



## **AUDIT, FINANCE & ADMINISTRATION COMMITTEE MINUTES 13-011**

9:30 a.m.

Monday, December 9, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

**Absent with  
Regrets:** Councillor B. Morelli – Illness

**Also Present:** Councillors C. Collins and R. Pasuta

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

#### **1. APPOINTMENT OF CHAIR AND VICE CHAIR (Item A)**

**(Johnson/Clark)**

- (a) That Councillor Russ Powers be appointed as Chair of the Audit, Finance & Administration Committee for 2014;
- (b) That Councillor Brad Clark be appointed as Vice Chair of the Audit, Finance & Administration Committee for 2014;
- (c) That Councillor Chad Collins be appointed to the Audit, Finance & Administration Committee for the balance of the 2010 – 2014 term of Council.

**CARRIED**

#### **2. Fair Wage Policy and Fair Wage Schedule Complaints - 2013 Annual Report (FCS13073) (City Wide) (Item 5.1)**

**(Powers/Johnson)**

That Report FCS13073, respecting Fair Wage Policy and Fair Wage Schedule Complaints - 2013 Annual Report, be received.

**CARRIED**

- 3. Annual Tax Arrears Update, as of December 31, 2012 (FCS13067) (City Wide) (Item 5.2)**

**(Johnson/Clark)**

That Report FCS13067, respecting the Annual Tax Arrears Update, as of December 31, 2012, be received.

**CARRIED**

- 4. Restructured Master Asset Vehicle Notes and Asset Backed Commercial Paper Update (FCS11006(c)) (City Wide) (Item 5.3)**

**(Johnson/Powers)**

That Report FCS11006(c), respecting the Restructured Master Asset Vehicle Notes and Asset Backed Commercial Paper Update, be received.

**CARRIED**

- 5. 2012 Audited Financial Statements for City of Hamilton Business Improvement Areas (FCS13095) (City Wide) (Item 5.4)**

**(Powers/Johnson)**

That Report FCS13095, respecting the 2012 Audited Financial Statements for City of Hamilton Business Improvement Areas, be received.

**CARRIED**

- 6. LGBTQ Space Needs Follow Up (FCS11104(f)) (City Wide) (Item 5.5)**

**(Johnson/Clark)**

That Report FCS11104(f), respecting the LGBTQ Space Needs Follow Up, be received.

**CARRIED**

- 7. Monthly Status Report of Tenders and Requests for Proposals for August 31, 2013 to October 4, 2013 (FCS13016(h)) (City Wide) (Item 5.6)**

**(Johnson/Powers)**

That Report FCS13016(h), respecting the Monthly Status Report of Tenders and Requests for Proposals for August 31, 2013 to October 4, 2013, be received.

**CARRIED**

- 8. 2013 Third Quarter Non-compliance with the Procurement Policy Report (FCS13015(b)) (City Wide) (Item 5.7)**

**(Johnson/Powers)**

That Report FCS13015(b), respecting the 2013 Third Quarter Non-compliance with the Procurement Policy Report, be received.

**CARRIED**

- 9. Monthly Status Report of Tenders and Requests for Proposals for October 5, 2013 to November 1, 2013 (FCS13016(i)) (City Wide) (Item 5.8)**

**(Powers/Clark)**

That Report FCS13016(i), respecting the Monthly Status Report of Tenders and Requests for Proposals for October 5, 2013 to November 1, 2013, be received.

**CARRIED**

- 10. 2013 Third Quarter Emergency and Non-competitive Procurements Report (FCS13014(b)) (City Wide) (Item 5.9)**

**(Powers/Clark)**

That Report FCS13014(b), respecting the 2013 Third Quarter Emergency and Non-competitive Procurements Report, be received.

**CARRIED**

- 11. Multi-Year Accessibility Plan Status Update (FCS12102(a)) (City Wide) (Item 5.10)**

**(Powers/Johnson)**

That Report FCS12102(a), respecting the Multi-Year Accessibility Plan Status Update, be received.

**CARRIED**

- 12. 2012 City of Hamilton Municipal Performance Measurement Program (FCS13084) (City Wide) (Item 5.11)**

**(Johnson/Clark)**

That Report FCS13084, respecting the 2012 City of Hamilton Municipal Performance Measurement Program, be received.

**CARRIED**

- 13. CRTC – Fibre Optic Cable in Rural Areas (City Wide) (FCS13056) (Item 5.12)**

**(Johnson/Clark)**

That Report FCS13056, respecting CRTC - Fibre Optic Cable in Rural Areas, be referred to the Agricultural and Rural Affairs Sub-Committee.

**CARRIED**

- 14. Freedom of Information Quarterly Report (July 1 to September 30, 2013) (CL13001(b)) (City Wide) (Item 5.13)**

**(Johnson/Powers)**

That Report CL13001(b), respecting the Freedom of Information Quarterly Report, be received.

**CARRIED**

**15. Update on DARTS Review (AUD13041) (City Wide) (Item 5.14)**

**(Johnson/Powers)**

That Report AUD13041, respecting the Update on DARTS Review, be received.

**CARRIED**

**16. DARTS Review and the Evaluation of Value for Money Audit Program (AUD13039) (City Wide) (Item 5.15)**

**(Clark/Powers)**

That Report AUD13039, respecting the DARTS Review and the Evaluation of Value for Money Audit Program, be received.

**CARRIED**

**17. Follow-up of Audit Report 2012-03 – Construction Contracts Review (AUD13035) (City Wide) (Item 5.16)**

**(Johnson/Clark)**

That Report AUD13035, respecting the Follow-up of Audit Report 2012-03 – Construction Contracts Review, be received.

**CARRIED**

**18. Employee Attendance Performance Measures – Q3 2013 (HUR13013) (City Wide) (Item 5.18)**

**(Johnson/Clark)**

(a) That Report HUR13013, respecting Employee Attendance Performance Measures – Q3 2013, be received.

(b) That staff be directed to report back to the General Issues Committee, respecting a more aggressive strategy to reduce the number of WSIB and sick day claims, what measures have been successful and which ones have not.

(c) That all the appropriate Managers be directed to ensure their attendance at the General Issues Committee meeting when the report respecting a more aggressive strategy to reduce the number of WSIB and sick day claims when the report comes forward for discussion.

(d) That staff be directed to report back to the Audit, Finance & Administration Committee semi-annually, rather than quarterly, respecting Employee Attendance Performance Measures.

**AMENDMENT CARRIED  
MOTION AS AMENDED CARRIED**

**19. Treasurer's Apportionment of Land Taxes (FCS13001(g)) (Ward 15) (Item 5.19)**

**(Johnson/Clark)**

- (a) That the 2012 land taxes in the amount of \$1,980 for 113 Sadielou Boulevard, Flamborough (Roll #2518 303 420 04789 0000), be apportioned and split amongst the four newly created parcels, as set out in Appendix "A" to Report FCS13001(g).
- (b) That the 2012 land taxes in the amount of \$1,980 for 90 Bousfield Rise, Flamborough (Roll #2518 303 420 04825 0000), be apportioned and split amongst the four newly created parcels, as set out in Appendix "A" to Report FCS13001(g).
- (c) That the 2012 land taxes in the amount of \$1,980 for 102 Bousfield Rise, Flamborough, (Roll #2518 303 420 04830 0000) be apportioned and split amongst the four newly created parcels, as set out in Appendix "A" to Report FCS13001(g).
- (d) That the 2012 land taxes in the amount of \$2,004 for 39 Bousfield Court, Flamborough, (Roll #2518 303 420 04850 0000) be apportioned and split amongst the three newly created parcels, as set out in Appendix "B" to Report FCS13001(g).

**CARRIED**

**20. 2014 Interim Tax Levy and Temporary Borrowing By-Laws (FCS13087) (City Wide) (Item 5.20)**

**(Clark/Johnson)**

- (a) That Appendix "A" attached to Report FCS13087, being a By-law to Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues for 2014, be passed;
- (b) That Appendix "B" attached to Report FCS13087, being a By-law to Authorize an Interim Tax Levy for 2014, be passed.

**CARRIED**

**21. Tax Appeals under Sections 357 and 358 of the Municipal Act (2001) FCS13027(f) (City Wide) (Item 5.21)**

**(Johnson/Clark)**

- (a) That Appendix "A" attached to Report FCS13027(f), respecting the Tax Appeals processed under Section 357 of the Municipal Act, 2001, in the amount of \$82,449, be approved;
- (b) That Appendix "B" attached to Report FCS13027(f), 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 \$71,657, be approved.

**CARRIED**

**22. 2012 Annual Energy Report on Commodity Price Hedging (FCS13046(a)/PW13034(a)) (City Wide) (Item 8.1)**

**(Powers/Johnson)**

- (a) That the General Manager, Finance & Corporate Services or approved designate, be authorized and directed to retain Aegent Energy Advisors Inc., for on-going natural gas advisory services on a monthly retainer of \$3,035 for a period of three (3) years with a mutual option to renew for an additional two (2) years, at the same monthly rate, to be funded from the Energy Reserve account (No. 112272);
- (b) That the General Manager, Finance & Corporate Services or approved designate, be authorized and directed to retain En-Pro International Inc., for on-going petroleum management advisory services on a monthly retainer of \$2,250 for a period of three (3) years with a mutual option to renew for an additional two (2) years, at the same or lower monthly amount, to be funded from the Energy Reserve account (No. 112272);
- (c) That the General Manager, Finance & Corporate Services or approved designate, be authorized and directed to enter into an Energy Management Tool Services Agreement, with the Association of Municipalities of Ontario, Local Authority Services, for a term of five (5) years, with an option to renew for an additional term of two (2) years, at an average annual fee of \$31,680, with the initial year being higher and remaining years slightly lower, in a form satisfactory to the City Solicitor, and to be funded from the Energy Reserve account (No. 112272).

**CARRIED**

**23. Armoured Car Services – Authorization to Negotiate (FCS13078) (City Wide) (Item 8.2)**

**(Clark/Powers)**

That the Acting General Manager of Finance & Corporate Services, or their designate, be authorized and directed to negotiate a five year contract with Brink's Canada Limited to provide armoured car services to the City of Hamilton.

**CARRIED**

**24. Governance Review Sub-Committee Report 13-002, October 22, 2013 (Item 8.3)**

**(Powers/Johnson)**

- (a) **Correspondence from Laura Ryan respecting her Resignation from the Accountability and Transparency Sub-Committee (Item 4.1)**
  - (i) That the letter of resignation submitted by Laura Ryan, from the Accountability and Transparency Sub-Committee, be received;

- (ii) That a letter be sent to Laura Ryan thanking her for her service on the Accountability and Transparency Sub-Committee.

**(b) Dissolving of the Accountability and Transparency Sub-Committee**

- (i) That the Accountability and Transparency Sub-Committee be dissolved;
- (ii) That any future issues relating to Accountability and Transparency be forwarded to the Governance Review Sub-Committee for consideration.

**(c) City of Hamilton LGBTQ Advisory Committee – Secondary Logo (Item 4.4)**

That the secondary logo, attached as Appendix “A” to Governance Review Sub-Committee Report 13-002, be approved for use by the City of Hamilton LGBTQ Advisory Committee.

**(d) Housekeeping Procedural By-law Amendments (Item 4.5)**

- (a) That the Housekeeping Procedural By-law Amendments, attached as Appendix “B” to Governance Review Sub-Committee Report 13-002, be approved.
- (b) That the By-law to Amend Procedural By-law 10-053, Governing the Proceedings of Council and Committees of Council, be passed.

**AMENDMENT CARRIED  
MOTION AS AMENDED CARRIED**

**25. Status of Women Committee, Report SWC13-001 – Transfer from Reserve (Item 8.4)**

**(Johnson/Powers)**

That \$4,500 be transferred from the Status of Women Advisory Committee’s Volunteer Reserve account to fund the development of an Elect More Women Education Workshop on the Committee’s 2013 work plan.

**CARRIED**

**26. HMRF/HWRF Pension Administration Sub-Committee Report 13-001, November 12, 2013 (Item 8.5)**

**(Powers/Johnson)**

**(a) Quarterly Report – Performance Review and Investment Manager Evaluation – Master Trust, September 30, 2012 (Item 4.1)**

That the AON Hewitt report, respecting the Quarterly Report – Performance Review and Investment Manager Evaluation – Master Trust, September 30, 2012, be received.

**(b) Master Trust Pension Investment Performance, December 31, 2012 (FCS12070(a) (City Wide) (Item 4.2)**

That Report FCS12010(a), respecting the Master Trust Pension Investment Performance, December 31, 2012, be received.

**(c) Master Trust Pension Investment Performance, June 30, 2013 (FCS13083) (City Wide) (Item 4.3)**

That Report FCS13083, respecting the Master Trust Pension Investment Performance, June 30, 2013, be received.

**(d) Resignation of Mr. Wilf Heene from the HMRF/HWRF Pension Administration Sub-Committee (Added Item 5.1)**

That the resignation of Mr. Wilf Heene, from the HMRF/HWRF Pension Administration Sub-Committee, be received.

**(e) Appointment of a New Member of the HWRF Pension Group to the HMRF/HWRF Pension Administration Sub-Committee (Added 5.2)**

That Mr. Harvey Hicks, be appointed to the HMRF/HWRF Pension Administration Committee.

**CARRIED**



**27. Procurement Sub-Committee Report 13-001, November 25, 2013 (Item 8.6)**

**(Clark/Johnson)**

**(a) 2013 Procurement Policy Review and Proposed Amendments (FCS13097) (Attached hereto as Appendix "A" to Report 13-001)(City Wide) (Item 6.1)**

- (i) That the City of Hamilton Procurement Policy, attached hereto as Appendix "B" to Report 13-001, be approved;
- (ii) That a By-law to Adopt and Maintain a Procurement Policy for the City of Hamilton, attached Appendix "B" to Report 13-001, be enacted.

**CARRIED**

**28. Retention of Live Streamed Recordings of Council and Standing Committees (FCS13069) (City Wide) (Item 8.7)**

**(Clark/Powers)**

- (a) That Schedule "A" of By-law 11-040 "Retention Periods for Records", be amended to reflect the retention status of Council meeting video recordings as "temporarily suspended"; to not be deleted after the Term of Council, pending the Web Redevelopment review;
- (b) That the amending By-law, attached to Report FCS13069, as Appendix "A" be passed.

**AMENDMENT CARRIED  
MOTION AS AMENDED CARRIED**

**29. 2014 Advance Payments to External Boards and Agencies (FCS13099) (City Wide) (Item 8.8)**

**(Johnson/Powers)**

- (a) That, effective January 1, 2014, 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 FCS13099;
- (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 FCS13099) 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**

**30. Hamilton Street Railway Pension Plan Text – Revised and Restated as of January 1, 2009 (FCS13085) (City Wide) (Item 8.9)**

**(Clark/Powers)**

That the Treasurer be authorized to file the Hamilton Street Railway Pension Plan (1994), revised and restated as at January 1, 2009 (attached as Appendix 'B' to Report FSC13085), with the applicable authorities.

**CARRIED**

**31. Hamilton Street Railway Pension Plan, Pension Benefits Guarantee Fund Exemption (FCS13086) (City Wide) (Item 8.10)**

**(Powers/Clark)**

That the Mayor and City Treasurer correspond with the Minister of Finance to request the Hamilton Street Railway (HSR) Pension Plan (1994) be included as an exempt plan under Section 47(1) of Regulation 909 to the Pension Benefit Act (PBA) RSO 1990, retroactive to January 1, 2009, as per the letter attached as Appendix "A" to Report FSC13086.

**CARRIED**

**32. 2013 City of Hamilton External Audit Plan (FCS13088) (City Wide) (Item 8.11)**

**(Clark/Johnson)**

That the 2013 City of Hamilton Audit Planning Report prepared by KPMG, attached as Appendix "A" to Report FCS13088, be approved.

**CARRIED**

**33. 2014 Budget Requests - Volunteer Advisory Committees (FCS13093) (City Wide) (Item 8.12)**

**(Johnson/Powers)**

That the Volunteer Advisory Committee 2014 base budget submissions (attached as Appendices "A" to "F" to Report FCS13093), be approved as follows and forwarded to the 2014 budget process (General Issues Committee (GIC)):

- (a) Advisory Committee on Immigrants & Refugees in the amount of \$3,500;
- (b) Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee in the amount of \$3,890;
- (c) Aboriginal Advisory Committee in the amount of \$3,500;
- (d) Hamilton Mundialization Committee in the amount of \$5,890;
- (e) Hamilton Status of Women Committee in the amount of \$3,500;
- (f) Committee Against Racism in the amount of \$3,890.

**CARRIED**

**34. Rosedale Tennis Club Loan Request (FCS13100/CS13057) (City Wide) (Item 8.13)**

**(Johnson/Clark)**

- (a) That the City of Hamilton provide an interest free loan to the Rosedale Tennis Club in an amount not to exceed \$180,000 for the replacement of the tennis bubble at Gage Park, in accordance with the City's External Loan Guidelines to be repaid in full within 15 years from the date of the loan advance;
- (b) That the loan be repaid with annual payments on the anniversary dates of the loan advance, as reflected in the repayment schedule attached hereto as Appendix "B" to Report FCS13100/CS13057;
- (c) That a Long Term Receivable account be established to record the Loan Receivable on the City's books;
- (d) That the City Solicitor and the Acting General Manager, Finance and Corporate Services be authorized and directed to draft the loan agreement for execution by the Mayor and City Clerk.

**CARRIED**

**35. Performance Audit Report 2013-15 - Cheques (Value for Money Audit) (AUD13034) (City Wide) (Item 8.14)**

**(Clark/Powers)**

- (a) That the Management Action Plans, as detailed in Appendix "A" of Report AUD13034, be approved; and,
- (b) That the Acting General Manager, Finance & Corporate Services be directed to instruct the appropriate staff to have the Management Action Plans (as indicated in attached Appendix "A" to Report AUD13034) implemented.

**CARRIED**

**36. Audit Report 2013-08 – Public Works - Transit Overtime (AUD13037) (City Wide) (Item 8.15)**

**(Powers/Johnson)**

- (a) That the Management Action Plans, as detailed in Appendix "A" of Report AUD13037, be approved; and,
- (b) That the General Manager of Public Works be directed to instruct the appropriate staff to have the Management Action Plans (attached as Appendix "A" to Report AUD13037) implemented.

**CARRIED**

**37. Audit Report 2013-09 – Community & Emergency Services - Hamilton Fire Department – Overtime (AUD13038) (City Wide) (Item 8.16)**

**(Powers/Johnson)**

- (a) That the Management Action Plans, as detailed in Appendix “A” of Report AUD13038, be approved; and
- (b) That the Acting General Manager of Community and Emergency Services be directed to instruct the appropriate staff to have the Management Action Plans (attached as Appendix “A” to Report AUD13038) implemented.

**CARRIED**

**38. 2014 Internal Audit Work Plan (AUD13040) (City Wide) (Item 8.17)**

**(Powers/Clark)**

That Appendix “N” attached to Report 13-011, respecting the 2014 Internal Audit Work Plan, be approved.

**CARRIED**

**39. Provision of Information Technology Services to Global Spectrum (CM11013(f)) (City Wide) (Item 8.18)**

**(Johnson/Clark)**

- (a) That Section 3.8 – Information Technology Services (IT) of the Management Agreement between the City of Hamilton and Global Spectrum Facilities Management L.P., which was approved by Council on February 13, 2013, be extended for a three month period; from January 1, 2014 to March 31, 2014 as it expires on December 31, 2013, to allow staff to negotiate with Global Spectrum Facilities Management L.P. for the use of the City of Hamilton's IT Services for a period beyond the Transition Year, specifically as it relates to Section 3.8 Information Technology Services (IT) only.
- (b) That staff be directed to report back to the Audit, Finance & Administration Committee on the outcome of those negotiations, prior to the end of the three month period.

**CARRIED**

**40. Corporate Culture, Values & Ethics for City Employees (CM13019) (City Wide) (Item 8.19)**

**(Powers/Johnson)**

- (a) That Internal Audit Report 2013-02 Corporate Ethics Review and recommendations attached as Appendix “A” to Report CM13019 be received;

- (b) That the City Manager and Senior Management Team be directed to implement the Ethics Audit Management Action Plan, attached as Appendix "B" to Report CM13019.
- (c) That staff be directed to report back to the Audit, Finance & Administration Committee on an annual basis, respecting the Ethics Audit Management Action Plan, attached as Appendix "B" to Report CM13019.

**AMENDMENT CARRIED  
MOTION AS AMENDED CARRIED**

**41. Tax Rebates for Eligible Charities and Similar Organizations (Item 9.1)**

**(Powers/Johnson)**

- (a) That the City of Hamilton amend its existing Policy on Tax Rebates for Eligible Charities and Similar Organizations to allow for a 100% tax rebate to non-profit educational institutions, which are accredited by the Ministry of Education for Ontario, rent their property and would otherwise be tax exempt if they owned their property; and,
- (b) That the Treasurer be authorized and directed to write-off all outstanding taxes owing by the Hamilton Academy of Performing Arts, in the amount of \$85,382.96.

**CARRIED**

**42. Resignations from LGBTQ Advisory Committee (Item 11.2)**

**(Clark/Powers)**

That the resignation submitted by David Gunton from the LGBTQ Advisory Committee, be received.

**CARRIED**

**FOR THE INFORMATION OF COMMITTEE:**

**(a) CHANGES TO THE AGENDA (Item 1)**

There were no changes to the agenda.

**(Johnson/Powers)**

That the agenda for the December 9, 2013 Audit, Finance & Administration Committee meeting be approved, as presented.

**CARRIED**

**(b) DECLARATIONS OF INTEREST (Item 2)**

Councillor Brenda Johnson declared an interest to Item 5.9, Report FCS13014(b) respecting 2013 Third Quarter Emergency and Non-Competitive Procurement Reports (FCS13014(b), as her husband works for Coca Cola.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)**

**(i) October 8, 2013 (Item 3.1)**

**(Johnson/Clark)**

That the Minutes of the October 8, 2013 meeting of the Audit, Finance and Administration Committee be approved, as presented.

**CARRIED**

**(d) DELEGATION REQUESTS (Item 4)**

**(i) Gerry Campbell, Ironworkers Local 736, respecting a request to have the wages of the Ironworkers and Rodworkers added to the Wage Schedule of the Fair Wage Policy (Item 4.1)**

**(Johnson/Powers)**

That the delegation request from Gerry Campbell, Ironworkers Local 736, respecting a request to have the wages of the Ironworkers and Rodworkers added to the Wage Schedule of the Fair Wage Policy, be approved.

**CARRIED**

**(ii) John O'Toole, respecting a Denied Risk Management Claim for Damage to his Vehicle (Item 4.2)**

**(Johnson/Clark)**

That the delegation request from John O'Toole, respecting a denied Risk Management Claim for Damage to his Vehicle, be approved.

**CARRIED**

**(e) Minutes of Various Advisory Committees (Items 5.17(a) to 5.17(e))**

**(Powers/Johnson)**

That the following Advisory Committee Minutes be received:

- (a) Aboriginal Advisory Committee, June 6, 2013
- (b) Hamilton Mundialization Committee, June 19, 2013
- (c) Status of Women Committee, June 27, 2013
- (d) Status of Women Committee, September 26, 2013
- (e) Committee Against Racism, September 24, 2013

**CARRIED**

**(f) Harassment and Discrimination Prevention Policies (HUR13014) (City Wide)  
(Item 8.20)**

**(Johnson/Clark)**

Staff was directed to amend the Personal Harassment Prevention Policy, the Harassment and Discrimination Prevention Policy and the Procedure for Resolving Harassment and Discrimination Issues, by:

- (i) Adding further wording under the Policy Statement portion of each policy advising that the City of Hamilton has adopted a Zero Tolerance policy with respect to sexual harassment or any other form of harassment;
- (ii) Amending the Compliance Section of each policy by adding the words “*with cause (without severance)*” after the word “employment”; and,
- (ii) Amending the Manager/Supervisor section by deleting the word “immediate” and adding the words “within 24 hours” after the word action, to read as follows:
  - o take action **within 24 hours**, in the event of a real or potential threat to personal safety; and/or

**AMENDMENT CARRIED**

**(Johnson/Clark)**

That Report HUR13014, respecting Harassment and Discrimination Prevention Policies, be tabled to January 20, 2014 Audit, Finance & Administration Committee meeting, as amended.

**CARRIED**

**(g) Workplace Violence Prevention Policy (HUR13015) (City Wide) (Item 8.21)**

**(Johnson/Clark)**

Staff was directed to amend the Workplace Violence Prevention Policy by:

- (i) Adding further wording under the Policy Statement portion advising that the City of Hamilton has adopted a Zero Tolerance policy with respect to violence in the workplace; and,
- (ii) Amending the Compliance Section of each policy by adding the words “*with cause (without severance)*” after the words “up to and including dismissal”.

**AMENDMENT CARRIED**

**(Johnson/Clark)**

That Report HUR13015, respecting the Workplace Violence Prevention Policy, be tabled to the January 20, 2014 Audit, Finance & Administration Committee meeting, as amended.

**CARRIED**

**(h) MOTIONS (Item 9)**

Councillor Powers introduced the following motion:

**(i) Tax Rebates for Eligible Charities and Similar Organizations (Item 9.1)**

WHEREAS, Section 361 of the Municipal Act requires municipalities to have a tax rebate program for eligible charities for the purpose of giving them relief from taxes or amounts paid on account of taxes on eligible property they occupy;

AND WHEREAS, the amount of tax rebate must be at least 40%;

AND WHEREAS, a charity is eligible if it is a registered charity as defined in sub-section 248(1) of the Income Tax Act (Canada);

AND WHEREAS, a property is eligible if it is in one of the commercial or industrial property classes;

AND WHEREAS, municipalities have the option to provide rebates to organizations that are similar to eligible charities, provide for rebates on properties in any property class, provide for rebates that are greater than 40% (to a maximum of 100%), and may provide for different rebate amounts for different eligible charities or similar organizations;

AND WHEREAS the City of Hamilton currently provides a 40% tax rebate for eligible charities and similar organizations;

AND WHEREAS, non-profit educational institutions, which own property, are currently exempt from property taxes, while non-profit educational institutions that rent property are currently eligible for the 40% tax rebate under the Charity Tax Rebate program;

AND WHEREAS, City of Hamilton Council supports the fact that non-profit educational institutions accredited by the Ministry of Education for Ontario should be treated equally with respect to property taxes;

AND WHEREAS, the Hamilton Academy of Performing Arts is a non-profit educational institution accredited by the Ministry of Education for Ontario;



AND WHEREAS, the Hamilton Academy of Performing Arts rents property and, as such, is currently not exempt from property taxes similar to other non-profit educational institutions that own property.

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton amend its existing Policy on Tax Rebates for Eligible Charities and Similar Organizations to allow for a 100% tax rebate to non-profit educational institutions, which are accredited by the Ministry of Education for Ontario, rent their property and would otherwise be tax exempt if they owned their property; and,
- (b) That the Treasurer be authorized and directed to write-off all outstanding taxes owing by the Hamilton Academy of Performing Arts, in the amount of \$85,382.96.

For disposition of this matter, refer to Item 41 above.

**(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

**(i) Amendments to the Outstanding Business List (Item 11.1)**

**(Johnson/Clark)**

1. That the following Items be considered complete and removed from the Audit, Finance & Administration Committee's Outstanding Business List:
  - (aa) Item "P" – LGBTQ Space Requirements (Item 5.5 on this agenda)
  - (bb) Item "R" – 2012 Annual Energy Report on Commodity Price Hedging (Item 8.1 on this agenda)
  - (cc) Item "S" – Inclusion of Hospital Growth Infrastructure under the *Development Charges Act* (Addressed at the October 8, 2013 meeting – FCS13044(a).)
  - (dd) Item "T" – Retention of Live Streamed Recordings (Item 8.7 on this agenda)
  - (ee) Item "AA" – Rosedale Tennis Club Request for \$180,000 Loan (Item 8.13 on this agenda)

**CARRIED**

**(Powers/Clark)**

2. That the following proposed new due dates, be approved:

- (aa) Item "J" – Committee Against Racism – Resource Centre & Telephone Help Line  
Current Due Date: November 25, 2013  
Proposed New Due Date: March 24, 2014
- (bb) Item "L" – Stop Gap Ramp Initiative  
Current Due Date – November 25, 2013  
Proposed New Due Date: September 8, 2014
- (cc) Item "W" – City-Wide Cash Handling Guidelines  
Current Due Date: December 9, 2013  
Proposed New Due Date: January 20, 2014
- (dd) Item "Y" – Performance Audit Report 2013-13 – Employer Paid Parking (Value for Money Audit)  
Current Due Date: December 9, 2013  
Proposed New Due Date: February 24, 2014

**(j) ADJOURNMENT (Item 13)**

**(Powers/Clark)**

That, there being no further business, the Audit, Finance & Administration Committee, be adjourned at 12:31 p.m.

**CARRIED**

Respectfully submitted,

Councillor M. Pearson, Chair  
Audit, Finance & Administration Committee

Stephanie Paparella  
Legislative Coordinator  
Office of the City Clerk