Present: Vice-Chair R. Powers
Mayor F. Eisenberger
Councillors B. Bratina, C. Collins, B. Morelli, M. Pearson,
Absent with Regrets: Chair B. Clark (illness), T. Whitehead (personal)
Also Present: C. Murray, City Manager
R. Rossini, General Manager - Finance and Corporate Services
D. LaPointe-Kay, Director of Recreation – Community Services
K. Christenson, City Clerk; T. Fallis, Coordinator of Elections and Freedom of Information; M. Meyer, Legislative Assistant – City Clerk’s Office

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. Resolution from the Hamilton Waterfront Trust – Provincial Tax Rulings (Item 5.2)

   (Pearson/Collins)
   That the resolution from the Hamilton Waterfront Trust – Provincial Tax Rulings be received for information.
   
   CARRIED

2. Apportionment of Property Taxes for Various Properties in Hamilton and Flamborough (FCS09001(f)) (Wards 6 and 14) (Item 5.3)

   (Pearson/Collins)
   (a) That the 2009 property taxes, in the amount of $347 for 0 Rymal
Rd. E., Hamilton, (Roll #2518 060 761 00350), be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS09001(f); and

(b) That the 2009 property taxes, in the amount of $1,836 for 15 Orkney Rd., Flamborough, (Roll #2518 301 140 08000), be apportioned and split amongst the three newly created parcels as set out in Appendix A to report FCS09001(f).

CARRIED

3. Tax Appeals under Section 357 and 358 of the Municipal Act, 2001 (FCS09006(e)) (City Wide) (Item 5.4)

(Pearson/Collins)
(a) That the tax write-offs processed under Section 357 of the Municipal Act, 2001, in the amount of $74,216 be approved as set out in Appendix A to report FCS09006(e); and

(b) That the tax appeals due to a gross or manifest clerical error, pursuant to Section 358 of the Municipal Act, 2001, in the amount of $28,401 be approved as set out in Appendix B to report FCS09006(e).

CARRIED

4. Treasurer’s Write-Off of Taxes under Section 354 of the Municipal Act, 2001 (FCS09034(b)) (Ward 14) (Item 5.5)

(Pearson/Collins)
That the Treasurer, under Section 354(3) of the Municipal Act (2001), write-off taxes as uncollectible due to a failed tax sale on seventeen properties known as 0 Highway 8 (seven properties) and 0 6th Concession Road West (ten properties) in the amount of $703,068.36, as set out in Appendix A to report FCS09034(b).

CARRIED

5. Redeemer College - $1,000,000 Loan Request for the Redeemer Community Soccer Project (FCS09086) (Ward 12) (Item 8.1)

(Eisenberger/Collins)
(a) That the City of Hamilton provide an interest-free loan in an amount not to exceed $1,000,000 to Redeemer University College for the construction of a new soccer field with dome and field house, pursuant to the External Loan Guidelines to be repaid in full within ten years from the date of the loan advance;
(b) That the terms of the loan be interest-free for a period of 10 years to be repaid with annual payments on the anniversary dates of the loan advance as reflected in the repayment schedule attached hereto as Appendix E;

(c) That the loan be interest-free subject to an agreement with Redeemer University College that would provide community access city wide for the fields with a 50% community use ratio for the facility and that staff work out the community use agreement prior to the September 30, 2009 meeting of Council;

(d) That a Long Term Receivable account be established to record the Loan Receivable on the City’s books; and

(e) That the City Solicitor and the General Manager, Finance and Corporate Services be authorized to draft the loan agreement for execution by the Mayor and City Clerk.

CARRIED

6. Records Use/Transfer Agreement with the Dundas Historical Society Museum (CL09001) (Ward 13) (Item 8.2)

(Pearson/Morelli)

(a) That the City of Hamilton enter into a Records Use/Transfer Agreement with the Dundas Historical Society Museum to preserve the archival records of the former Town of Dundas.

(b) That Council adopt a by-law authorizing the Mayor and Clerk to sign the Records Use/Transfer Agreement attached as Appendix “A” to this report.

CARRIED

7. City of Hamilton/Ministry of Energy & Infrastructure/Ministry of Agriculture, Food & Rural Affairs Infrastructure Stimulus Fund Contribution Agreement (FCS09052(d)) (City Wide) (Item 8.3)

(Collins/Eisenberger)

(a) That the Mayor and Chief Administrative Officer (City Manager) be authorized and directed to enter into an Agreement between the City of Hamilton and the Ministry of Energy and Infrastructure and the Ministry of Agriculture, Food and Rural Affairs, related to the funding commitment made by the Government of Canada and the Province of Ontario to the Municipality under the Infrastructure Stimulus Fund Program;
(b) That the Mayor and Chief Administrative Officer (City Manager) be authorized and directed to execute the Contribution Agreement attached as Appendix “A” to Report FCS09052(d);

(c) That the appropriate By-Law, “City of Hamilton/ Ministry of Energy and Infrastructure/Ministry of Agriculture, Food and Rural Affairs Infrastructure Stimulus Fund Contribution Agreement By-Law”, be passed and enacted attached as Appendix “B” to Report FCS09052(d); and

(d) That a certified copy of this By-Law be forwarded to the Canada Ontario Infrastructure Secretariat upon Council approval.

CARRIED

8. FCM Green Municipal Fund - Grant/Loan and Reporting Agreements (FCS09095) (City Wide) (Item 8.4)

(Morelli/Collins)

(a) That the Mayor and City Clerk be authorized and directed to enter into a Loan Agreement, Grant Agreement and Project Reporting Grant Agreement (“Agreements”) (attached as Appendices “A”, “B” and “C” to report FCS09095) between the City of Hamilton and the Federation of Canadian Municipalities (FCM), required by FCM with respect to the funding commitment made through the Government of Canada Green Municipal Fund (GMF), in a form acceptable to the City Solicitor;

(b) That the Mayor and City Clerk be authorized and directed to execute any ancillary documentation, in a form acceptable to the City Solicitor, reasonably required in order to give effect to the Agreements' requirements;

(c) That the appropriate by-law, City of Hamilton/Federation of Canadian Municipalities – Green Municipal Fund Agreement By-Law be passed and enacted attached as Appendix “D” to report FCS09095; and

(d) That, if approved and passed, that a certified copy of the by-law referenced in (c) above be forwarded to FCM.

CARRIED
9. **Municipal Election Campaign Contribution Rebates (CL09006(b)) (Item 8.5)**

(Eisenberger/Collins)
(a) That staff be directed to conduct public information sessions in the broader community respecting municipal election campaign contribution rebates;
(b) That information and a questionnaire respecting municipal election campaign contribution rebates be placed on the City’s website; and
(c) That staff report back to the Audit and Administration Committee with the results of the public consultation.

CARRIED

FOR THE INFORMATION OF COUNCIL:

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

The Clerk advised of the following changes to the agenda:

The Report number for Item 8.5, Municipal Election Campaign Contribution Rebates, should read CL09006, not CL09006(b).

Added as Item 8.6(a) is Assessment of Greenhill Subdivision Flooding Liability Claims From December 1, 2006 (Ward 5) (FCS08105)(a)), which was referred to the Audit and Administration Committee by Committee of the Whole at its meeting on September 15, 2009.

Added as Item 8.6(b) is Assessment of Greenhill Subdivision Flooding Liability Claims From December 1, 2006 (Ward 5) (FCS08105) (tabled at the December 3, 2008 meeting).

Added as Item 11.1(b) is Outstanding Business List Item P, Water Meter Bypass Valves, with a recommendation that it be considered complete and removed from the Audit and Administration Committee Outstanding Business List, as it was dealt with at the September 21, 2009 Public Works meeting.

On a motion (Pearson/Collins), the agenda was approved as amended.

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

There were no declarations of interest.
(c) MINUTES (Item 3)

(i) Minutes of the meeting held on September 9, 2009 (Item 3.1)

(Collins/Bratina)
That the minutes of the Audit and Administration Committee meeting held on September 9, 2009 be approved as presented.

CARRIED

(d) Minutes of Various Sub- Committees (FOR INFORMATION PURPOSES ONLY) (Item 5.1)

(Pearson/Collins)
That the following minutes of various sub-committees be received:
(a) Hamilton Mundialization Executive Committee – April 15, 2009

CARRIED

(e) Dr. Justin Cooper, President of Redeemer University College, respecting a loan for the Redeemer Community Soccer Project (Item 6.1)

Dr. Justin Cooper, President of Redeemer University College, addressed the Committee. His comments included but were not limited to the following:
• The Redeemer Community Soccer Project will cost $4.8 million
• It will benefit students and the community
• Community use of the facility will constitute at least half the time or more
• The federal government contributed $1.3 million and the provincial government contributed $1.3 million
• This is an opportunity to show cooperation in all three levels of government
• 75% of Redeemer students come from outside of community
• many of the 150 employees live outside of the City and drive to work
• This project will help Redeemer grow as part of the Hamilton community

(Collins/Bratina)
That the presentation from Dr. Justin Cooper, President of Redeemer University College, be received.

CARRIED
Jim Bethune, president of the Ancaster Soccer Club, respecting a loan for the Redeemer Community Soccer Project (Item 6.2)

Jim Bethune, president of the Ancaster Soccer Club, addressed the Committee. His comments included but were not limited to the following:

- The proposed facility started when the Ancaster soccer Club was looking for an indoor facility
- The proposed facility is bigger than what the Ancaster Soccer Club needs but is important for the community
- There are not many indoor soccer facilities in City of Hamilton so there is a demand for this facility
- This will be a world-class facility
- The new field would be domed in the winter time and the existing field is to be refurbished.
- Redeemer College will use the facility mostly during the day and the community can use it in the evening.

In response to questions from the Committee, Mr. Bethune confirmed that he would like the loan to be interest free, as described in the “Alternatives for Consideration” section on page 3 of 4 of the report.

Committee requested information respecting how much money the City would lose if the interest was waived on the loan and what a reasonable rate would be for people to access the facility. The Committee asked that the information be provided before the next Council meeting. Committee also requested that an agreement be drafted before Council showing community use of 50% of the time.

(Pearson/Morelli)
That the presentation from Jim Bethune, President of the Ancaster Soccer Club, be received.

CARRIED

Redeemer College - $1,000,000 Loan Request for the Redeemer Community Soccer Project (FCS09086) (Ward 12) (Item 8.1)

Councillor Powers noted that the documentation should show the legal name of Redeemer University College.

Committee did not approve the staff recommendation as presented in Report FCS09086, but instead approved an interest-free loan, as outlined in Item 5 above.
(h) Municipal Election Campaign Contribution Rebates (CL09006(b)) (Item 8.5)

Committee discussed the report, including but not limited to the following:

- The public should be made aware that they are paying for the rebates
- Municipal Service Centres could be utilized in the public consultation process
- Perhaps the public consultation process could include a mail-out to residents
- The term “public consultation” should be defined

Committee approved a recommendation as outlined in Item 9 above.

Kevin Christenson, City Clerk, advised that the issues that the public would be consulted on are as follows: whether trade unions and corporations should be included; whether election contribution rebates are a good idea; whether candidates and their family members should be eligible for election rebates; what the minimum donation amount and maximum rebate amount should be; and whether there should be an audit of all participants in the rebate program.

(i) Assessment of Greenhill Subdivision Flooding Liability Claims From December 1, 2006 (Ward 5) (FCS08105(a)) (Added Item 8.6(a))

(Collins/Morelli)

That Information Report FCS08105(a) respecting Assessment of Greenhill Subdivision Flooding Liability Claims from December 1, 2006 be tabled, to be considered along with the other flood liability claims, which were referred by Public Works.

CARRIED

(j) Assessment of Greenhill Subdivision Flooding Liability Claims From December 1, 2006 (Ward 5) (FCS08105) (Added Item 8.6(b))

Committee agreed that Information Report FCS08105 respecting Assessment of Greenhill Subdivision Flooding Liability Claims from December 1, 2006 should remain tabled, to be considered along with the other flood liability claims, which were referred by Public Works.

(k) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business List (Item 11.1)

(A) Item P: Water Metre Bypass Valves
On a motion (Collins/Pearson), Item P was considered complete and removed from the Audit and Administration Committee Outstanding Business List.

(I) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Minutes of the Closed Session meeting held on September 9, 2009 (Item 12.1)

(Collins/Bratina)
(a) That the minutes of the Audit and Administration Committee closed session meeting held on September 9, 2009 be approved as presented.

(b) That the Minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

CARRIED

(m) ADJOURNMENT (Item 13)

(Pearson/Collins)
The Audit and Administration Committee adjourned at 10:18 a.m.

Respectfully submitted,

Councillor Russ Powers, Vice-Chair
Audit and Administration Committee

Mary-Ann Meyer
Legislative Assistant
September 23, 2009