



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 22-015

**9:30 a.m.
September 8, 2022
Council Chambers
Hamilton City Hall**

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

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. 2022 Second Quarter Emergency and Non-competitive Procurements Report (FCS22046(a)) (City Wide) (Item 7.1)

(Ferguson/VanderBeek)

That Report FCS22046(a) respecting the 2022 Second Quarter Emergency and Non-competitive Procurements Report, be received.

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 Russ Powers
YES - Ward 1 Councillor Maureen Wilson

2. 2022 Second Quarter Non-compliance with the Procurement Policy Report (FCS22047(a)) (City Wide) (Item 7.2)

(Wilson/Powers)

That Report FCS22047(a) respecting the 2022 Second Quarter Non-compliance with the Procurement Policy Report, be received.

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 Russ Powers
YES - Ward 1 Councillor Maureen Wilson

3. 2022 Second Quarter Request for Tenders and Proposals Report (FCS22048(a)) (City Wide) (Item 7.3)

(VanderBeek/Clark)

That Report FCS22048(a) respecting the 2022 Second Quarter Request for Tenders and Proposal Report, be received.

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 Russ Powers
YES - Ward 1 Councillor Maureen Wilson

4. Water Leak Protection Program Update (FCS21087(a)) (City Wide) (Item 7.4)

(Wilson/Powers)

That Report FCS21087(a) respecting the Water Leak Protection Program Update, be received.

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 Russ Powers
YES - Ward 1 Councillor Maureen Wilson

5. Accessible Transit Services: DARTS Fleet Management and Vehicle Safety Audit (Report #50695) (AUD22007) (City Wide) (Item 8.1)

(Ferguson/Powers)

- (a) That Report AUD22007 and Appendices "A" and "B" to Report AUD22007, respecting the Accessible Transit Services: DARTS Fleet Management and Vehicle Safety Audit (Report #50695), be received;
- (b) That the Management Response, as detailed in Appendix "C" to Report AUD22007, be approved; and,
- (c) That the General Manager of Public Works be directed to report back to the Office of the City Auditor by January 2023 with a detailed management action plan, which will then be reported to the Audit, Finance and Administration Committee for approval.

- (d) *That staff be directed to report cases of suspected fraudulent mechanic activity to the Ministry of Transportation of Ontario for their investigation; and,*
- (e) *That Municipal Law Enforcement staff be directed to investigate licensed mechanics in Hamilton who have been involved in fraudulent inspections and bring relevant businesses to the Licensing Tribunal for review.*

Result: Main Motion, As Amended 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 Russ Powers
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:

6. DELEGATION REQUESTS

- 6.1 Nicholas Morris, respecting an appeal of the City's decision regarding Claim #061628 (For a future meeting)

(VanderBeek/Powers)

That the agenda for the September 8, 2022 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 Russ Powers
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) August 11, 2022 (Item 4.1)

(Johnson/Clark)

That the Minutes of the August 11, 2022 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 Russ Powers
YES - Ward 1 Councillor Maureen Wilson

(d) DELEGATION REQUESTS (Item 6)

(i) Nicholas Morris, respecting an appeal of the City's decision regarding Claim #061628 (For a future meeting) (Added Item 6.1)

(Johnson/Clark)

That the delegation request from Nicholas Morris respecting an appeal of the City's decision regarding Claim #061628, be approved for a future meeting.

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 Russ Powers
YES - Ward 1 Councillor Maureen Wilson

(e) STAFF PRESENTATIONS (Item 8)

(i) Accessible Transit Services: DARTS Fleet Management and Vehicle Safety Audit (Report #50695) (AUD22007) (City Wide) (Item 8.1)

Charles Brown, City Auditor, and Roger Smith, Fleet Challenge Canada, addressed the Committee with a presentation on the Accessible Transit Services: DARTS Fleet Management and Vehicle Safety Audit (Report #50695).

(Wilson/Powers)

That the presentation respecting the Accessible Transit Services: DARTS Fleet Management and Vehicle Safety Audit (Report #50695), be received.

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 Russ Powers
YES - Ward 1 Councillor Maureen Wilson

(Clark/Johnson)

That Report AUD22007, respecting Accessible Transit Services: DARTS Fleet Management and Vehicle Safety Audit (Report #50695), ***be amended*** by adding sub-sections (d) and (e) as follows:

- (d) That staff be directed to report cases of suspected fraudulent mechanic activity to the Ministry of Transportation of Ontario for their investigation; and,***
- (e) That Municipal Law Enforcement staff be directed to investigate licensed mechanics in Hamilton who have been involved in fraudulent inspections and bring relevant businesses to the Licensing Tribunal for review.***

Result: Amendment 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 Russ Powers
YES - Ward 1 Councillor Maureen Wilson

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

(f) MOTIONS (Item 11)

(Clark/Ferguson)

That the following motion, be DEFERRED to the December 1, 2022 Audit, Finance and Administration Committee meeting for consideration:

(i) Development Charge Demolition Charge Credit Extension for 708 Rymal Road East, Hamilton, Ontario (Item 11.1)

WHEREAS, on August 12, 2022 Council authorized staff to issue a demolition permit for 708 Rymal Road East, Hamilton, Ontario, L8W 1B3, pursuant to Section 33 of the *Planning Act*, as amended, without having to comply with the conditions of Sub-section 6.(a) of Demolition Control Area By-law 22-101;

WHEREAS, the City Development Charge Demolition Credit expires 5 years from the date of issuance of the demolition permit; and,

WHEREAS, the development of the applicant's lands cannot proceed until servicing is available, which is dependent on the timing of adjacent lands, which is outside of the control of the applicant; and

WHEREAS, Education Development Charges are not within Municipal Authority and therefore Education DC Demolition Credit Extensions cannot be extended by Council;

THEREFORE, BE IT RESOLVED:

- (a) That staff be authorized to extend the City Development Charge Demolition Credit at 708 Rymal Road East, Hamilton, Ontario, L8W 1B3 such that it expires 5 years after all the downstream servicing (storm, sanitary sewers & watermains) within the Sandrina Gardens development, connecting to the existing services on Terni Blvd., have been constructed and operational to the satisfaction of the City. Specifically, the 5 year limit would commence at the time of "acceptance of services" by the City in accordance with the Subdivision Agreement for Sandrina Gardens development; and,
- (b) That any foregone City Development Charge revenue related to the extension of City Development Charge Demolition Credits at 708 Rymal Road East, Hamilton, Ontario L8W 1B3, be funded through the Waterworks Capital Reserve (108015), the Sanitary Sewer Reserve (108005), the Storm Sewer Reserve (108010) and the Unallocated Capital (108020); estimated as at September 18, 2022 at \$5,564, \$11,046, \$12,212 and \$29,678 respectively.

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 Russ Powers
YES - Ward 1 Councillor Maureen Wilson

(g) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(Powers/Wilson)

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

(a) Items Requiring a New Due Date (Item 13.1(a)):

Road Maintenance Small Tools and Equipment Inventory Audit and Follow Up to Audit Report AUD11006 (AUD21010) (City Wide)

That the General Manager of Public Works be directed to implement the Management Responses (attached as Appendix "B" and Private and Confidential Appendix "D" to Report AUD21010 and report back to AF&A by September 2022.

OLB Item: 21-M

Added: September 23, 2021 at AF&A (Item 10.2)

Proposed New Due Date: December 1, 2022

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 Russ Powers

YES - Ward 1 Councillor Maureen Wilson

(h) PRIVATE AND CONFIDENTIAL (Item 14)

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

(i) Closed Minutes – August 11, 2022 (Item 14.1)

(VanderBeek/Johnson)

(a) That the Closed Session Minutes of the August 11, 2022 Audit, Finance and Administration Committee meeting, be approved as presented; and,

(b) That the Closed Session Minutes of the August 11, 2022 Audit, Finance and Administration Committee meeting, remain confidential.

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 Russ Powers

YES - Ward 1 Councillor Maureen Wilson

(i) **ADJOURNMENT (Item 15)**

(Ferguson/Clark)

That, there being no further business, the Audit, Finance and Administration Committee, be adjourned at 11:14 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 Russ Powers
YES - Ward 1 Councillor Maureen Wilson

Respectfully submitted,

Councillor Pearson, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk