

(Collins/B. Johnson)

That the delegation from Joe Deschenes Smith, Trillium Housing respecting their Development Charge Exemption Request, be received.

CARRIED

- (vi) **Amir Atri, Garda Canada Security Corp (GardaWorld), respecting the Commercial Relationship Between the City of Hamilton and Primary Response Inc. (Item 12.2 on today's agenda) (For today's meeting) (Added Item 4.3)**

Amir Atri from Garda Canada Security Corp (GardaWorld), addressed the Committee respecting the Commercial Relationship Between the City of Hamilton and Primary Response Inc. (Item 12.2 on today's agenda).

(Collins/Ferguson)

That the delegation from Amir Atri, Garda Canada Security Corp (GardaWorld) respecting the Commercial Relationship Between the City of Hamilton and Primary Response Inc., be received.

CARRIED

(g) DISCUSSION ITEMS (Item 8)

- (i) **Commercial Relationship Between the City of Hamilton and Ontario Inc. 2380585, c/o Wise and Hammer Inc. and Related Entities (FCS17085(a) / BOH17042(a)) (City Wide) (Item 8.1)**

(Collins/Ferguson)

That Report FCS17085(a) / BOH17042(a) respecting the Commercial Relationship Between the City of Hamilton and Ontario Inc. 2380585, c/o Wise and Hammer Inc. and Related Entities be LIFTED from the table.

CARRIED

For further disposition of this matter, refer to Item 6.

- (ii) **Toronto Tank Lines - Property Tax Arrears (FCS18076) (Ward 5) (Outstanding Business List Item) (Item 8.2)**

(Ferguson/Collins)

That Report FCS18076 respecting Toronto Tank Lines - Property Tax Arrears, be TABLED until the September 10, 2018 Audit, Finance and Administration Committee Meeting to allow the Ward Councillor, staff, and the Vendor to meet to discuss the issue.

CARRIED

- (iii) **Water and Wastewater / Storm Consecutive Estimated Accounts Policy Amendment (FCS18074) (City Wide) (Item 8.3)**

Chair VanderBeek advised that public notice was given for Item 8.3, Water and Wastewater / Storm Consecutive Estimated Accounts Policy Amendment (FCS18074), which invited interested parties to make

representations at today's meeting. There were no registered speakers and no one in attendance came forward to speak to the proposed changes.

For further disposition of this matter, refer to Item 7.

(iv) Fees and Charges for the Supply of Raw Water to 690 Strathearne Avenue North (FCS18049(a)) (Ward 4) (Item 8.4)

Chair VanderBeek advised that public notice was given for Item 8.4, Fees and Charges for the Supply of Raw Water to 690 Strathearne Avenue North (FCS18049(a)) which invited interested parties to make representations at today's meeting. There were no registered speakers and no one in attendance came forward to speak to the proposed changes.

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

(v) Development Charge Exemption Request from Trillium Housing (HSC18040) (City Wide) (Outstanding Business List Item) (Added Item 8.5)

(Collins/B. Johnson)

That Report HSC18040 respecting a Development Charge Exemption Request from Trillium Housing be moved up the agenda to immediately follow Added Item 6.5 the delegation from Joe Deschenes Smith, Trillium Housing.

CARRIED

For further disposition of this matter, refer to Item 9.

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

That the following amendments to the Outstanding Business List, be approved:

(Collins/B. Johnson)

11.1(a) Items considered complete and needing to be removed:

Trillium Housing - Development Charges
(Added Item 8.5 on today's agenda)
Item on OBL: N

CARRIED

The following Item will remain on the Outstanding Business List as the corresponding Item was TABLED:

Staff Reports Respecting Supplement Taxes and Assessment
Complaints Respecting 500 Eastport Blvd
(Item 8.2 on today's agenda)
Item on OBL: J

(i) **PRIVATE & CONFIDENTIAL (Item 12)**

(i) **Closed Session Minutes – July 11, 2018 (Item 12.1)**

(B. Johnson/Collins)

- (a) That the Closed Session Minutes of the July 11, 2018 Audit, Finance and Administration meeting, be approved as presented; and
- (b) That the Closed Session Minutes of the July 11, 2018 Audit, Finance and Administration meeting, remain confidential.

CARRIED

(B. Johnson/Collins)

That Committee move into Closed Session respecting Item 12.2 pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), 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 advice that is subject to solicitor/client privileges, including communications necessary for that purpose.

CARRIED

(ii) **Commercial Relationship Between City of Hamilton and Primary Response Inc. (LS18040 / FCS18063) (City Wide) (Item 12.2)**

Staff were provided with direction in Closed Session.

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

(j) **ADJOURNMENT (Item 13)**

(Ferguson/Pearson)

That, there being no further business, the Audit, Finance and Administration Committee, be adjourned at 11:58 a.m.

CARRIED

Respectfully submitted,

Councillor VanderBeek, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk