



Audit, Finance & Administration Committee REPORT 11-007

Wednesday, May 18, 2011

9:30 a.m.

Council Chambers

City Hall

71 Main Street West

Hamilton, Ontario

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

**Absent with
Regrets:** Councillor B. Clark (Chair) – Personal

Also Present: Mayor R. Bratina
Councillors C. Collins, S. Duvall, T. Whitehead
R. Rossini, General Manager, Finance & Corporate Services
G. Rae, Acting General Manager, Public Works
T. Tollis, City Treasurer
P. Barkwell, Senior Solicitor
S. Dickson, Solicitor
A. Zuidema, Director, Corporate Initiatives
G. Moore, Director, Engineering Services, Public Works
A. Mastandrea, Procurement Manager
S. Paparella, Legislative Assistant, Office of the City Clerk

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 11-007, AND RESPECTFULLY RECOMMENDS:

- 1. Quarterly Status Report on the Use of Policy 10 – Emergency Purchasing; and, Policy 11 – Negotiations for the 1st Quarter of 2011 (FCS11005) (City Wide) (Item 5.1)**

That Report FCS11005, respecting the Quarterly Status Report on the Use of Policy 10 – Emergency Purchasing; and, Policy 11 – Negotiations for the 1st Quarter of 2011, be received.

Council – May 25, 2011

2. By-Law for the Appointment of Deputy Treasurers (FCS11045) (City Wide) (Item 5.2)

That By-Law # 05-261, being a By-law to Provide for the Appointment of Deputy Treasurers, passed and enacted by City Council on September 14, 2005, be repealed and replaced with the By-Law (attached as Appendix A to Report FCS11045), being a By-law to Provide for the Appointment of Deputy Treasurers.

3. Hamilton Conservation Authority Pension Deficit Loan (FCS11044) (Item 8.1)

- (a) That a loan to the Hamilton Conservation Authority (HCA), in an amount not to exceed \$1,500,000, for the purpose of funding HCA's Defined Benefit Pension Plan deficit, be approved;
- (b) That the loan to the Hamilton Conservation Authority (HCA), to fund HCA's Defined Benefit Pension Plan deficit and in an amount not to exceed \$1,500,000, be for a term of 10 years at a 4.25% rate of interest;
- (c) That staff be directed to prepare a Loan Agreement between the City of Hamilton and the Hamilton Conservation Authority, respecting the loan for HCA's Defined Benefit Pension Plan deficit, in a form satisfactory to the General Manager, Corporate Services and the City Solicitor;
- (d) That the Mayor and Clerk be authorized and directed to execute the Loan Agreement, between the City of Hamilton and the Hamilton Conservation Authority, respecting funding for the HCA's Defined Benefit Pension Plan deficit;
- (e) That the Item, respecting the Loan to the Hamilton Conservation Authority, be considered complete and removed from the Audit, Finance and Administration Outstanding Business List.

4. Commercial Relationship between the City of Hamilton and All Around Contracting Inc. (FCS11031(a)/LS11004(a)) (City Wide) (Item 12.1)

- (a) That Report FCS11031(a)/LS11004(a), respecting the Commercial Relationship between the City of Hamilton and All Around Contracting Inc., be received.
- (b) That the contents of Report FCS11031(a)/LS11004(a) and its appendices remain confidential.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

- (i) Added as Item 4.1 – a Delegation Request, submitted by Joe Iatomassi and Joe Cosentino, of All Around Contracting, respecting Item 12.1 on today's agenda – the Business Relationship between the City of Hamilton and All Around Contracting
- (ii) Added as Item 4.2 – a Delegation Request, submitted by Luigi Cino, respecting Concerns regarding Tenders C12-1109 and C90509

The agenda for the May 18, 2011 meeting of the Audit, Finance & Administration Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor M. Pearson declared an interest to Items 6.1 and 12.1 and left the Chamber during discussion of those items, as a relative is associated with the company.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETINGS (Item 3)

(i) May 4, 2011 (Item 3.1)

The Committee Clerk advised that the signature block on the Minutes had been amended to reflect Councillor M. Pearson as Acting Chair in place of Councillor B. Clark, who was absent.

The Minutes of the May 4, 2011 meeting of the Audit, Finance & Administration Committee were approved, as amended.

(d) DELEGATIONS REQUESTS (Item 4)

(i) Joe Iatomassi and Joe Cosentino, of All Around Contracting, respecting Item 12.1 on today's agenda – the Business Relationship between the City of Hamilton and All Around Contracting (Item 4.1)

(a) The delegation request, submitted by Joe Iatomassi and Joe Cosentino, of All Around Contracting, respecting Item 12.1 on

today's agenda – the Business Relationship between the City of Hamilton and All Around Contracting, was approved.

- (b) The Rules of Order were waived in order to permit Joe Iatomassi and Joe Cosentino, of All Around Contracting, respecting Item 12.1 the May 18, 2011 agenda – the Business Relationship between the City of Hamilton and All Around Contracting, to appear before Committee on May 18, 2011.

(ii) Luigi Cino, Cino Auto Repair Inc. respecting Concerns regarding Tenders C12-1109 and C90509

The delegation request, submitted by Luigi Cino, Cino Auto Repair Inc. respecting Concerns regarding Tenders C12-1109 and C90509, was approved.

(e) PUBLIC HEARINGS/DELEGATIONS (Item 6)

(i) Joe Iatomassi and Joe Cosentino (Legal Counsel), of All Around Contracting, respecting Item 12.1 – the Business Relationship between the City of Hamilton and All Around Contracting on the May 18, 2011 Agenda (Item 6.1)

Mr. Iatomassi expressed his concerns regarding the tender process, as it relates to All Around Contracting Inc., and believes that they should receive a satisfactory rating and be permitted to continue bidding on City contracts.

Mr. Cosentino, Legal Counsel for All Around Contracting, provided a verbal overview of the handout that was provided to Committee.

The presentations, provided by Joe Iatomassi and Joe Cosentino, of All Around Contracting, respecting Item 12.1 on today's agenda – the Business Relationship between the City of Hamilton and All Around Contracting, were received.

(f) PRIVATE & CONFIDENTIAL (Item 12)

12.1 Commercial Relationship between the City of Hamilton and All Around Contracting Inc. (FCS11031(a)/LS11004(a)) (City Wide)

The Audit, Finance & Administration Committee moved into Closed Session, at 10:00 a.m., respecting the Commercial Relationship between the City of Hamilton and All Around Contracting Inc., 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 matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, to the receiving of advice that is subject to solicitor-client privilege including communications necessary for that purpose.

The Committee reconvened in Open Session at 10:53 a.m.

Staff was provided direction in Closed Session.

(g) AJOURNMENT (Item 13)

There being no further business, the Audit, Finance and Administration Committee adjourned at 10:57 a.m.

Respectfully submitted,

Councillor Maria Pearson, Acting Chair
Audit, Finance and Administration Committee

Stephanie Paparella
Legislative Assistant
May 18, 2011