



## **AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 23-004**

**9:30 a.m.  
March 23, 2023  
Council Chambers  
Hamilton City Hall**

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**Present:** Councillors C. Kroetsch (Chair), T. Hwang (Vice-Chair), J. Beattie, B. Clark, M. Tadeson, A. Wilson, and M. Wilson

**Absent with Regrets:** Councillor Spadafora – Personal

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

1. **Fraud and Waste Hotline Pilot Program: Evaluation (AUD23005) (City Wide) (Item 8.2)**
  - (A. Wilson/Beattie)**
    - (a) That the Fraud and Waste Hotline Pilot Program be made permanent.
    - (b) That effective July 1, 2023, the Fraud and Waste Hotline be funded via the operating levy through the Office of the City Auditor's operating budget, first by exhausting any remaining funding that was previously approved by Council.
    - (c) That Council approve the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for the Fraud and Waste Hotline Intake Services, Case Management Software, and Support until July 31, 2028 and that the City Manager be authorized to negotiate, enter into and execute a Contract and any ancillary documents required to give effect thereto with Whistleblower Security Inc., in a form satisfactory to the City Solicitor.
    - (d) That the name of the Office of the City Auditor be amended to the Office of the Auditor General in all corporate systems, on the City's website, and within any City Policy that references that Office, including but not limited to the Fraud Policy and Protocol, the Code of Conduct for Employees and Schedule F of the Code of Conduct for Employees "Interacting with the Office of the City Auditor" so that the independent and objective nature of the work being performed is recognized, acknowledged, and more easily understood by the public and staff.

- (e) That the position City Auditor be known as the Auditor General and this be updated in all corporate systems, on the City's website, and within any City Policy that references that Office, including but not limited to the Fraud Policy and Protocol, the Code of Conduct for Employees and Schedule F of the Code of Conduct for Employees "Interacting with the Office of the City Auditor".
- (f) That the revised Audit Charter (Appendix "A" to Report AUD23005) be approved.
- (g) That Legal Services be directed to prepare a by-law to amend the City's Procedural By-law 21-021, as amended, to replace Schedule F1, with the revised Audit Charter, attached as Appendix "A" to Report AUD23005 and to update references made to the City Auditor and the Office of the City Auditor within the Procedural By-law 21-021 to Auditor General and the Office of the Auditor General and that notice of the proposed amendment be given pursuant to the City's Public Notice Policy By-law 07-351.
- (h) That a by-law to amend the City Auditor By-law 19-180, to reflect the change from Office of the City Auditor to Office of the Auditor General and City Auditor to Auditor General attached as Appendix "B" to Report AUD23005, be enacted by Council.
- (i) That a by-law to amend the Whistleblower By-law 19-181, to reflect the change from Office of the City Auditor to Office of the Auditor General and City Auditor to Auditor General and to extend protections from reprisals to include employees who are witnesses in whistleblower investigations attached as Appendix "C" to Report AUD23005, be enacted by Council.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
ABSENT - Ward 14 Councillor Mike Spadafora

**2. Consent Items (Item 9)**

**(Clark/Hwang)**

That the following Consent Items be received:

- (a) Fair Wage Policy and Fair Wage Schedule Complaints Annual Report (FCS23015) (City Wide) (Item 9.2)

- (b) Report of the 2022 Remuneration and Expenses as Required under Section 284 of the Municipal Act (FCS23018) (City Wide) (Item 9.3)
- (c) Annual Assessment Appeals as of December 31, 2022 (FCS23022) (City Wide) (Item 9.4)
- (d) Annual Tax Arrears as of December 31, 2022 (FCS23023) (City Wide) (Item 9.5)
- (e) COVID-19 Policy 10 Emergency Procurements Report (FCS23024) (City Wide) (Item 9.6)
- (f) Annual Occupational Injury & Illness Claims Report 2022 (HUR23003) (City Wide) (Item 9.7)
- (g) Annual Employee Attendance Report 2022(HUR23005) (City Wide) (Item 9.8)

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

YES - Ward 1 Councillor Maureen Wilson  
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
ABSENT - Ward 14 Councillor Mike Spadafora

**3. Use of External Services for Tax Assessment & Appeals (FCS20005(b)/LS21047(a)) (Outstanding Business List Item) (City Wide) (Item 10.1)**

**(A. Wilson/Hwang)**

- (a) That costs for the use of external legal counsel, if required, to supplement internal legal resources and use of Assessment & Appraisal consultants / Expert Witnesses to actively participate in Assessment Appeals be funded from the existing Appeals operating budget (52108-252013);
- (b) That staff report on the financial impacts of the City of Hamilton's active participation in Assessment Appeals through the Annual Assessment Appeals Report; and
- (c) That as a result of this report, the item representing Use of External Services for Tax Assessment & Appeals will be considered complete and removed from the Audit, Finance and Administration Committee outstanding business list.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
ABSENT - Ward 14 Councillor Mike Spadafora

**4. Request to Extend Banking Services Agreement (FCS23036) (City Wide)  
(Item 10.2)**

**(Clark/A. Wilson)**

- (a) That the General Manager, Finance and Corporate Services Department, or their designate, be authorized and directed to negotiate an extension to Contract C12-01-11 for Professional Banking Services for the City of Hamilton (City) for a period of no less than three years with the Royal Bank of Canada (RBC), pursuant to Procurement Policy #11 – Non-competitive Procurements; and
- (b) That staff be directed to report back with the results of the negotiations of the extension with RBC to the Audit, Finance and Administration Committee for approval.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
ABSENT - Ward 14 Councillor Mike Spadafora

**5. Accounts Receivable Write-Offs for 2022 (FCS23017) (City Wide) (Item 10.3)**

**(Hwang/Tadeson)**

- (a) That the Schedule of General Accounts Receivable Write-Offs less than \$1,000 in the amount of \$4,941.56 attached as Appendix “A” to Report FCS23017, be received for information;
- (b) That the General Manager of Finance and Corporate Services be authorized to write-off uncollectable General Accounts Receivable over \$1,000 in the amount of \$86,105.77 attached as Appendix “B” to Report FCS23017.

- (c) That the General Manager of Finance and Corporate Services be authorized to write-off uncollectible Hamilton Farmer's Market Accounts Receivables in the amount of \$55,127.28 attached as Appendix "C" to Report FCS23017.
- (d) That the General Manager of Finance and Corporate Services be authorized to write-off uncollectible Lodges Accounts Receivables in the amount of \$17,867.05 attached as Appendix "D" to Report FCS23017.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
ABSENT - Ward 14 Councillor Mike Spadafora

**6. City Auditor Reporting of Serious Matters to Council (Case #63146)  
(AUD23006) (City Wide) (Item 14.1)**

**(Beattie/Tadeson)**

That Report AUD23006, respecting City Auditor Reporting of Serious Matters to Council (Case #63146) (City Wide), be received and remain confidential.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
ABSENT - Ward 14 Councillor Mike Spadafora

**7. Committee Report (Added Item 14.2)**

**(A. Wilson/Clark)**

- (a) That the direction provided to staff in Closed Session, be approved; and
- (b) That the Committee Report remain confidential.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch

YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
ABSENT - Ward 14 Councillor Mike Spadafora

**FOR INFORMATION:**

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

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

**8. STAFF PRESENTATIONS / PRESENTATIONS**

8.3 Hamilton Mundialization Committee – Annual Report  
To be considered following Item 8.1.

**9. CONSENT ITEMS**

9.1(a) Committee Against Racism Minutes – January 10, 2023 -  
**WITHDRAWN**

9.1(c) Hamilton Women and Gender Equity Committee Minutes –  
January 26, 2023 - **WITHDRAWN**

**12. NOTICES OF MOTION**

12.1 Fair Wage Policy Review

**14. PRIVATE AND CONFIDENTIAL**

14.2 Committee Report

**(Hwang/A. Wilson)**

That the agenda for the February 16, 2023 Audit, Finance and Administration  
Committee meeting be approved, as amended.

**CARRIED**

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

There were no declarations of interest.

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

**(i) February 16, 2023 (Item 4.1)**

**(Tadeson/Hwang)**

That the Minutes of the February 16, 2023 meeting of the Audit, Finance and Administration Committee be approved, as presented.

**CARRIED**

**(d) STAFF PRESENTATIONS / PRESENTATIONS (Item 8)**

**(i) Advisory Committee for Immigrants and Refugees – Annual Report (Item 8.1)**

Jennie Hamilton, Chair, Advisory Committee for Immigrants and Refugees, addressed the Committee respecting the Advisory Committee for Immigrants and Refugees Annual Report.

**(Tadeson/Hwang)**

That the presentation from Jennie Hamilton, Chair, Advisory Committee for Immigrants and Refugees respecting the Advisory Committee for Immigrants and Refugees Annual Report, be received.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
ABSENT - Ward 14 Councillor Mike Spadafora

**(ii) Hamilton Mundialization Committee - Annual Report (Added Item 8.3)**

Anthony Macaluso, Chair, Hamilton Mundialization Committee, addressed the Committee respecting the Hamilton Mundialization Committee Annual Report.

**(A. Wilson/Hwang)**

That the presentation from Anthony Macaluso, Chair, Hamilton Mundialization Committee respecting the Hamilton Mundialization Committee Annual Report, be received.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 4 Councillor Tammy Hwang

YES - Ward 9 Councillor Brad Clark  
YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
ABSENT - Ward 14 Councillor Mike Spadafora

**(iii) Fraud and Waste Hotline Pilot Program: Evaluation (AUD23005) (City Wide) (Item 8.2)**

Charles Brown, City Auditor, addressed Committee respecting the Fraud and Waste Hotline Pilot Program: Evaluation, with the aid of a presentation.

**(A. Wilson/Hwang)**

That the presentation from Charles Brown, City Auditor, respecting the Fraud and Waste Hotline Pilot Program: Evaluation, be received.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
ABSENT - Ward 14 Councillor Mike Spadafora

For further disposition of this matter, refer to Item 1.

**(e) CONSENT ITEMS (Item 9)**

**(i) Committee Against Racism Minutes - February 6, 2023 (Item 9.1(a))**

**(Beattie/Clark)**

That the Committee Against Racism Minutes of February 6, 2023, be received.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 11 Councillor Mark Tadeson



YES - Ward 13 Councillor Alex Wilson  
ABSENT - Ward 14 Councillor Mike Spadafora

**(f) MOTIONS (Item 11)**

Councillor Kroetsch relinquished the Chair to Councillor Hwang to introduce the following Motion and Notice of Motion:

**(i) Feasibility of a Bring Your Own Device Policy (Item 11.1)**

**(Kroetsch/M. Wilson)**

WHEREAS, the Council-approved *City of Hamilton E-mail, Internet, and Computer Acceptable Use Policy* and *IT Security Policy* strictly prohibit the use of personal devices in any form to conduct City of Hamilton business;

WHEREAS, the ability to use a range of technology, including software, to accommodate social media and graphic design would enable Councillors and their staff to optimize their office work;

THEREFORE, BE IT RESOLVED:

That Information Technology staff investigate the feasibility of implementing a bring-your-own-device policy that would allow Councillors and their staff to use personal computers, mobile phones and other personal devices to conduct City of Hamilton business and report back to the Audit, Finance and Administration Committee on the following:

- (a) the risks, operational impacts, and cost implications of implementing a bring-your-own-device policy;
- (b) the possible implementation of a pilot for a bring-your-own-device policy, that shall be limited to Councillors and their administrative staff; and
- (c) an investigation of other direct paths to allow Councillors and their staff to use a range of personal technology to meet their individual needs.

**Result: Motion CARRIED by a vote of 6 to 1, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 4 Councillor Tammy Hwang  
NO - Ward 9 Councillor Brad Clark  
YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 11 Councillor Mark Tadeson

YES - Ward 13 Councillor Alex Wilson  
ABSENT - Ward 14 Councillor Mike Spadafora

**(g) NOTICES OF MOTION (Item 12)**

Councillor Kroetsch introduced the following Notice of Motion:

**(i) Fair Wage Policy Review (Added Item 12.1)**

WHEREAS, the Fair Wage Policy has not been updated recently, especially in light of the serious changes to the industry as a result of the COVID-19 pandemic;

WHEREAS, there are record-level investments in building and a renewed interest in health, hygiene, and safety on job sites; and

WHEREAS, the City and other employers are contending with an underground economy which is destabilizing the associated job markets.

THEREFORE, BE IT RESOLVED:

- (a) That Human Resources and Finance and Corporate Services staff be directed to engage in a review of the Fair Wage Policy and any related schedules through stakeholder meetings for report back to the Audit, Finance and Administration Committee by the end of Q3 2023 with recommendations; based on stakeholder feedback;
- (b) That the following stakeholder groups be included in the consulted: Christian Labour Association Canada; Electrical Construction Association Hamilton; Hamilton Brantford Ontario Building & Construction Trades Council; Golden Horseshoe General Contractors Association; Greater Hamilton & Niagara Construction Association; Hamilton Halton Construction Association; Mechanical Contractors Association Hamilton Niagara; Labourers' International Union of North America; and Merit OpenShop Contributors Association of Ontario;
- (b) That there be two stakeholder meetings, inviting all stakeholders to each, at the beginning of Q3 2023; and
- (c) That members of City Council be permitted to attend as guests to hear stakeholder feedback directly.

**(h) GENERAL INFORMATION / OTHER BUSINESS (Item 15)**

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

**(Beattie/A. Wilson)**

That the following amendments to the Outstanding Business List, be approved:

- (a) Items Considered Complete and to be Removed
  - 1. Use of External Services for Tax Assessment & Appeals  
Item on OBL: 21-Q  
Addressed as Item 10.1 on today's agenda

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

YES - Ward 1 Councillor Maureen Wilson  
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
ABSENT - Ward 14 Councillor Mike Spadafora

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

**(Beattie/A. Wilson)**

That the Audit, Finance and Administration Committee move into Closed Session respecting Item 14.1 and 14.2, pursuant to Section 9.3, Sub-sections (a) and (b) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (a) and (b) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to the security of the property of the City or a local board and to personal matters about an identifiable individual, including City or local board employees.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch  
ABSENT - Ward 4 Councillor Tammy Hwang  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
ABSENT - Ward 14 Councillor Mike Spadafora

**(i) City Auditor Reporting of Serious Matters to Council (Case #63146) (AUD23006) (City Wide) (Item 14.1)**

For further disposition of this matter, refer to Item 6.

**(ii) Committee Report (Added Item 14.2)**

For further disposition of this matter, refer to Item 7.

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

**(Tadeson/A. Wilson)**

That, there being no further business, the Audit, Finance and Administration Committee, be adjourned at 1:03 p.m.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch  
YES - Ward 4 Councillor Tammy Hwang  
YES - Ward 9 Councillor Brad Clark  
YES - Ward 10 Councillor Jeff Beattie  
YES - Ward 11 Councillor Mark Tadeson  
YES - Ward 13 Councillor Alex Wilson  
ABSENT - Ward 14 Councillor Mike Spadafora

Respectfully submitted,

Councillor Cameron Kroetsch, Chair  
Audit, Finance and Administration  
Committee

Tamara Bates  
Legislative Coordinator  
Office of the City Clerk