



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 21-012

**9:30 a.m.
August 12, 2021
Council Chambers
Hamilton City Hall**

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

Absent: Councillor B. Clark - Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. CONSENT ITEMS (Item 7)

(Pearson/Johnson)

That the following Consent Items, be received:

- (a) 2019 Audited Financial Statements for City of Hamilton Business Improvement Areas (BIAs) (FCS21038) (City Wide) (Item 7.1)**
- (b) Ward Specific Funding Initiatives Update as of December 31, 2020 (FCS21064) (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
NOT PRESENT - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

2. Governance Review Sub-Committee Report 21-004 - June 25, 2021 (Item 10.1)

(Pearson/Johnson)

- (a) Poll Results – Recording of Advisory Committee Meetings (FCS21054) (City Wide) (Outstanding Business List Item) (Item 7.1)**

That Report FCS21054, respecting Poll Results – Recording of Advisory Committee Meetings, be received.

- (b) **Virtual Participation of a Member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee Meetings Outside of an Emergency (FCS21058) (City Wide) (Outstanding Business List Item) (Item 10.1)**
- (i) That Council approve the request for two (2) additional FTEs to support the provision of ongoing virtual participation of Members of Council and virtual delegations at Standing Committee and Sub-Committee meetings supported by the Office of the City Clerk, be referred to the 2022 budget deliberations for consideration;
 - (ii) That staff be directed to acquire the technology (equipment and the programming of software) to reconfigure the Council Chamber in order to conduct Hybrid meetings on an ongoing basis, to be funded from the Tax Stabilization Reserve at a cost not exceed \$30,000;
 - (iii) That staff be directed to acquire the technology (equipment and the programming of software) to reconfigure Room 264 in order to conduct Hybrid meetings on an ongoing basis, to be funded from the Tax Stabilization Reserve at a cost not exceed \$30,000; and,
 - (iv) That Council approve the amendments to the Procedural By-Law 21-021 outlined in **REVISED** Appendix “A” to permanently allow Virtual Participation for Members of Council, Standing Committees, Sub-Committees, Citizen Advisory Committees, and delegations.

Result: Main Motion, As Amended 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
NOT PRESENT - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

3. Governance Review Sub-Committee Report 21-005 - July 14, 2021 (Item 10.2)

(VanderBeek/Pearson)

- (a) **2022 Municipal Election: Voting Methods and Tabulating By-law (FCS21073) (City Wide) (Outstanding Business List Item) (Item 10.1)**
- (i) That the draft By-law attached as Appendix “A” to Governance Review Sub-Committee Report 21-005, to permit the continued use of optical scanning vote tabulators for the purpose of counting votes in municipal elections, and to permit the use of a special vote by mail as an alternative voting method that does not require electors

to attend at a voting place in order to vote, which has been prepared in a form satisfactory to the City Solicitor, be approved;

- (ii) That a one-time increase of \$125,000 to the Election Expense Reserve (112206) be funded through the Tax Stabilization Reserve, to support a special vote-by-mail initiative for the 2022 municipal election; and,
- (iii) That the annual contribution to the Election Expense Reserve (112206) be increased by \$31,250 to cover the increased costs to deliver a special vote-by-mail for future municipal elections, be referred to the 2022 Operating Budget deliberations for consideration.

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
NOT PRESENT - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

4. Review: Ward 3 Capital Reserve Administrative Oversight (AUD21008) (City Wide) (Item 10.3)

(Johnson/Collins)

- (a) That Report AUD21008, respecting the Review: Ward 3 Capital Reserve Administrative Oversight Report, be received;
- (b) That the Management Responses as detailed in Appendix "A" be approved; and,
- (c) That the General Manager of Finance and Corporate Services be directed to implement the Management Responses (attached as Appendix "A" to ReportAUD21008) and report back to the Audit, Finance and Administration Committee by May 2022 on the nature and status of actions taken in response to the review report.

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
NOT PRESENT - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

5. 2020 Reserve Report (FCS21063) (City Wide) (Item 10.4)

(Pearson/Wilson)

- (a) That the 2020 Reserve Report and the 2020 Reserves Detail Report, with 2019 Comparative figures and 2021-2023 Projections, attached as Appendix "A" to Report FCS21063, be received;
- (b) That a Neonatal Interfacility Reserve Policy, attached as Appendix "C" to Report FCS21063, be approved and that the reserve be established subject to the terms outlined in the Policy; and,
- (c) That a Community Paramedicine LTC Reserve Policy, attached as Appendix "D" to Report FCS21063, be approved and that the reserve be established subject to the terms outlined in the Policy.

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
NOT PRESENT - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

5. COMMUNICATIONS

- 5.2 Gabriel Nicholson, respecting Ward Specific Funding Initiatives Update as of December 31, 2020 (FCS21064) (City Wide).

Recommendation: Be received and referred to consideration of Item 7.3, Ward Specific Funding Initiatives Update as of December 31, 2020 (FCS21064) (City Wide).

(Pearson/VanderBeek)

That the agenda for the August 12, 2021 Audit, Finance and Administration Committee meeting be approved, as amended.

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
NOT PRESENT - Ward 9 Councillor Brad Clark

YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) July 8, 2021 (Item 4.1)

(Johnson/Wilson)

That the Minutes of the July 8, 2021 meeting of the Audit, Finance and Administration Committee be approved, as presented.

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
NOT PRESENT - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

(d) COMMUNICATIONS (Item 5)

(VanderBeek/Pearson)

That Communications 5.1 to 5.2, be approved, as follows:

(i) Correspondence from David Broom, respecting Virtual Participation of a Member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee Meetings Outside of an Emergency (Item 5.1)

Recommendation: Be received and referred to consideration of Item 10.1, Governance Review Sub-Committee Report 21-004.

(ii) Gabriel Nicholson, respecting Ward Specific Funding Initiatives Update as of December 31, 2020 (FCS21064) (City Wide) - Item 7.3. (Added Item 5.2)

Recommendation: Be received and referred to consideration of Item 7.3, Ward Specific Funding Initiatives Update as of December 31, 2020 (FCS21064) (City Wide).

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
NOT PRESENT - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

(e) CONSENT ITEMS (Item 7)

(Pearson/Johnson)

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

(i) Various Advisory Committee Minutes (Item 7.2):

- (1) Immigrant and Refugee Advisory Committee - June 10, 2021 (Item 7.2(a))
- (2) Committee Against Racism - April 27, 2021 (Item 7.2(b))
- (3) Hamilton Mundialization Advisory Committee - May 19, 2021 (Item 7.2(c))

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
NOT PRESENT - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

(f) DISCUSSION ITEMS (Item 10)

(i) Governance Review Sub-Committee Report 21-004 – June 25, 2021 (Item 10.1)

The Chair advised that public notice was given for the amendments to the City of Hamilton Procedural By-law 21-021 to permanently allow virtual participation for members of Council, Standing Committees, Sub-Committees, Citizen Advisory Committees and delegations, Item 2 of the Governance Review Sub-Committee Report 21-004, inviting interested parties to make virtual representations at today's meeting. There were no registered speakers.

(Pearson/Johnson)

(a) Poll Results – Recording of Advisory Committee Meetings (FCS21054) (City Wide) (Outstanding Business List Item) (Item 7.1)

That Report FCS21054, respecting Poll Results – Recording of Advisory Committee Meetings, be received.

(b) Virtual Participation of a Member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee Meetings Outside of an Emergency (FCS21058) (City Wide) (Outstanding Business List Item) (Item 10.1)

- (i) That Council approve the request for two (2) additional FTEs to support the provision of ongoing virtual participation of Members of Council and virtual delegations at Standing Committee and Sub-Committee meetings supported by the Office of the City Clerk, be referred to the 2022 budget deliberations for consideration;
- (ii) That staff be directed to acquire the technology (equipment and the programming of software) to reconfigure the Council Chamber in order to conduct Hybrid meetings on an ongoing basis, to be funded from the Tax Stabilization Reserve at a cost not exceed \$30,000;
- (iii) That staff be directed to acquire the technology (equipment and the programming of software) to reconfigure Room 264 in order to conduct Hybrid meetings on an ongoing basis, to be funded from the Tax Stabilization Reserve at a cost not exceed \$30,000; and,
- (iv) That Council approve the amendments to the Procedural By-Law 21-021 outlined in **REVISED** Appendix "A" to permanently allow Virtual Participation for Members of Council, Standing Committees, Sub-Committees, Citizen Advisory Committees, and delegations.

(Pearson/Ferguson)

Amendment to Item 2 of Governance Review Sub-Committee Report 21-004 respecting Virtual Participation of a Member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee Meetings Outside of an Emergency (FCS21058) (City Wide)

WHEREAS, the Municipal Act 2001, as amended, section 240 Subject to the procedure by-law passed permits "the head of council may at any time call a special meeting; and (b) upon receipt of a petition of the majority of the members of council, the clerk shall call a special meeting for the purpose and at the time mentioned in the petition";

WHEREAS, the current Procedural By-law 21-021 is silent on section 240 and the Mayor may require the holding of a special meeting of the Council without notice, in order to consider and deal with urgent and extraordinary matters; and

WHEREAS, the deadline for a Request to Speak with a pre-recorded video was inadvertently omitted from the Procedural By-Law 21-021 and from the proposed amendments considered by Governance Review Sub-Committee on June 25, 2021.

THEREFORE BE IT RESOLVED:

That Appendix "A" to Item 2 attached to Governance Review Sub-Committee Report 21-004 respecting Virtual Participation of a Member of Council at Council, Standing Committee, Sub-Committee, Local Board, and Advisory Committee Meetings Outside of an Emergency (FCS21058) (City Wide), be revised to include the following additional ***amendments*** to the Procedural By-Law 21-021:

(i) **SECTION 3 – COUNCIL MEETINGS**

3.4 Special Meetings of Council

- (1) In addition to scheduled Council meetings, the Mayor may, at any time, summon a special meeting of Council by giving written direction to the Clerk stating the date, time, and purpose of the special meeting.
- (2) The Clerk shall summon a special meeting of Council when requested to do so in writing by a majority of Members of Council.
- (3) The Clerk shall give each Member of Council, or their designated staff, notice of a special meeting of Council at least 2 days before the time appointed for such meeting by:
 - (a) delivering a written notice personally;
 - (b) delivering such notice at their residence or place of business; or
 - (c) facsimile transmission or electronic mail to such residence or place of business.
- (4) The written notice to be given under subsection 3.4(3) shall state the nature of the business to be considered at the special meeting of Council and no business other than that which is stated in the notice shall be considered at such meeting.
- (5) Notwithstanding subsection 3.4(4), other business may be considered at a special meeting with at least two-thirds of the Members of Council present and voting in the affirmative.

- (6) The Clerk shall prepare the Order of Business for a special meeting of Council with the appropriate selection of agenda categories from subsection 3.11.

- (7) ***Notwithstanding subsection 3.4(3), on urgent and extraordinary occasions, with the consent of the majority of all the Members of Council, recorded in the Minutes, a special meeting of the Council may be called by the Mayor without notice to consider and deal with such urgent and extraordinary matters.***

(ii) **SECTION 5 – COMMITTEE MEETINGS**

5.12 Delegations

- (1) **INP** Persons who wish to appear as a delegation at an IN-PERSON meeting will appear in-person to address a Committee

ELE Persons who wish to appear as a delegation at a VIRTUAL/ HYBRID meeting will appear virtually to address a Committee

- (a) Persons wishing to delegate on a matter that is not listed on a Committee agenda, shall make a request in writing to the Clerk and the Clerk shall list the delegation request on the respective Committee's upcoming agenda. The requester will be notified of the date of the meeting where their delegation will be heard following Council's ratification of the Committee's Report.

- (b) Persons wishing to delegate on a matter that is listed on the Committee agenda, shall make a request in writing to be listed as a delegation to the Clerk no later than 12:00 noon the business day before the meeting. If the Committee is meeting on a Monday, the deadline will be 12:00 noon on the Friday before.

- (c) ***Persons wishing to delegate with a pre-recorded video on a matter that is listed on the Committee agenda, shall make a request in writing to be listed as delegate to the Clerk no later than 12:00 noon two business days before the meeting. If the Committee is meeting on Monday, the deadline will be 12:00 noon on the Thursday before.***

- (d) All delegates (appearing VIRTUALLY or IN-PERSON) shall complete the "Request to Speak to a Committee of Council" form (available on the City's website at

<https://www.hamilton.ca/council-committee/council-committee-meetings/request-speak-committee-council>.

- (5) An IN-PERSON or VIRTUAL delegation ***or a delegate with a pre-recorded video*** of one or more persons, shall be limited to an oral presentation of not more than five minutes.

(Johnson/Wilson)

That the amendment be ***amended*** to remove the words “to consider and deal with such urgent and extraordinary matters” from ~~the end of~~ subsection (7), as follows:

- (7) ***Notwithstanding subsection 3.4(3), on urgent and extraordinary occasions, with the consent of the majority of all the Members of Council, recorded in the Minutes, a special meeting of the Council may be called by the Mayor without notice. ~~to consider and deal with such urgent and extraordinary matters.~~***

Result: Amendment to the Amendment DEFEATED by a vote of 2 to 4, as follows:

NO - Ward 13 Councillor Arlene VanderBeek
NO - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson
NOT PRESENT - Ward 9 Councillor Brad Clark
NO - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

Result: Amendment CARRIED by a vote of 4 to 2, as follows:

YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NO - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
NOT PRESENT - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
NO - Ward 1 Councillor Maureen Wilson

For further disposition of this matter, please refer to Item 2.

(g) ADJOURNMENT (Item 15)

(Pearson/Johnson)

That, there being no further business, the Audit, Finance and Administration Committee, be adjourned at 10:49 a.m.

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
NOT PRESENT - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

Respectfully submitted,

Councillor Ferguson, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk