



Audit, Finance and Administration Committee MINUTES

January 19, 2011
9:30 a.m.
Council Chambers
City Hall
71 Main Street West
Hamilton, Ontario

Present: Councillors B. Clark (Chair), B. Johnson (Vice Chair)
B. Morelli, M. Pearson, R. Powers

Also Present: C. Murray, City Manager
R. Rossini, General Manager, Finance & Corporate Services
T. Tollis, Treasurer
J. Priel, General Manager, Community Services
A. Pekaruk, Internal Auditor
D. Hull, Director of Transit
G. Kuzyk, Senior Solicitor
S. Paparella, Legislative Assistant, Office of the City Clerk

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. **FOI Quarterly Report (July 1 to September 30, 2010) (CL10001(b)) (City Wide) (Item 5.1)**

(Pearson/Powers)

That Report CL10001(b), respecting the Freedom of Information (FOI) Quarterly Report (July 1 to September 30, 2010), be received.

CARRIED

2. **Quarterly Status Report on the use of Policy 10 - Emergency Purchasing and Policy 11 - Negotiations for the 3rd Quarter 2010 (FCS10031(b)) (City Wide) (Item 5.2)**

(Pearson/Powers)

That Report FCS10031(b), respecting the Quarterly Status Report on the use of Policy 10 - Emergency Purchasing and Policy 11 - Negotiations for the 3rd Quarter 2010, be received.

CARRIED

3. Fair Wage Complaint Audit Results (FCS11015) (City Wide) (Item 5.3)

(Pearson/Powers)

That no further action be taken, respecting the complaint against Superior Boiler Works and Welding Limited, regarding the City's Fair Wage Policy.

CARRIED

4. Treasurer's Apportionment of Land Taxes for Various Properties in Hamilton, Ancaster and Stoney Creek (FCS11001) (Wards 8, 11 and 12) (Item 5.4)

(Pearson/Powers)

(a) That the 2010 property taxes in the amount of \$1,551 for 28-30 Richview Dr., Hamilton, (Roll #2518 081 041 02585 0000) be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS11001;

(b) That the 2010 property taxes in the amount of \$1,537 for 0 Blacksmith Crt., Ancaster, (Roll #2518 140 220 46020 0000) be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS11001;

(c) That the 2009 property taxes in the amount of \$890 for 311 Butter Rd. E., Ancaster, (Roll #2518 140 420 45800 0000) be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS11001;

(d) That the 2010 property taxes in the amount of \$19,556 for Wentworth Standard Condominium Plan 455 (WSCP 455) at 40 Dartmouth Gate, Stoney Creek, (Roll #2518 003 020 32020 0000 and 2518 003 020 35898 0000) be apportioned and split amongst the twenty-four newly created condominium units as set out in Appendix A to report FCS11001.

CARRIED

5. Costing of Building Projects (PED11003) (City Wide) (Item 5.5)

(Pearson/Powers)

(a) That Report PED11003, respecting the Costing of Building Projects, be received.

(b) That the Item identified as "Costing of Building Projects" be considered complete and removed from the Audit, Finance & Administration Committee's Outstanding Business List.

CARRIED

- 6. Follow Up of Audit Report 2009-02 - Public Health Services - Personal Health Information Protection Act (PHIPA) Compliance (AUD11002) (City Wide) (Item 5.6)**

(Pearson/Powers)

That Report AUD11002, respecting the follow up of Audit Report 2009-02, Public Health Services – Personal Health Information Protection Act (PHIPA) Compliance, be received.

CARRIED

- 7. Audit Report 2010-03 - Hamilton Police Service – Cash Accounts & Revenue Processes (AUD11003) (City Wide) (Item 5.7)**

(Pearson/Powers)

That Report AUD11003 respecting Audit Report 2010-03, Hamilton Police Service – Cash Accounts and Revenue Processes, be received.

CARRIED

- 8. Follow Up of Audit Report 2008-06 - Fleet Management - Fuel, Maintenance & Inventory Control (AUD11004) (City Wide) (Item 5.8)**

(Pearson/Powers)

That Report AUD11004 respecting the follow up of Audit Report 2008-06, Fleet Management – Fuel, Maintenance & Inventory Control, be received.

CARRIED

- 9. Follow Up of Audit Report 2009-01 - Financial Requirements of Development (AUD11007) (City Wide) (Item 5.9)**

(Pearson/Powers)

That Report AUD11007 respecting the follow up of Audit Report 2009-01, Financial Requirements of Development, be received.

CARRIED

- 10. Follow Up of Audit Report 2008-10 - Long Term Contract Review - Maple Reinders Constructors Ltd. (AUD11009) (City Wide) (Item 5.10)**

(Pearson/Powers)

That Report AUD11009 respecting the follow up of Audit Report 2008-10, Long Term Contract Review – Maple Reinders Constructors Ltd., be received.

CARRIED

- 11. Internal Audit Charter (AUD11005) (City Wide) (Item 8.1)**

(Powers/Pearson)

That Appendix “A” of Report AUD11005 respecting the Internal Audit Charter, be approved.

CARRIED

12. Audit Report 2010-04 - Transit Ticket Agents (AUD11001) (City Wide) (Item 8.2)

(Pearson/Johnson)

- (a) That Report AUD11001 respecting Audit Report 2010-04, Transit Ticket Agents, be received.
- (b) That the management actions plans, as detailed in Appendix "A" of Report AUD11001, be approved and the General Manager of Public Works direct the appropriate staff to have the plans implemented.

CARRIED

13. Audit Report 2010-06 - Tools (AUD11006) (City Wide) (Item 8.3)

(Pearson/Morelli)

- (a) That Report AUD11006 respecting Audit Report 2010-06, Tools, be received.
- (b) That the management action plans, as detailed in Appendix "A" of Report AUD11006, be approved and the General Managers of Public Works and Community Services direct the appropriate staff under their responsibility to have the plans implemented.

CARRIED

14. 2011 Internal Audit Work Plan (AUD11008) (City Wide) (item 8.4)

(Pearson/Morelli)

That Appendix "A" attached to Report AUD11008, respecting the 2011 Internal Audit Work Plan, be approved.

CARRIED

15. Records Retention By-law (FCS11014) (City Wide) (item 8.5)

(Morelli/Powers)

That the Records Retention By-law, attached as Appendix "A" to Report FCS11014, be adopted by Council.

CARRIED

16. 2011 Advance Payments to External Boards and Agencies (FCS11013) (City Wide) (Item 8.6)

(Johnson/Powers)

- (a) That, effective January 27, 2011, an advancement of funds be provided to the external Boards and Agencies, in the specified amount and on the specific dates, as shown on the attached Appendix A to Report FCS11013; and,

- (b) That any outstanding arrears due to the City of Hamilton, by any external Boards or Agencies (as shown on the attached Appendix A to Report FCS11013), be first applied against the approved grant funding, including advances, until the debt is satisfied, prior to that Agency or Board receiving the balance of any approved payment.

CARRIED

17. Tax Appeals under Section 357 and 358 of the Municipal Act, 2001 (FCS11003) (City Wide) (Item 8.7)

(Powers/Morelli)

- (a) That Appendix "A" attached to Report FCS11003, respecting the "Tax Write-offs processed under Section 357 of the Municipal Act, 2001", in the amount of \$307,991 be approved.
- (b) That Appendix "B" attached to report FCS11003, respecting the "Tax Appeals due to a Gross or Manifest Clerical Error, Pursuant to Section 358 of the Municipal Act, 2001", in the amount of \$50,481, be approved.

CARRIED

18. 2011 Interim Tax Levy and Temporary Borrowing By-Laws (FCS11012) (City Wide) (Item 8.8)

(Powers/Pearson)

- (a) That Appendix "A" attached to Report FCS11012, a By-law to Authorize the Temporary Borrowing of Monies to meet Current Expenditures Pending Receipt of Current Revenues for 2011, be passed;
- (b) That Appendix "B" attached to Report FCS11012, a By-law to Authorize an Interim Tax Levy for 2011, be passed.

CARRIED

19. Re-Establishment of the Multi Residential Property Taxation Sub-Committee (Item 11.2)

(Powers/Morelli)

That the Multi Residential Property Taxation Sub-committee be disbanded.

CARRIED

20. Merging of the Furniture Review and the Purchasing Sub-Committees (Item 11.3)

(Pearson/Pearson)

- (a) That the Furniture Review Sub-committee be merged with the Purchasing Review Sub-committee.
- (b) That the merged Committee maintain the name of the Purchasing Review Sub-Committee.

- (c) That the Purchasing Review Sub-Committee's Terms of Reference be amended by adding a sub-section (d), to read as follows:
 - “(d) To review the budget and process for the purchasing of furniture for City of Hamilton facilities.”
- (d) That four (4) members of Council be appointed to the Purchasing Review Sub-Committee.
- (e) That staff be directed to confirm the Purchasing Sub-Committee representatives from the following industries:
 - (i) One (1) representative from the Ontario General Contractors Association;
 - (ii) One (1) representative from the Hamilton Halton Contractors Association; and,
 - (iii) One (1) representative from the Architectural Association's Voting Membership.

CARRIED

21. Audit, Finance & Administration Committee Member Appointments to the Interview Sub-committee (Item 11.4)

(Pearson/Powers)

That Councillors Powers and Pearson be appointed to the Interview Sub-committee to the Audit, Finance & Administration Committee for the 2010-2014 term of Council.

CARRIED

22. Settlement of Court Action No. 04-12153 (LS10016) (City Wide) (Item 12.1)

(Johnson/Pearson)

- (a) That Report LS10016, respecting the Settlement of Court Action No. 04-12153, be referred to Council for consideration.
- (b) That Report LS10016, respecting settlement of Court Action No. 04-12153, not be released as a public document, as the information relates to pending litigation affecting the City.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

There were no changes to the agenda.

(Pearson/Johnson)

That the agenda for the January 19, 2011 meeting of the Audit, Finance & Administration Committee be approved, as presented.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) DELEGATION REQUESTS (Item 4)

- (i) Delegation Request by Sergio De Feo, of De Feo's Auto Service, respecting the award of two tenders: Tender C12-05-01, Provision of Various Heavy Duty Truck and Equipment Services for Fleet Services; and, Tender C12-06-09, Provision of Various Car and Light Duty Truck Auto Services for Central Fleet and Transit Services (Item 4.1)**

(Johnson/Pearson)

That the delegation request, submitted by Sergio De Feo, of De Feo's Auto Service, respecting the award of two tenders: Tender C12-05-01, Provision of Various Heavy Duty Truck and Equipment Services for Fleet Services; and, Tender C12-06-09, Provision of Various Car and Light Duty Truck Auto Services for Central Fleet and Transit Services, be approved.

CARRIED

(d) ADVISORY COMMITTEE MINUTES (Items 5.11 to 5.16)

(Pearson/Powers)

That the following Advisory Committee Minutes, be received:

- (i) Committee Against Racism Minutes, August 24, 2010 (Item 5.11)**
- (ii) Hamilton Mundialization Committee Minutes, September 22, 2010 (Item 5.12)**
- (iii) Hamilton Status of Women Committee Minutes, April 22, 2010 (Item 5.13)**
- (iv) Hamilton Status of Women Committee Minutes, June 24, 2010 (Item 5.14)**
- (v) Gay, Lesbian, Bisexual and Transgender (GLBT) Advisory Committee Minutes, August 26, 2010 (Item 5.15)**
- (vi) Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee (formerly GLBT) Minutes, September 14, 2010 (Item 5.16)**

CARRIED

(e) Internal Audit Report Follow Up (Items 5.6 to 5.10)

Staff (Internal Auditor) was directed to provide the Audit, Finance & Administration Committee with updates, through Information Reports, respecting the completion of directives contained in Internal Audit reports, on a semi annual basis.

(f) Adoption of Outstanding Business List (Item 11.1)

(Pearson/Morelli)

That the Audit, Finance & Administration Committee's Outstanding Business List, (shown as Items "A" through "I" on pages 5 to 7 of the January 19, 2011 Audit, Finance & Administration Committee Agenda), be adopted.

CARRIED

(g) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Settlement of Court Action No. 04-12153 (LS10016) (City Wide) (Item 12.1)

(Morelli/Pearson)

That the Audit, Finance and Administration Committee move into Closed Session, at 9:50 a.m., to discuss Report LS10016, respecting Settlement of Court Action No. 04-12153, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 03-301, and Section 239, Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matters pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

As shown in the Closed Session Minutes, the Audit, Finance & Administration Committee reconvened in Open Session at 10:49 a.m., and provided its recommendation, shown as Item 22 above.

(h) AJOURNMENT (Item 13)

(Johnson/Pearson)

There being no further business, the Audit and Administration Committee adjourned at 10:52 a.m.

CARRIED

Respectfully submitted,

Councillor Brad Clark, Chair
Audit, Finance and Administration Committee

Stephanie Paparella
Legislative Assistant
January 19, 2011