



## **AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 21-009**

**9:30 a.m.  
June 3, 2021  
Council Chambers  
Hamilton City Hall**

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

**Also Present:** Mayor F. Eisenberger

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### **THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:**

#### **1. CONSENT ITEMS (Item 7)**

##### **(Pearson/Clark)**

That the following Consent Items (Item 7), be received:

- (a) 2021 First Quarter Request for Tenders and Proposals Report (FCS21008) (City Wide) (Item 7.1)
- (b) 2021 First Quarter Emergency and Non-competitive Procurements Report (FCS21009) (City Wide) (Item 7.2)
- (c) 2021 First Quarter Non-Compliance with the Procurement Policy Report (FCS21010) (City Wide) (Item 7.3)

#### **Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
NOT PRESENT - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Mayor Fred Eisenberger

**2. Options for Relief from Municipal Charges for the Taxi and Snow Plow Industries (LS21020) (City Wide) (Item 7.4)**

**(Collins/Wilson)**

That Report LS21020, respecting Options for Relief from Municipal Charges for the Taxi and Snow Plow Industries, be received.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
CONFLICT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Mayor Fred Eisenberger

**3. Development Agreement Surety Bonds (FCS21056 / LS21021) (City Wide) (Item 10.1)**

**(Pearson/Clark)**

- (a) That Development Agreement Surety Bond Policy FPAP-DA-001 and accompanied Development Agreement Surety Bond Language Template, substantially in the form attached as Appendix "A" to Report FCS21056 / LS21021, be adopted;
- (b) That staff be directed to update the language used in the Development Agreement templates to permit surety bonds as an acceptable form of security; and,
- (c) That staff be directed to bring forward a report to the Audit, Finance and Administration Committee which summarizes the uptake and any challenges encountered with Surety Bonds within 24 months of accepting the first Surety bond under the Development Agreement Surety Bond Policy.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson  
YES - Mayor Fred Eisenberger

**4. Ancaster Tennis Club Loan Request (FCS21032) (Ward 12) (Item 10.2)**

**(Ferguson/Johnson)**

- (a) That the General Manager, Finance and Corporate Services, be authorized and directed to enter into an interest free loan agreement with the Ancaster Tennis Club not to exceed \$940,000, inclusive of the previously approved \$290,000 through Report PW17089(a), pursuant to the City's External Loan Guidelines, for the construction of a new dome and related infrastructure to be repaid in full within 15 years of the loan advance, together with a General Security Agreement, both in a form satisfactory to the City Solicitor and General Manager, Finance and Corporate Services;
- (b) That the Ancaster Tennis Club loan be repaid with annual payments on the anniversary dates of the loan advance as reflected in the repayment schedule attached hereto as Appendix "A" to Report FCS21032;
- (c) That the Mayor and City Clerk be authorized to execute the Loan Agreement, the General Security Agreement and any ancillary documents required to give effect to the Ancaster Tennis Club loan;
- (d) That the General Manager, Healthy and Safe Communities, be authorized and directed to execute a License Agreement, together with any ancillary documents with the Ancaster Tennis Club to allow the ongoing use of City property by the Ancaster Tennis Club and the addition of the infrastructure required to support the new Dome in a form satisfactory to the City Solicitor; and,
- (e) That the General Manager, Healthy and Safe Communities Department, or designate, be delegated the authority to negotiate and grant naming rights to Rogers Canada for the City facility occupied by the Ancaster Tennis Club as required to permit the Ancaster Tennis Club to obtain sponsorship funding pursuant to the Community Tennis Facility Fund and to execute any necessary consents or agreements to facilitate the sponsorship and naming rights, with content acceptable to the General Manager of Healthy and Safe Communities Department, or designate and the City Solicitor.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Mayor Fred Eisenberger

**5. Canada Healthy Communities Initiative Intake Two (FCS21020(a)) (City Wide) (Item 10.3)**

**(Pearson/Clark)**

- (a) That the Public Space and Park Wi-Fi Connectivity Project, be approved as the City of Hamilton's submission for consideration to the Community Foundations of Canada for the requested funding amount of \$250,000 in accordance with the terms and conditions associated with the Canada Healthy Communities Initiative;
- (b) That the Mayor and City Clerk be authorized to execute all necessary documentation, including Funding Agreements to receive funding under the Canada Healthy Communities Initiative with content satisfactory to the General Manager, Finance and Corporate Services, and in a form satisfactory to the City Solicitor;
- (c) That the City Solicitor be authorized and directed to prepare any necessary by-laws for Council approval, for the purpose of giving effect to the City's acceptance of funding from the Canada Healthy Communities Initiative for The Public Space and Park Wi-Fi Connectivity Project;
- (d) That, should this funding application be successful, the ongoing operating costs for connectivity estimated at \$30,000 be included in the 2022 Tax Operating Budget for consideration; and,
- (e) That copies of Report FCS21020(a) be forwarded to local Members of Parliament.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
CONFLICT - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Mayor Fred Eisenberger

**6. 2019 Development Charges Amending By-law and Background Study Update (FCS21048) (City Wide) (Item 10.4)**

**(Pearson/VanderBeek)**

- (a) That the Development Charges Update Study prepared by Watson & Associates Economists Ltd. and dated March 5, 2021, attached hereto as Appendix "A" of Report FCS21048, be approved;

- (b) That, having considered the matters in Report FCS21048 including the changes incorporated into the 2019 Development Charges Amending By-law, attached hereto as Appendix “B” of Report FCS21048, no further meeting under s. 12 of the Development Charges Act, 1997 is required; and,
- (c) That Appendix “B” attached to Report FCS21048 respecting the 2019 Development Charges Amending By-law, prepared in a form satisfactory to the City Solicitor, be passed and enacted.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Mayor Fred Eisenberger

**7. Parkland Dedication Reserve Status Report as of December 31, 2020  
(FCS21030) (City Wide) (Item 10.5)**

**(Pearson/Johnson)**

- (a) That Report FCS21030 “Parkland Dedication Reserve Status Report as of December 31, 2020” be received and made available to the public; and,
- (b) That Report FCS21030 “Parkland Dedication Reserve Status Report as of December 31, 2020” be forwarded, if requested, to the Ministry of Municipal Affairs and Housing.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Mayor Fred Eisenberger

**8. Citizen Committee Report - Committee Against Racism - Recommendations for the City's Hamilton.ca/coronavirus webpage with Respect to Anti-Asian Racism (Added Item 10.6)**

**(Wilson/Johnson)**

That the City of Hamilton update the Coronavirus Website's Choose Solidarity message (located at <https://www.hamilton.ca/coronavirus>) to acknowledge the increase in anti-Asian racism against Asian communities, provide information about resources to support individuals who have faced racism, and provide information about anti-racism education.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Mayor Fred Eisenberger

**9. Appointments to the Committee Against Racism for the Remainder of the 2018 - 2022 Term (Item 14.1)**

**(Wilson/Clark)**

That the appointments to the Committee Against Racism, for the remainder of the 2018 – 2022 term of Council, be approved and released publicly following approval by Council.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Mayor Fred Eisenberger

**FOR INFORMATION:**

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

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

**5. COMMUNICATIONS**

- 5.1 Correspondence from the West End Home Builders' Association, respecting the Adoption of Modern Pay on Demand Surety Bonds in Hamilton  
Recommendation: Be received and referred to consideration of Item 10.1.
- 5.2 Correspondence from Brandon Campbell, President, Starward Homes, respecting the Adoption of Modern Pay on Demand Surety Bonds in Hamilton  
Recommendation: Be received and referred to consideration of Item 10.1.
- 5.3 Correspondence from Mike Naples, Director, Masters Insurance Limited, respecting the Adoption of Modern Pay on Demand Surety Bonds in Hamilton  
Recommendation: Be received and referred to consideration of Item 10.1.

**10. DISCUSSION ITEMS**

- 10.6 Citizen Committee Report - Committee Against Racism - Recommendations for the City's [Hamilton.ca/coronavirus](https://www.hamilton.ca/coronavirus) webpage with Respect to Anti-Asian Racism

**(VanderBeek/Pearson)**

That the agenda for the June 3, 2021 Audit, Finance and Administration Committee meeting be approved, as amended.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Mayor Fred Eisenberger

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

Councillor Ferguson declared an interest to Item 7.4, Options for Relief from Municipal Charges for the Taxi and Snow Plow Industries (LS21020), as he is an investor in the taxi industry.

Councillor Wilson declared an interest to Item 10.3, Canada Healthy Communities Initiative Intake Two (FCS21020(a)), as her spouse sits on the National Board that is deciding on the selection, as there may be a perceived interest.

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

**(i) May 20, 2021 (Item 4.1)**

**(Pearson/Johnson)**

That the Minutes of the May 20, 2021 meeting of the Audit, Finance and Administration Committee be approved, as presented.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Mayor Fred Eisenberger

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

**(Pearson/Johnson)**

That the following Communications Items (Item 5), be received and referred to consideration of Item 10.1:

- (i) Correspondence from the West End Home Builders' Association, respecting the Adoption of Modern Pay on Demand Surety Bonds in Hamilton (Added Item 5.1)
- (ii) Correspondence from Brandon Campbell, President, Starward Homes, respecting the Adoption of Modern Pay on Demand Surety Bonds in Hamilton (Added Item 5.2)
- (iii) Correspondence from Mike Naples, Director, Masters Insurance Limited, respecting the Adoption of Modern Pay on Demand Surety Bonds in Hamilton (Added Item 5.3)

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson



YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Mayor Fred Eisenberger

For disposition of this matter, refer to Item 3.

**(e) CONSENT ITEMS (Item 7)**

**(ii) Options for Relief from Municipal Charges for the Taxi and Snow Plow Industries (LS21020) (City Wide) (Item 7.4)**

Councillor Ferguson relinquished the Chair to Councillor Pearson.

**(Johnson/Clark)**

That staff be directed to prepare correspondence to the Ministry of Transportation of Ontario, and other appropriate bodies respecting insurance for the taxi and snow plow industries.

**Result: Motion CARRIED by a vote of 6 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
CONFLICT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Mayor Fred Eisenberger

**(Clark/VanderBeek)**

That staff be directed to determine the number of snow plow operators in the last two years that have not been able to provide service due to insurance issues and report back to the Audit, Finance & Administration Committee.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Mayor Fred Eisenberger

Councillor Ferguson assumed the Chair.

**(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)**

- (i) The following Delegations addressed the Committee respecting Report FCS21056/LS21021, Development Agreement Surety Bonds (City Wide) (Item 10.1)
  - (a) Mike Collins-Williams, West End Homebuilders' Association (Item 9.1)
  - (b) Stephanie Kuntz, Marsh Canada (Item 9.2)
  - (c) Terri Johns, T Johns Consulting (Item 9.3)
  - (d) Sergio Manchia, Urbancore Group of Companies (Item 9.4)

**(Pearson/Johnson)**

That the above Delegations, listed as Items 9.1 to 9.4, be received.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson  
YES - Mayor Fred Eisenberger

For disposition of this matter, please refer to Item 3.

**(g) DISCUSSION ITEMS (Item 10)**

**(i) Ancaster Tennis Club Loan Request (FCS21032) (Ward 12) (Item 10.2)**

Councillor Ferguson relinquished the Chair to move the motion.

For disposition of this matter, please refer to Item 4.

Councillor Ferguson assumed the Chair.

**(h) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

**(i) Amendment to the Outstanding Business List (Item 13.1)**

**(Pearson/VanderBeek)**

That the following amendments to the Audit, Finance & Administration Committee's Outstanding Business List, be approved:

**(a) Items Considered Complete and Needing to be Removed:**

Options for Relief from Municipal Fees and Charges for the Taxi Industry (FCS20067) (City Wide)

That staff be directed to consult with other municipalities to review the current situation with regards to high insurance premiums on the taxi and snow plow industries and report back with their findings.

Added: August 13, 2020 at AF&A - Item 8.2

Completed: June 3, 2021 at AF&A - Item 7.4

OBL Item: 20-H

Stimulating Local Development - Affordable Housing Projects -  
Cash-in-lieu Parking Policy – Downtown Secondary Plan Area -  
Temporary Period

That Finance and Legal staff be directed to report back to the Audit, Finance and Administration Committee on the potential for the use of surety bonds as financial security for development projects to secure municipal agreements.

Added: December 9, 2020 at GIC – Item 8.1(d)

Completed: June 3, 2021 at AF&A – Item 10.1

OBL Item: 20-N

Healthy Communities Initiative Intake One (FCS21020) (City Wide)

That staff report back on a recommended project for the City to submit to the second intake to the Canada Healthy Communities Initiative expected in May 2021.

Added: February 19, 2021 at Public Works – Item 9.4

Completed: June 3, 2021 at AF&A – Item 10.3

OBL Item: 21-D

**(b) Items Requiring a New Due Date:**

Review of Procurement Policies as it relates to Hiring Local Trades  
That staff be directed to review the City's current procurement policy; review the procurement policies of other municipalities that now include provisions regarding hiring local trades; and re-examine Report FCS09109(c) Evaluation of the City of Hamilton Purchasing Program Update.

Current Due Date: August 2020

Updated Due Date: Q1 2022

OBL Item: G

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Mayor Fred Eisenberger

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

Committee determined that discussion of Item 14.1 was not required in Closed Session, so the item was addressed in Open Session, as follows:

**(i) Appointments to the Committee Against Racism for the Remainder of the 2018 - 2022 Term (Item 14.1)**

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

**(j) ADJOURNMENT (Item 15)**

**(Pearson/VanderBeek)**

That, there being no further business, the Audit, Finance and Administration Committee, be adjourned at 10:58 a.m.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Mayor Fred Eisenberger

Respectfully submitted,

Councillor Ferguson, Chair  
Audit, Finance and Administration  
Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk