



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 21-019

9:30 a.m.

November 4, 2021

Council Chambers

Hamilton City Hall

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

Also Present: Councillor J.P. Danko

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 21-019 AND RESPECTFULLY RECOMMENDS:

1. Workplace Mental Health and Wellbeing Strategy (2019-2021) (HUR21013) (City Wide) (Item 7.2)

That Report HUR21013, respecting Workplace Mental Health and Wellbeing Strategy (2019-2021), be received.

2. Citizen Committee Report - Status of Women Advisory Committee - Renaming the Committee and Changes to the Terms of Reference and Mandate (Item 10.1)

(a) That the Status of Women Advisory Committee be renamed the Women and Gender Equity Committee; and,

(b) That the amended Terms of Reference and Mandate, attached as Appendix "A" to Audit, Finance & Administration Committee Report 21-019, be approved.

3. Procurement Sub-Committee Report 21-001 - October 29, 2021 (Added Item 10.2)

(a) Commercial Relationship Between the City of Hamilton and Associated Paving & Materials Ltd. (FCS21102 / LS21044 / PW21064) (City Wide) (Item 14.2)

(i) That the directions provided to staff in Closed Session, be approved;

(ii) That Closed Session recommendations be released publicly following approval by Council; and,

- (iii) That the contents of Report FCS21102 / LS21044 / PW21064, Commercial Relationship Between the City of Hamilton and Associated Paving & Materials Ltd. and the attached Appendix remain confidential.

(b) Amendment to Procurement Policy to Allow for Negotiation of Contracts in Extenuating Circumstances (FCS21103 / LS21045) (City Wide) (Item 14.3)

- (i) That the directions provided to staff in Closed Session, be approved;
- (ii) That Confidential Appendix A to Report FCS21103 / LS21045, Amendment to Procurement Policy to Allow for Negotiation of Contracts in Extenuating Circumstances, **as amended**, be released when the by-law is for consideration at Council; and,
- (iii) That the contents of Report FCS21103 / LS21045, Amendment to Procurement Policy to Allow for Negotiation of Contracts in Extenuating Circumstances remain confidential.

4. Timely Access To View Confidential Documents (Item 11.1)

That staff be directed to create a Procedure **and Policy** to enable Council timely access to confidential documents such as Memorandums of Understanding, Contracts and Agreements.

5. Commercial Relationship Between City of Hamilton and Garda Canada Security Corporation also known as GardaWorld Canada Security Corporation also known as GardaWorld Corporation (LS20025(a) / FCS20083(a)) (City Wide) (Item 14.1)

- (a) That the directions provided to staff in Closed Session, be approved;
- (b) That Closed Session recommendations be released publicly following approval by Council; and,
- (c) That the contents of Report LS20025(a) / FCS20083(a), respecting the Commercial Relationship Between City of Hamilton and Garda Canada Security Corporation also known as GardaWorld Canada Security Corporation also known as GardaWorld Corporation, remain confidential.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

5. COMMUNICATIONS

- 5.2 Correspondence from Howard Krupat, DLA Piper (Canada) LLP, respecting Associated Paving and Materials Ltd.

Recommendation: Be received and referred to consideration of Item 6.1.

- 5.3 Correspondence from Stan Capobianco, President, Associated Paving & Materials Ltd, respecting the commercial relationship between the City and Associated Paving & Materials Ltd.

Recommendation: Be received and referred to consideration of Item 6.1.

6. DELEGATION REQUESTS

- 6.1 Stan Capobianco, Marco Capobianco, Roger B. Campbell (Counsel), Howard D. Krupat (Counsel), Emma Cosgrave (Counsel), Associated Paving & Materials Ltd., respecting the commercial relationship between the City and Associated Paving (For today's meeting)
- 6.2 Max Warmuth, Garda Canada Security Corporation "GardaWorld", respecting the commercial relationship between the City of Hamilton and Garda (For today's meeting)

10. DISCUSSION ITEMS

- 10.2 Procurement Sub-Committee Report 21-001 - October 29, 2021

The agenda for the November 4, 2021 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) October 21, 2021 (Item 4.1)

The Minutes of the October 21, 2021 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, 2020 Audited Financial Statements (Item 5.1)

That staff be directed to meet with Hamilton Waterfront Trust Staff and gather information surrounding their 2020 audited financial statements in an effort to provide a summary of the relevant changes, and report back to the Audit, Finance and Administration Committee.

(ii) Communications 5.2 to 5.3, were received and referred to consideration of Item 6.1:

- (a) Correspondence from Howard Krupat, DLA Piper (Canada) LLP, respecting Associated Paving and Materials Ltd. (Added Item 5.2)**
- (b) Correspondence from Stan Capobianco, President, Associated Paving & Materials Ltd, respecting the commercial relationship between the City and Associated Paving & Materials Ltd. (Added Item 5.3)**

(e) DELEGATION REQUESTS (Item 6)

The following Delegation Requests were approved for today's meeting:

- (i) Stan Capobianco, Marco Capobianco, Roger B. Campbell (Counsel), Howard D. Krupat (Counsel), Emma Cosgrave (Counsel), Associated Paving & Materials Ltd., respecting the commercial relationship between the City and Associated Paving (For today's meeting) (Added Item 6.1)**
- (ii) Max Warmuth, Garda Canada Security Corporation "GardaWorld", respecting the commercial relationship between the City of Hamilton and Garda (For today's meeting) (Added Item 6.2)**

(f) CONSENT ITEMS (Item 7)

That the following Consent Item, was received:

- (i) Immigrant and Refugee Advisory Committee - No Quorum Notes - October 14, 2021 (Item 7.1)**

(g) PUBLIC HEARINGS / DELEGATIONS (Item 9)

- (i) Stan Capobianco, Marco Capobianco, Roger B. Campbell (Counsel), Howard D. Krupat (Counsel), Emma Cosgrave (Counsel), Associated Paving & Materials Ltd., respecting the commercial relationship between the City and Associated Paving (Added Item 9.1)**

Stan Capobianco, Marco Capobianco, Roger B. Campbell (Counsel), Howard D. Krupat (Counsel), Emma Cosgrave (Counsel), Associated

Paving & Materials Ltd., addressed the Committee respecting the commercial relationship between the City and Associated Paving.

The delegates were granted an additional fifteen minutes for their delegation.

The delegation from Stan Capobianco, Marco Capobianco, Roger B. Campbell (Counsel), Howard D. Krupat (Counsel), Emma Cosgrave (Counsel), Associated Paving & Materials Ltd., respecting the commercial relationship between the City and Associated Paving, was received.

For disposition of this matter, refer to Item 3(a).

(ii) Max Warmuth, Garda Canada Security Corporation "GardaWorld", respecting the commercial relationship between the City of Hamilton and Garda (Added Item 9.2)

Max Warmuth, Garda Canada Security Corporation "GardaWorld", addressed the Committee respecting the commercial relationship between the City of Hamilton and Garda.

The delegation from Max Warmuth, Garda Canada Security Corporation "GardaWorld", respecting the commercial relationship between the City of Hamilton and Garda, was received.

For disposition of this matter, refer to Item 5.

(h) DISCUSSION ITEMS (Item 10)

(i) Procurement Sub-Committee Report 21-001 - October 29, 2021 (Added Item 10.2)

Consideration of Procurement Sub-Committee Report 21-001 – October 29, 2021, was DEFERRED until after Closed Session.

For disposition of this matter refer to Item 3.

(i) PRIVATE AND CONFIDENTIAL (Item 14)

Committee moved into Closed Session, respecting Items 10.2 and 14.1 pursuant to Section 9.1, Sub-sections (e), (f), (i) and (k) of the City's Procedural By-law 21-021 and Section 239(2), Sub-sections (e), (f), (i) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or

interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**(i) Procurement Sub-Committee Report 21-001 - October 29, 2021
(Added Item 10.2)**

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

**(ii) Commercial Relationship Between City of Hamilton and Garda
Canada Security Corporation also known as GardaWorld Canada
Security Corporation also known as GardaWorld Corporation
(LS20025(a) / FCS20083(a)) (City Wide) (Item 14.1)**

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

(j) ADJOURNMENT (Item 15)

There being no further business, the Audit, Finance and Administration Committee, adjourned at 12:00 p.m.

Respectfully submitted,

Councillor Ferguson, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

HAMILTON WOMEN AND GENDER EQUITY COMMITTEE

TERMS OF REFERENCE (Updated)

MANDATE:

The Women and Gender Equity Committee for the City of Hamilton acts as an Advisory Committee on matters pertaining to gender inequities faced by women, trans, and non-binary individuals. It achieves this mandate by providing Council input on matters of municipal concern and evaluating the City on its related efforts.

STRATEGIC OBJECTIVES:

Define, investigate, study and make recommendations on issues of concern affecting women, trans and non-binary individuals of the City of Hamilton and other matters of social or municipal concern including matters referred to this Committee by City Council, staff and City of Hamilton Committees.

Inform citizens of the City of Hamilton on issues affecting women, trans and non-binary individuals.

Actively encourage women, trans and non-binary individuals to participate in all aspects of society and support them in their life choices.

Advise citizens of the City of Hamilton of decisions made by City Council which may impact on women, trans and non-binary individuals including matters of social concern and those referred to City Council by this Committee.