



## **AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 21-019**

**9:30 a.m.**

**November 4, 2021**

**Council Chambers**

**Hamilton City Hall**

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

**Also Present:** Councillor J.P. Danko

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

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

**(Pearson/Johnson)**

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

**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 1 Councillor Maureen Wilson

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

**(Clark/Wilson)**

- (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 the Citizen Committee Report - Status of Women Advisory Committee - Renaming the Committee and Changes to the Terms of Reference and Mandate, be approved.

**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 1 Councillor Maureen Wilson

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

**(Clark/Wilson)**

**(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.

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

YES - Ward 13 Councillor Arlene VanderBeek  
NO - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NO - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 1 Councillor Maureen Wilson

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

**(Clark/Johnson)**

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.

**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 1 Councillor Maureen Wilson

**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)**

**(Pearson/VanderBeek)**

- (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.

**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 1 Councillor Maureen Wilson

**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

### (Clark/Pearson)

That the agenda for the November 4, 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  
YES - Ward 9 Councillor Brad Clark  
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) October 21, 2021 (Item 4.1)**

**(Wilson/VanderBeek)**

That the Minutes of the October 21, 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  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 1 Councillor Maureen Wilson

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

**(i) Correspondence from the Hamilton Waterfront Trust respecting their December 31, 2020 Audited Financial Statements (Item 5.1)**

**(Wilson/Clark)**

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.

**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 1 Councillor Maureen Wilson

**(ii) (Johnson/Pearson)**

That Communications 5.2 to 5.3, be 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)

**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 1 Councillor Maureen Wilson

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

**(Pearson/VanderBeek)**

That the following Delegation Requests be 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)

**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 1 Councillor Maureen Wilson

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

**(Pearson/Johnson)**

That the following Consent Item, be received:

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

**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 1 Councillor Maureen Wilson

**(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.

**(Clark/Pearson)**

That the delegates be granted an additional fifteen minutes for their delegation.

**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 1 Councillor Maureen Wilson

**(Pearson/Johnson)**

That 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, be received.

**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 1 Councillor Maureen Wilson

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.

**(Pearson/Johnson)**

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

**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 1 Councillor Maureen Wilson

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)**

**(Clark/Johnson)**

That consideration of Procurement Sub-Committee Report 21-001 – October 29, 2021, be DEFERRED until after Closed Session.

**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 1 Councillor Maureen Wilson

For disposition of this matter refer to Item 3.

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

**(Pearson/VanderBeek)**

That Committee move 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.

**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 1 Councillor Maureen Wilson

**(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)**

**(VanderBeek/Pearson)**

That, there being no further business, the Audit, Finance and Administration Committee, be adjourned at 12:00 p.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  
YES - Ward 9 Councillor Brad Clark  
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