Audit and Administration Committee
REPORT 10-011
9:30 a.m.
Wednesday, October 6, 2010
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Councillors R. Powers (Chair) B. Morelli (Vice-Chair), M. Pearson, B. Bratina

Regrets: Councillors C. Collins, T. Whitehead - City Business
Councillor B. Clark – Personal

Also Present: R. Rossini, General Manager, Finance & Corporate Services
T. Tollis, City Treasurer
R. Male, M. Zegarac, A. Mastandrea, L. Friday, Finance & Corporate Services
D. Edwards, Legal Services
A. Grozelle, Legislative Assistant, Office of the City Clerk

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. Report 10-003 of the Grants Sub-Committee September 16, 2010 Meeting (Item 5.1)

   (a) Convention & Sport Grants Review (GRA10008) (City Wide)

       That Report GRA10008, respecting the 2010 Convention and Sport Grants Review, be received.

   (b) Event Road Closure Services - Incomplete Applications (GRA10011) - (City Wide)

       That Report GRA10011, respecting Event Road Closure Services – Incomplete Applications, be received.
(c) Fee Waiver Request for Dundas Rotary Club – Lobsterfest Dinner (GRA10007)

That the fee waiver request, in the amount of $946.05, submitted by the Dundas Rotary Club for their Annual Lobsterfest Dinner on Saturday, June 5, 2010, to use the facilities at the J. L. Grightmire Arena, be approved.

(d) 2010 Community Partnership Program Late Requests - Special Events Stream (GRA10009) (City Wide)

(i) That the request for funding in the amount of $4,350, submitted by the Dutch Canadian Veteran Association for the 65th Anniversary of the Liberation of Holland, be denied.

(ii) That the request for funding in the amount of $5,000, submitted by the Rotary Clubs of Waterdown and Flamborough for the 2010 Rotary Ribfest, be denied.

(e) 2010 Community Partnership Program Requests - Event Road Closure Services Stream (GRA10010) (City Wide)

(i) That funding in the amount of $6,947 (pro-rated), for the Event Road Closure Services request submitted by Green Venture for the Open Streets Hamilton event, which closed James Street North to traffic between Cannon Street and Burlington Street on June 6, 2010; and, will be closing the same streets again on September 26, 2010, be approved.

(ii) That funding in the amount of $5,920.43 (pro-rated), for the Event Road Closure Services request submitted by the Ancaster Agricultural Society for the Ancaster Fair, which is to take place on September 24 to 26, 2010, be approved.

(iii) That funding in the amount of $976.19 (pro-rated), for the Event Road Closure Services request submitted by the Hamilton-Wentworth Catholic District School Board for their annual Pilgrimage Walk to raise awareness and funds for the less fortunate in third world countries around the world, which is to take place on October 17, 2010, be approved.

(iv) That funding in the amount of $970 to cover Hamilton Police Service fees, submitted by the Sheffield Lions Club for the 200th Anniversary of the founding of the Town of Sheffield, be denied.
(f) 2010 Community Partnership Program Appeal - Culture Stream (GRA10012) (City Wide)

That the appeal, made by the Bach Elgar Choral Society, requesting that their 2010 approved grant of $8,915 be increased by $8,916 for a total grant of $17,831, to be funded from the Community Partnership Program contingency budget, be approved.

(g) 2010 Community Partnership Program Request - Culture Stream (GRA10013) (City Wide) (Item 5.5)

That the request for $36,000 in funding from the Community Partnership Program for the XIII Regimental Foundation’s Ceremonial Guard Program be denied.

2. Status of Global Equity Manager Search and Master Trust Dynamic Investment Policy FCS10030 (City Wide) (Item 5.2)

That Report FCS10030 respecting Status of Global Equity Manager Search and Master Trust Dynamic Investment Policy, be received.

3. Master Trust Pension Investment Performance December 31, 2009 FCS09079(a) (City Wide) (Item 5.3)

That Report FCS09079(a) respecting Master Trust Pension Investment Performance December 31, 2009, be received.

4. Master Trust Pension Investment Performance June 30, 2010 (FCS10078) (City Wide) (Item 5.4)

That Report FCS10078 respecting Master Trust Pension Investment Performance June 30, 2010, be received.

5. Customer Service – Response to E-mails FCS10084 (Item 5.5)

That Report FCS10084 respecting Customer Service – Response to E-mails, be received.

6. Monthly Status Report of Tenders and Requests for Proposals for August 14, 2010 to September 10, 2010 FCS10017(f) (City Wide) (Item 5.6)

7. Tax Appeals under Section 357 and 358 of the Municipal Act, 2001 FCS10006(g) (City Wide) (Item 5.7)

(a) That Appendix “A” attached hereto to report 10-011 respecting the “Tax Write-offs processed under Section 357 of the Municipal Act, 2001”, in the amount of $45,933 be approved; and

(b) That Appendix “B” attached hereto to report 10-011 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 $7,869, be approved.

8. Treasurer’s Apportionment of Land Taxes for Various Properties in Glanbrook and Ancaster FCS10011(d) (Wards 11 & 12) (Item 5.8)

(a) That the 2010 property taxes in the amount of $4,934 for 183-211 Tanglewood Dr., Glanbrook (Roll #2518 901 310 75358 0000) be apportioned and split amongst the fourteen newly created parcels as set out in Appendix A to report FCS10011(d);

(b) That the 2010 property taxes in the amount of $4,815 for 56-68 Maplevale Drive, Ancaster (Roll #2518 140 380 03710 0000) be apportioned and split amongst the seven newly created parcels as set out in Appendix A to report FCS10011(d);

(c) That the 2010 property taxes in the amount of $3,349 for 74-84 Maplevale Drive, Ancaster (Roll #2518 140 380 03720 0000) be apportioned and split amongst the six newly created parcels as set out in Appendix A to report FCS10011(d);

(d) That the 2010 property taxes in the amount of $3,210 for 88-98 Maplevale Drive, Ancaster (Roll #2518 140 380 03730 0000) be apportioned and split amongst the six newly created parcels as set out in Appendix A to report FCS10011(d);

(e) That the 2010 property taxes in the amount of $3,210 for 102-112 Maplevale Drive, Ancaster (Roll #2518 140 380 03740 0000) be apportioned and split amongst the six newly created parcels as set out in Appendix A to report FCS10011(d).

9. Delegated Authority to Award Corporate Contracts FCS10085 (City Wide) (Item 5.9)

(a) That the City Treasurer be delegated the authority to award corporate contracts until Council reconvenes in 2011;
(b) Corporate contracts awarded by the City Treasurer through the delegated authority will be reported back to the Audit, Finance and Administration Committee in January 2011.

10. Evaluation of the City of Hamilton Purchasing Program Update FCS09109(b) (City Wide) (Item 5.10)

That Report FCS09109(b) respecting Evaluation of the City of Hamilton Purchasing Program Update, be received.

11. 2009 Hamilton-Wentworth Retirement Fund Financial Statements FCS10081 (City Wide) (Item 5.11)

That Report FCS10081 respecting 2009 Hamilton-Wentworth Retirement Fund Financial Statements, be received.

12. 2009 Hamilton Municipal Retirement Fund Financial Statements FCS10058 (City Wide) (Item 5.12)

That Report FCS10058 respecting 2009 Hamilton Municipal Retirement Fund Financial Statements be received.

13. Hamilton Municipal Retirement Fund (HMRF) and Hamilton-Wentworth Retirement Fund (HWRF) – Survivor Benefit Re-Election FCS09096(b) (City Wide) (Item 5.13)

That Report FCS09096(b) respecting Hamilton Municipal Retirement Fund (HMRF) and Hamilton-Wentworth Retirement Fund (HWRF) – Survivor Benefit Re-Election, be received.

14. Delegation by Steve Miazga on behalf of the Hamilton Conservation Authority Board of Directors regarding a loan request for a site located at 154 King St. East Dundas. (Item 6.1)

That a 0% interest loan in the amount of $300,000 be issued to the Hamilton Conservation Authority for the purposes of additional study of the Veldhuis brownfield site and demolition of the remaining existing structures on said site located a 154 King St. East Dundas.

15. Development Charge Reserves Status Report as of December 31, 2009 FCS10050 (City Wide) (Item 8.1)

(a) That report FCS10050 “Development Charge Reserves Status Report as of December 31, 2009” be received for information;

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(b) That report FCS10050 “Development Charge Reserves Status Report as of December 31, 2009” be forwarded to the Ministry of Municipal Affairs and Housing.

16. Ontario Disaster Relief Assistance Program Guidelines Review & Recommendations FCS06007(e)(City Wide) (Item 8.2)

(a) That the Provincial Ombudsman be requested to review the Ontario Disaster Relief Assistance Program (ODRAP) with regards to the following:

(i) That specific or defined criteria be introduced to determine eligibility of the program;

(ii) That the authority for the determination of program eligibility be reviewed, specifically the appropriateness of a single elected official as the sole determiner;

(iii) That municipal assistance programs such as the City of Hamilton’s Compassionate Grant Program not impair the municipality’s ability to meet the program eligibility;

(iv) That the fundraising requirement for the private damages component be removed;

(v) That ODRAP be expanded to cover the entire funding for private non-essential expenses (e.g., recreation room furniture) in cases where no insurance is available, or no insurance at a reasonable premium rate is available;

(vi) That the financial capacity of the affected individuals and community not be considered as eligibility criteria for the program.

(b) That copies of report FCS06007(e) be forwarded to the Association of Municipalities of Ontario (AMO) and other municipalities known to have had their applications for assistance through ODRAP denied, in order to request their support;

(c) That copies of report FCS06007(e) be forwarded to the Provincial Ombudsman’s Office, the Ministry of Municipal Affairs and Housing and local MPPs;

(d) That Item D respecting Ontario Disaster Relief Assistance Program be considered complete and removed from the Audit and Administration Committee Outstanding Business List.
17. **Purchasing Policy By-law Amendment FCS10086 (City Wide)**

(a) That Purchasing Policy #1 – Policy for Vendor Eligibility be amended as follows:

   (i) subsection 4.1(3) be amended to also apply to subsections (6)(d) and (7), as described in Report FCS 10086;

(ii) the following subsection 4.1 (7) be added:

   (7) Where a vendor has the lowest compliant Bid to a RFT or RFP which has been rejected due to a vendor's failure to initial a legible change such as an erasure, strike out, white out, cross out or overwriting, within on business day of the City’s request, the vendor shall also be banned from competing for or being awarded any City contract for a period of one year. Only the ban, and not the rejection of the Bid, may be challenged by the vendor in accordance with Purchasing Policy #18.

(b) That Purchasing Policy #18 – Policy for Vendor Complaint Resolution be amended by adding the following subsection 4.18(3):

   (3) Where a vendor had been banned from competing for or being awarded any City contract for a period of one year in accordance with subsection 4.1(7) of Purchasing Policy #1 – Policy for Vendor Eligibility:

      (a) the vendor may challenge the one year ban to the appropriate standing committee of Council where there are extenuating circumstances respecting why the initialing was not done within one business day of the City’s request; and

      (b) the appropriate standing committee will provide to Council a recommendation with respect to the vendor’s complaint

(c) That Purchasing Policy By-law No. 09-230 be amended to reflect subsections (a) and (b).

**FOR THE INFORMATION OF COMMITTEE:**

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

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

(i) That Item 12.1 respecting the Glendale Golf Course (verbal update) be renumbered item 8.4 on the agenda
(ii) That the following subsection (iii) of item 11.1 be deleted from the agenda;

(iii) Item ‘F’ Sky Dragon Community Cooperative – Partnership Opportunities

The agenda for the October 6, 2010 meeting of the Audit & Administration Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) MINUTES (Item 3)

3.1 September 22, 2010

The Clerk advised that there was an error in the attendance of the previous meeting.

The Minutes of the September 22, 2010 meeting of the Audit & Administration Committee meeting were approved as amended.

(d) PUBLIC HEARINGS/DELEGATIONS (Item 6)

(i) Delegation by Steve Miazga on behalf of the Hamilton Conservation Authority Board of Directors regarding a loan request for a site located at 154 King St. East Dundas. (Item 6.1)

Steve Miazga of the Hamilton Conservation addressed the Committee his comments included but were not limited to the following;

- Showed maps illustrating the work to be done and area
- Described the need for funding to move forward with the project
- Described the work to be done in terms of building demolition
- Described the work to be done by further studies
- Discussed the benefit of improving the brownfield area

Chair Powers thanked the delegate for his presentation

The Delegation by Steve Miazga on behalf of the Hamilton Conservation Authority Board of Directors regarding a loan request for a site located at 154 King St. East Dundas, was received.
(e) Evaluation of the City of Hamilton Purchasing Program Update
FCS09109(b) (City Wide) (Item 5.10)

Committee members requested that the next time staff bring this matter before the Operational Review Sub-Committee that they look to establish timelines in their report. Committee members also suggested that when that Operational Review Sub-Committee Report is brought forward to the Audit, Finance and Administration Committee they would like staff to make a presentation.

(f) Glendale Golf Course – (verbal update) (Item 8.4)

Tony Tollis provided the Committee with a verbal update comments included but were not limited to the following;

-Indicated that the Glendale Golf Course was considering selling
-Discussed the longstanding tax deferral agreement in place with the Golf Course which continues until full repayment is made in 2026
-Discussed how the potential buyer desired to payout rather than assume the tax deferral agreement

Committee members indicated that they approved of this course of action and thanked staff for the update.

The verbal update from staff respecting the Glendale Golf Course was received.

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

11.1 Outstanding Business List Items Were Approved for Removal:

(i) Item ‘B’ Customer Service – E-mails

(ii) Item ‘D’ Ontario Disaster Relief Assistance Program

11.2 Forwarding of Outstanding Business List

By motion the Committee, forwarded their Outstanding Business List to the first regular meeting of the Audit Finance and Administration Committees 2010-2014 term for consideration.

(h) PRIVATE AND CONFIDENTIAL (Item 12)

(i) 12.1 Glendale Golf Course (verbal update)

Renumbered Item 8.4 through Changes to the Agenda. For disposition on Item 8.4 see above information item (f)

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(ii) 12.2 Closed Session Minutes, September 22, 2010

(a) The Closed Session Minutes of the September 22, 2010, meeting of the Audit and Administration Committee were approved, as presented.

(b) The September 22, 2010 Closed Session Minutes, of the Audit and Administration Committee, remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act."

(i) AJOURNMENT (Item 13)

There being no further business, the Audit and Administration Committee adjourned at 10:02 a.m.

Respectfully submitted,

Councillor Russ Powers, Chair
Audit and Administration Committee

Andy Grozelle
Legislative Assistant
October 6, 2010