



## **AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 19-014**

**9:30 a.m.  
October 3, 2019  
Council Chambers  
Hamilton City Hall**

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

**Absent:** Councillors J. Partridge and M. Pearson – Personal

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### **THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 19-014, AND RESPECTFULLY RECOMMENDS:**

**1. 2019 Second Quarter Request for Tenders and Proposals Report (FCS19041(a)) (City Wide) (Item 7.1)**

That Report FCS19041(a), respecting the 2019 Second Quarter Request for Tenders and Proposals Report, be received.

**2. 2019 Second Quarter Emergency and Non-competitive Procurements Report (FCS19042(a)) (City Wide) (Item 7.2)**

That Report FCS19042(a), respecting the 2019 Second Quarter Emergency and Non-competitive Procurements Report, be received.

**3. Second Quarter Non-compliance with the Procurement Policy Report (FCS19043(a)) (City Wide) (Item 7.3)**

That Report FCS19043(a), respecting the Second Quarter Non-compliance with the Procurement Policy Report, be received.

**4. Semi-Annual Employee Attendance Report 2019 (HUR19020) (City Wide) (Item 7.4)**

That Report HUR19020, respecting the Semi-Annual Employee Attendance Report 2019, be received.

**5. Semi-Annual Occupational Injury and Illness Claims 2019 (HUR19021) (City Wide) (Item 7.5)**

That Report HUR19021, respecting the Semi-Annual Occupational Injury and Illness Claims 2019, be received.

**6. Reporting Process for Office of the City Auditor Audit Assurance Reports (AUD19006) (City Wide) (Item 10.1)**

That the Reporting Process for City Audit Assurance Reports attached as Appendix "A" to Audit, Finance & Administration Report 19-014, be approved.

**7. Employee Code of Conduct Updates (HUR19022 / AUD19009) (City Wide) (Item 10.2)**

(a) That Council approve the inclusion of Schedule F: Interacting with the Office of the City Auditor (Appendix "B" to Audit, Finance & Administration Report 19-014) in the City's Code of Conduct for employees; and,

(b) That Council approve the amended wording as highlighted in Schedule D: Outside Employment and Activity (Appendix "C" to Audit, Finance & Administration Report 19-014) in the City's Code of Conduct for employees.

**8. Parkland Dedication Reserve Status Report as of December 31, 2018 (FCS19072) (City Wide) (Item 10.3)**

(a) That Report FCS19072 "Parkland Dedication Reserve Status Report as of December 31, 2018", be received and made available to the public; and,

(b) That Report FCS19072 "Parkland Dedication Reserve Status Report as of December 31, 2018", be forwarded, if requested, to the Ministry of Municipal Affairs and Housing.

**9. City-Wide Cash Handling Policy and Guideline Revisions (FCS19067) (City Wide) (Item 14.2)**

(a) That Appendix "A" to Report FCS19067, revised City-Wide Cash Handling Policy and Guidelines, be approved;

(b) That Appendix "B" to Report FCS19067, Quick Reference regarding the Revisions to the Cash Handling Policy and Guidelines, be received; and,

(c) That the contents of Report FCS19067 respecting the City-Wide Cash Handling Policy and Guideline Revisions, including Appendix "A" and "B", remain confidential.

**10. Appeals of the Development Charge By-laws 19-141 and 19-142 (LS19034 / FCS19071) (City Wide) (Item 14.3)**

- (a) That, once all appeals of Development Charge By-law Nos. 19-141 and 19-142 by academic institutions have been resolved, staff be directed to report back on Outstanding Business List item relating to options for an “Academic and Student Residence Development Grant Program; and,
- (b) That the contents of Report LS19034 / FCS19071, respecting Appeals of the Development Charge By-laws 19-141 and 19-142, remain confidential.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

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

**6. DELEGATION REQUESTS (Item 6)**

- 6.1 Ken Tigchelaar, Hamilton Area Social Enterprises, respecting advocacy for Social Procurement and its implications for Social Enterprise (For a future meeting)
- 6.2 Richard Ferguson, respecting a recent incident regarding water use at his property (For a future meeting)

**11. MOTIONS (Item 11)**

- 11.1 Water Service Line Replacement to Allow for Meter Replacement at 226 Beach Blvd., Hamilton – This item has been withdrawn

The agenda for the October 3, 2019 Audit, Finance and Administration Committee meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) September 19, 2019 (Item 4.1)**

The Minutes of the September 19, 2019 meeting of the Audit, Finance and Administration Committee were approved, as presented.

**(d) COMMUNICATIONS (Item 5)**

**(i) Correspondence from the Hamilton Waterfront Trust respecting their December 31, 2018 Audited Financial Statements (Item 5.1)**

The correspondence from the Hamilton Waterfront Trust respecting their December 31, 2018 Audited Financial Statements, was received.

**(e) DELEGATION REQUESTS (Item 6)**

The following delegation requests, were approved for a future meeting:

- (i) Ken Tigchelaar, Hamilton Area Social Enterprises, respecting advocacy for Social Procurement and its implications for Social Enterprise (Added Item 6.1)
- (ii) Richard Ferguson, respecting a recent incident regarding water use at his property (Added Item 6.2)

**(f) CONSENT ITEMS (Item 7)**

**(i) Hamilton Aboriginal Advisory Committee Minutes - June 19, 2019 (Item 7.6)**

The Hamilton Aboriginal Advisory Committee Minutes from June 19, 2019, were received.

**(g) PRIVATE AND CONFIDENTIAL (Item 14)**

**(i) September 19, 2019 – Closed Minutes (Item 14.1)**

- (a) The Closed Session Minutes of the September 19, 2019 Audit, Finance and Administration meeting, were approved as presented; and,
- (b) The Closed Session Minutes of the September 19, 2019 Audit, Finance and Administration meeting, remain confidential.

Committee moved into Closed Session respecting Items 14.2 & 14.3, pursuant to Section 8.1, Sub-sections (a), (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (a), (e) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain to the security of the property of the municipality or local board; litigation or potential litigation, including matters before administrative tribunals, affecting municipality or local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**(ii) City-Wide Cash Handling Policy and Guideline Revisions (FCS19067)  
(City Wide) (Item 14.2)**

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

**(iii) Appeals of the Development Charge By-laws 19-141 and 19-142  
(LS19034 / FCS19071) (City Wide) (Item 14.3)**

Staff were provided with direction in Closed Session.

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

**(h) ADJOURNMENT (Item 15)**

There being no further business, the Audit, Finance and Administration Committee, adjourned at 10:48 a.m.

Respectfully submitted,

Councillor Collins, Chair  
Audit, Finance and Administration  
Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk

**APPENDIX "A"**  
**REPORTING PROCESS FOR OFFICE OF THE CITY AUDITOR**  
**AUDIT ASSURANCE REPORTS**

**Compliance Audit Reports**

1. At the conclusion of the fieldwork required for an audit/review, a formal audit report will be drafted. In most cases, the report will follow a short, columnar format and include Background Information, Observations, Recommendations and Management Responses. The Background Information, Observations and Recommendations are written by the Office of the City Auditor. This draft report will then be distributed to management responsible for formulating a response to each recommendation. A two-week turnaround time will be allowed.
2. The responses received from management will be incorporated into the third column of the report. Responses will include an "Agree/Disagree" along with a brief management response that should include current and future actions, an expected completion date or a reason for the disagreement, as warranted.
3. This report will then be circulated to the General Manager(s) of the responsible department(s) for review and approval of the Management Response only. A one-week turnaround time will be allowed.
4. Upon the approval, the final audit report will be presented to the Audit, Finance and Administration Committee for receipt, discussion and staff direction.
5. If management cannot provide a response or provides an insufficient response within the timelines noted above or is delaying the submission of the report to the Audit, Finance and Administration Committee, the City Auditor (or designate) may present the report to the Audit, Finance and Administration Committee and communicate in the report that a Management Response was not received within the Council-approved timelines and/or provide commentary on response deficiencies.

**Follow Up Reports**

1. As prior audits are followed up, any new information will be added to the original audit/review report of a process/service. This additional, new information will be the result of the Office of the City Auditor's follow up review.
2. This draft report will be sent to appropriate staff and the General Manager(s) of the department(s) responsible for the implementation of the recommendations for information and to ensure the remarks by the Office of the City Auditor are reflective of current conditions.
3. The follow up report will be presented to the Audit, Finance and Administration Committee for receipt.

**Value for Money Audit Reports**

The process for Value for Money Reports is the same as Compliance Audit Reports, with the exception that a three-week turnaround time will be allowed and a long form, narrative report that includes Background Information, Audit Objectives, Scope, Detailed Observations by topic or issue, Recommendations and Management Responses.

**Note**


Copies of all audit/review and follow up reports are provided to the Senior Leadership Team (SLT) members for information only at the time the Clerk's Office is requested to place the reports on the Audit, Finance and Administration Committee agenda.

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**Schedule F: Interacting with the Office of the City Auditor**

<p><b>PURPOSE</b></p>	<p>In accordance with the Municipal Act and City of Hamilton By-Law 19-180, the City Auditor acts as an Accountability Officer of the City of Hamilton. The Auditor and the Office of the City Auditor (OCA) fulfils this duty by assisting City Council in holding itself and its administrators accountable for the quality of stewardship over public funds and for the achievement of value for money in City operations. The OCA's mandate is to report to Hamilton City Council via the Audit, Finance and Administration Committee objective information and recommendations resulting from independent audits of the government's programs, and in other areas outlined in the Audit Charter.</p> <p>Audits are vital to ensuring transparency in government and in building trust and confidence. The purpose of this schedule is to outline the roles, responsibilities and expectations of all staff when involved in an audit investigation or other work.</p>
<p><b>SCOPE</b></p>	<p>Schedule F of the Code of Conduct applies to all employees at the City of Hamilton, including but not limited to regular, temporary and contract employees, volunteers, students and interns.</p> <p>Schedule F is applicable to the following types of work undertaken by the OCA:</p> <ul style="list-style-type: none"> <li>• All types of audits (including compliance, value for money or a combination of the two)</li> <li>• Investigations (including Fraud, Waste and Whistleblower)</li> <li>• Other types of work at the City Auditor's discretion</li> </ul> <p>Schedule F is not applicable to the following types of work due to their collaborative nature:</p> <ul style="list-style-type: none"> <li>• Risk assessments</li> <li>• Consulting projects (including research)</li> </ul> <p>If for these types of work, issues in obtaining information are encountered, the work may either be cancelled or be switched to an audit or investigation, at the discretion of the City Auditor.</p>




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<p><b>GUIDING PRINCIPLES</b></p>	<p>The following principles guide interactions between City employees and the Office of the City Auditor (OCA), when conducting audits and investigations.</p> <p><b><u>Independence</u></b>                  The City Auditor and staff are independent of City administration and operations. This independence is a safeguard that enables the OCA to fulfil its auditing and reporting responsibilities objectively and fairly. City auditors must therefore be free from any external impairment to that independence.</p> <p><b><u>Respect</u></b>                  Under the <i>Municipal Act</i> the OCA has the mandate and the authority to set the parameters of an audit. All dealings with the OCA shall be respectful of that authority.</p> <p><b><u>Responsibility</u></b>                  All City staff involved in an audit have a responsibility to ensure a positive and constructive relationship and working environment. In particular, Leaders have a duty to ensure this relationship is maintained through the course of an audit.</p> <p><b><u>Co-operation</u></b>                  It is the responsibility of all City staff to provide the OCA with access to the people, information, systems and records necessary to the performance of its legislated audit responsibilities. Provision of information will occur in an atmosphere that respects and protects the confidentiality of staff members</p>
<p><b>DEFINITIONS</b></p> <p><b>Accountability Officer</b></p>	<p>Independent parties that ensure transparency and accountability and receive and investigate complaints. This</p>

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<b>Audit Working Papers</b>	can include the City Auditor, Integrity Commissioner, Lobbyist Registrar or Ombudsman
<b>Information</b>	Auditors' files, notations, analysis and documentation, both electronic and paper, that support findings and conclusions in their report.
<b>Sensitive and Confidential Information</b>	All hard copy, electronic records and meta data.
<b>TERMS AND CONDITIONS</b>	Information that is protected, including information excluded from MFIPPA and PFIPPA FOI requests.
<b>Audit Standards</b>	While conducting an audit, Auditors are obliged to follow audit standards. Auditors are required to maintain an attitude of professional scepticism in ensuring that all the information examined is supportable.
<b>Confidentiality</b>	Auditors are obliged to obtain sufficient and appropriate evidence regarding the information gathered, including electronic, written and verbal.
<b>When Requested to Interact with the</b>	Confidentiality is an integral part of the audit process and the OCA has a duty to protect the confidentiality of information received and cannot communicate information other than as part of the audit report and in prescribed situations. Accordingly, per section 223.22 (4) of the <i>Municipal Act</i> , audit working papers shall not be made available as they are confidential. Information collected by the auditors is not subject to public access under <i>the Municipal Freedom of Information and Protection of Privacy Act</i> (MFIPPA).
<b>When Requested to Interact with the</b>	When involved in an audit investigation or other work, all City of Hamilton employees will:

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<p><b>Office of the City Auditor</b></p>	<ul style="list-style-type: none"> <li>• Fully cooperate with the OCA</li> <li>• At the start of the audit, share all relevant information (including consultant's reports) and provide access to systems</li> <li>• Respond courteously, with fairness and honesty to inquiries and requests for information or assistance from the OCA and not limit or unreasonably delay the time allowed to provide information and conduct interviews.</li> <li>• Respect that the OCA has the authority to select and determine what information is required for the audit, decide the pertinence of information, the selection or application of audit procedures and transactions or events to be examined.</li> <li>• Not restrict the audit or interfere with the auditors' ability to form independent, objective opinions and conclusions, or in matters of audit selection, scope and report content.</li> <li>• Provide clear and full disclosure of requested information and explanations, and the appropriate access to City resources and information sources.</li> <li>• Provide original supporting documentation when available and requested by the auditors, and shall in no way alter, change or delete information or records.</li> <li>• Leaders shall permit access to staff for the purposes of interviews, confidentially if so requested by the auditor.</li> <li>• Leaders will cooperate with any requests to assign a coordinator to work with the Office of the City Auditor to coordinate materials and ensure that the audit investigation or other work is handled efficiently. However, that should not constrict auditors from having</li> </ul>
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	<p>direct access to information custodians or operational staff.</p>
<b>Release of Sensitive Information</b>	<p>All City records including confidential and sensitive information are subject to review by the OCA. Where approval is required by the General Manager for release of information, the approval process should not unreasonably delay the audit process.</p> <p>Any information including sensitive and confidential information, must be provided in full and not be redacted, altered or abridged.</p>
<b>Issues Arising During the Course of an Audit</b>	<p>If, during the course of an audit, an employee commits or becomes aware of any infraction of the <i>Code of Conduct</i> they are obligated to contact the City Auditor to report the activity directly, or using the Fraud and Waste Hotline.</p> <p>If at any time, an employee is unclear if the infraction of the <i>Code of Conduct</i> jeopardizes the integrity of the audit, they will contact the Office of the City Auditor for consultation in the matter, or through the Fraud and Waste Hotline.</p> <p>The bringing forth of such information will be held in strict confidence by the City Auditor. Once the City Auditor has documented the information, it will be reviewed to determine how the infraction impacts the audit and develop next steps in dealing with the issue.</p>
<b>RELATED DOCUMENTS</b>	<p><i>OCA activity is guided by the following professional standards and/or legislative requirements:</i></p> <ul style="list-style-type: none"> <li>• <i>Municipal Act, Sections 223.19-223.23 (Auditor General), as applicable.</i></li> <li>• <i>City of Hamilton Whistleblower By-law (19-181).</i></li> <li>• <i>City Auditor Bylaw (19-180)</i></li> </ul>

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	<ul style="list-style-type: none"> <li>• <i>International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors, for audit, assurance and general consulting work.</i></li> <li>• <i>Certified Fraud Examiners Code of Professional Standards issued by the Association of Certified Fraud Examiners for Fraud, Waste and Whistleblower assessments and investigations.</i></li> <li>• <i>Fraud and Waste Hotline</i></li> </ul>
<b>COMPLIANCE</b>	<p>Every employee is expected to be aware of and act in compliance with this policy and with the related Code of Conduct for Employees Policy. Any employee under investigation may be suspended with or without pay or be re-assigned to other duties pending completion of the investigation, depending on the particulars of the case and the best interests of the City. Where there is serious wrongdoing as defined in the Whistleblower By-law, then the By-Law prevails. Violations of this policy may result in appropriate disciplinary measures, up to and including dismissal.</p>

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**Schedule D: Outside Employment and Activity**

<b>PURPOSE</b>	<p>The City of Hamilton recognizes that City employees are engaged in pursuits outside of their work day. This may include, but is not limited to, involvement in community groups and organizations, working with political organizations, and/or seeking additional employment opportunities in addition to their role at the City.</p> <p>While the City supports employees in their personal endeavors, the outside activities of employees must align with the City's culture and values and must not create a conflict of interest, contravene City of Hamilton policies and procedures or misrepresent the City of Hamilton in any way. In addition, employees' behaviour outside of the workplace must not diminish the trust and confidence that the community has in City administration or impact the City's ability to provide services to the community.</p>
<b>DEFINITIONS</b>	
<b>Hate</b>	<p>Acts of hate are committed to intimidate, harm or terrify victims and the identifiable groups to which they belong. Victims of hate are targeted on the sole basis of who they are and/or the groups to which they belong (i.e., being Jewish, Muslim, Transgender, Black, Indigenous, etc.).</p> <p>Hate Related Incidents may involve intimidation, harassment, physical force or threat of physical force against a person, a group or a property if motivated by hatred/bias/prejudice against an identifiable group. Acts of hate may be committed by strangers or individuals well known to the victim. Perpetrators may include individuals, groups, organizations and institutions. Victims may be reluctant to report hate for a variety of reasons, including: not recognizing that the motivation was hate; fear of retaliation; embarrassment and humiliation; and/or uncertainty of the criminal justice system response.</p>
<b>Hate Activity</b>	<p>Can include, but is not limited to, verbal slurs; threats; vandalism; intimidation and harassment; and public messages that imply that members of an identifiable group are to be despised, scorned, denied respect and made subject to ill-treatment on the basis of</p>

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	group affiliation. Such messages may include group symbols, slogans or epithets and can be transmitted in many ways (e.g. graffiti, posters, flyers, hate mail, over the telephone, website and e-mail content, etc.)
<b>TERMS AND CONDITIONS</b>	
<b>Outside Employment</b>	<p>Employees shall not take outside employment, including self-employment, if such employment:</p> <ul style="list-style-type: none"> <li>• causes a real or apparent conflict of interest; or</li> <li>• is performed in such a way as to appear to be an official act of or to represent the City; or</li> <li>• interferes with regular duties in any way, or involves the use of City premises, resources or equipment including but not limited to City e-mail, telephones, cell phones, or supplies.</li> </ul> <p>Where it appears that a conflict of interest might arise in accepting outside employment, employees must notify their supervisor in writing of the nature of such outside employment prior and receive written permission prior to the acceptance of such employment (See Reporting a Conflict of Interest below).</p>
<b>Outside Business &amp; Financial Activity</b>	No employee participating in any outside business or financial activity shall do so during work hours or use the City's facilities or property including but not limited to vehicles, equipment, tools, photocopiers, stationery, telephones or cell phones, computers, etc., for the benefit or purpose of such business or activity.
<b>Purchase or Lease of Real Property</b>	No employee of the City shall directly or indirectly purchase or lease real property from or to the City, nor shall an employee have any direct or indirect interest in a company which purchases or leases real property from or to the City, unless this interest has been fully disclosed to the appropriate approving authority and unless the

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<p><b>Employees Doing Business with the City</b></p>	<p>purchase or lease of the real property is done through a public process</p>
<p><b>Individual Behavior Outside of the Workplace</b></p>	<p>No employee shall knowingly approve or attempt to influence the approval of any license, permit, contract, agreement or other document on behalf of the City for his or her own personal use, or for the use of an individual with whom the employee has a financial or social relationship. This is in accordance with the City's <u>Procurement Policy By-law</u>.</p>
<p><b>Involvement with Outside Groups</b></p>	<p>Employees must not engage in any behaviour outside of the workplace that:</p> <ul style="list-style-type: none"> <li>• Violates City polices, including the Code of Conduct and the Harassment and Discrimination policy</li> <li>• Falls under the City's definition of hate or hate activity</li> <li>• Is in misalignment with the City's culture and values</li> <li>• Is detrimental to the City of Hamilton</li> <li>• Impacts the City's ability to carry out services</li> <li>• Negatively impacts the trust and confidence that the community has in City administration</li> </ul>
<p><b>Community Board Activity</b></p>	<p>No employee of the City of Hamilton shall participate or otherwise be involved with groups who engage in hate or hate activity.</p> <p>When considering involvement with outside groups, employees should ensure that they are aware of and fully understand the group's objectives, values and beliefs to ensure that they are not in misalignment with the City's corporate culture and values.</p> <p>No employee shall accept an appointment to the Board of a community agency or association that deals with matters related to the activities of the City, without the written permission of his or her Director or designate. Written permission of the Director or designate is not required if the employee is appointed to the Board of the agency or association by the City to represent the City's interests.</p>



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<b>Political Activity</b>	<p>Any City employee serving on a community board shall take all reasonable actions to avoid any real conflict or apparent conflict between Board activity and the City's interests. Where a real or apparent conflict exists, the employee shall declare the conflict and shall not take part in, or be present for, any Board discussion or decision about the issue raising the conflict of interest. If the conflict of interest is significant, the employee shall resign from the board.</p> <p>To ensure public trust in the City of Hamilton, employees must be, and appear to be, both personally impartial and free from undue political influence in the exercise of their duties.</p> <p>Employees engaged in political activities must take care to separate personal political activities from their position of employment with the City.</p> <p>Employees who are politically involved in Municipal, Provincial, or Federal levels of government must make it clearly understood that they are acting personally and not as representatives of the City.</p> <p>Employees who are running for elected office at the municipal level must abide by the respective legislation governing such elections. This includes abiding by s. 30 of the Municipal</p> <p>Elections Act, 1996 which requires that employees request and <u>obtain an unpaid leave of absence beginning as of the day the employee is nominated and ending on voting day</u>; and deems employees who are elected to office to have resigned from employment immediately before making their declaration of office.</p> <p>Any employee who is politically involved shall ensure that such involvement does not interfere with his or her ability to perform his or her corporate duties objectively.</p> <p>Employees must not engage in any political activity during working hours or utilize City assets resources or property.</p>
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	<p>Employees shall not identify themselves as City employees when engaged in political activity (e.g. employees shall not wear clothing with the City of Hamilton logo while canvassing for a candidate).</p> <p>Notices, posters or similar material in support of a particular candidate or political party are not to be displayed or distributed by employees at City work sites or on City property. An employee's decision to support a candidate or political party financially remains a personal decision.</p>
<b>COMPLIANCE</b>	<p>Every employee is expected to be aware of and act in compliance with the Code of Conduct for Employees Policy and the related Schedules. Any employee under investigation may be suspended with or without pay or be re-assigned to other duties pending completion of the investigation, depending on the particulars of the case and the best interests of the City. Where there is a serious wrongdoing, as defined in the Whistleblower By-law, that By-law applies. Violations of this Schedule may result in appropriate disciplinary measures, up to and including dismissal with cause.</p>