Audit and Administration Committee
MINUTES
9:30 a.m.
Wednesday, October 17, 2007
Committee Room 207
Hamilton Convention Centre
Hamilton, Ontario

Present:
Chair C. Collins
Vice-Chair M. Pearson
Councillors B. Bratina, B. Clark, R. Powers and T. Whitehead

Absent:
B. Morelli, City Business

Also Present:
G. Peace, City Manager
R. Male, Acting General Manager, Finance and Corporate Services
A. Pekaruk, Director of Audit Services
J. Lee, T. Tollis, L. Friday, M. Carter, Finance and Corporate Services
Irene Sturgeon, City Clerk’s

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR CONSIDERATION:

1. Pavement Cuts - Delinquent Accounts (CM07027) (City Wide) (Item 5.1)

   (Pearson/Powers)
   That Report CM07027, respecting Pavement Cuts - Delinquent Accounts be received.

   CARRIED
2. **Employee Personal Computer Purchase Plan - Eligibility Amendment (FCS01132(b)) (City Wide) (Item 5.2)**

*(Pearson/Powers)*

That Subsection (a) of Item 34 of Committee of the Whole Report 01-038, adopted by Council at its meeting of December 11, 2001, respecting Employee Personal Computer Purchase Plan (FCS01132) which states as follows:

"a) The Employee Personal Computer Purchase Plan be available to all full-time, permanent employees of the City of Hamilton."

be deleted in its entirety and replaced by the following wording:

"a) The Employee Personal Computer Purchase Plan be available to City of Hamilton:

   i) all full-time, permanent employees
   ii) all full-time temporary employees under a written contract (repayment schedule cannot exceed contract term); and
   iii) all full-time permanent employees in a job share arrangement (maximum loan amount of $1000)."

CARRIED

3. **Monthly Status Report of Tenders and Requests for Proposals for August 10, 2007 to September 6, 2007 (FCS07030(f)) (City Wide) (Item 5.3)**

*(Pearson/Powers)*

That Report FCS07030(f), respecting the Monthly Status Report of Tenders and Requests for Proposals for August 10, 2007 to September 6, 2007 be received.

4. **Over Strength Agreement Review (OAR-07-001) (Item 5.4)**

*(Pearson/Powers)*

THAT the scope of the Overstrength Agreement Review be amended to include a review of the Environmental Commissioners report dealing with Overstrength Agreements and/or Compliance Agreements.

FURTHER, that staff interview the Environmental Commissioners Office about their concerns regarding Overstrength Agreements and/or Compliance Agreements.

CARRIED

*(Whitehead/Powers)*

(a) That the 2007 Annual Accessibility Plan for the City of Hamilton attached as Appendix “A” to Report FCS07085 be approved and be made available to the public; and

(b) That the Advisory Committee for Persons with Disabilities be thanked for their advice and contribution towards the completion of the accessibility plan; and

(c) That additional resources required for accessibility requirements be brought forward for consideration during the 2008 budget deliberations.

*CARRIED*

6. **Tax Appeals under Section 357 and 358 of the Municipal Act, 2001, (FCS07035(d) (City Wide) (Item 8.1)**

*(Bratina/Whitehead)*

(a) That the tax write-offs processed under Section 357 of the Municipal Act, 2001, in the amount of $73,098.76 be approved (refer to Appendix “A” to report FCS07035(d)); and

(b) That tax appeals, due to a gross or manifest clerical error, pursuant to Section 358 of the Municipal Act, 2001, in the amount of $15,129.96 be approved (refer to Appendix “B” to report FCS07035(d)).

*CARRIED*

7. **Accounts Receivable Write-Offs September 2007 (FCS07082) (City Wide) (Item 8.2)**

*(Clark/Whithead)*

(a) That the General Manager of Finance and Corporate Services be authorized to write-off uncollectible accounts receivables in the amount of $74,557.95, attached as amended to Appendix “A” to FCS07082; and

(b) That the Schedule of Accounts Receivable Write-Offs (under $1,000), attached as Appendix “C” to FCS07082, be received for information.

*CARRIED*
8. Hamilton Conservation Authority – $1.5 Million Loan Request for Wild Waterworks (FCS07089) (City Wide) (Item 8.3)

(Pearson/Clark)

a) That the City of Hamilton provide a loan of up to $1,500,000 to the Hamilton Conservation Authority (HCA) to fund the expansion/improvements to the water slides at Wild Waterworks, to be repaid with interest at a rate of 5.15% per annum over a 10 year term; and

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

CARRIED

9. Proposed Amendments to Water and Wastewater Arrears Policy (FCS07053(a)) (City Wide) (Item 8.4)

(Pearson/Whitehead)

(a) That the revised Water and Wastewater Arrears Policy as outlined in Appendix A of Report FCS07053(a) be approved; and

(b) That all necessary amendments be made to the following City of Hamilton by-laws to reflect the City's current water and wastewater account collection practices:
   (i) the City’s Waterworks By-law R84-026, as amended; and
   (ii) the City’s Sanitary Surcharge and Wastewater Abatement By-law No. 03-272, as amended.

CARRIED

10. Grants Sub-Committee Report 07-006 (Item 8.5)

(Powers/Clark)

(a) 2007 Community Partnership Program Grant Appeal – Adult Basic Education (Social & Community Services Stream) (GRA07007) (City Wide)

   (i) That the 2007 Community Partnership Program application score of 58, for the Adult Basic Education Association, be adjusted to 83, as the Association has submitted additional information, with its appeal to support this score.

   (ii) That the appeal, made by the Adult Basic Education Association, to have its 2007 Community Partnership Program grant increased by $1,238 to $2,500, as it was in 2006, be approved.
(iii) That the increase of $1,238, to the Community Partnership Program grant for the Adult Basic Education Association, be funded from the existing 2007 Community Services Budget allocation.

(b) 2007 Community Partnership Program Appeals - Culture Category (GRA07008) (City Wide)

(i) That the appeal, made by the Dundas Valley Orchestra, requesting that their 2007 approved grant of $765 be increased by $764 for a total grant of $1,529, be approved.

(ii) That the appeal, made by the Bach Elgar Choir, requesting that their 2007 approved grant of $8,916 increased by $8,915 for a total grant of $17,831, be approved.

(iii) That the appeal, made by Chamber Music Hamilton, requesting that their 2007 approved grant of $0 for be increased to $3,000, be approved.

(iv) That the additional $12,679, required to fund the additional dollars being granted to the Dundas Valley Orchestra ($765), the Bach Elgin Choir ($8,915) and Chamber Music Hamilton ($3,000), be funded, in the amount of $12,242, from the Culture Category (Arts & Heritage) unallocated balance within the 2007 Community Partnership Program budget, and the remaining amount of $437 from the Community Partnership Program contingency budget.

(c) 2007 Community Partnership Program Grant Appeal – Drummond House (Social & Community Services Stream) (GRA07010) (City Wide)

(i) That the 2007 Community Partnership Program application score of 45, for the Drummond House, be adjusted to 69, as the Association has submitted additional information, with its appeal to support this score.

(ii) That the appeal, made by Drummond House, to have its 2007 Community Partnership Program grant increased by $2,500 for a total grant of $5,000, as it was in 2006, be approved.

(iii) That the increase of $2,500, to the Community Partnership Program grant, for the Drummond House, be funded from the existing 2007 Community Services Budget allocation.
(d) Canusa Games Letter of Agreement (GRA07011) (City Wide)

(i) That the City provide CANUSA Games with funds, in an amount to be determined by City Council from year to year, and the use of office space and City facilities in support of the annual CANUSA Games sporting event.

(ii) That the Mayor and Clerk be authorized to execute the agreement between the City and CANUSA Games (attached as Appendix A to Report 07-006), satisfactory in form to the City Solicitor, to implement the above recommendation.

(e) 2007 Community Partnership Program Appeal - Special Events (GRA07012) (Ward 2)

(i) That the appeal, made by the India Canada Society, requesting that their 2007 approved grant of $2,410.00 be increased by $3,437.88 for a total grant of $5,847.88, be approved and funded from the General unallocated balance, for one time only, as the usual venue of City Hall Forecourt is not available for the 2007 Ghandi Peace Festival.

(ii) That staff work with the India Canada Society to determine if an alternate location, on City property, may be used as the future location for the Ghandi Peace Festival, only until such time as Hamilton City Hall Forecourt is reopened to for public use.

CARRIED

11. CITIZEN APPOINTMENT TO THE COMMITTEE AGAINST RACISM

(Whitehead/Pearson)

(a) That Mr. Leslie Longman be appointed to the Committee Against Racism for the balance of the 2006 to 2010 term of Council or until such time as successors are appointed by Council.

(b) That Rebecca Nada-Rajah be removed from the membership of the Committee Against Racism for the 2006 – 2010 term of Council

CARRIED
12. **Drain Maintenance Resolution by the Township of South Stormont**

*(Powers/Pearson)*

Correspondence from the Township of South Stormont respecting shortening the time frame required for approval of drainage maintenance request.

Recommendation: Be endorsed and copies forwarded to A.M.O. and F.C.M.

CARRIED

**FOR THE INFORMATION OF COUNCIL:**

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

The Clerk advised that the Delegation request by Mary Sinclair has been withdrawn and will be submitted to the Emergency and Community Services Department.

The Audit and Administration Committee agenda was approved as amended.

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

There were no declarations of interest.

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

The Minutes of the September 19, 2007 meeting of the Audit and Administration Committee were approved, as presented.

(d) **Overstrength Agreement Review (OAR-07-001) (Item 5.4)**

Ann Pekaruk advised Committee that she will be re-instating an audit of this area in 2007. Ms. Pekaruk also confirmed that she will postpone one of the recently added audits until 2008.

Councillor Clark advised the Committee of an existing background report prepared by the Environmental Commissioner and introduced a motion requesting staff to review this document as part of the scope of the Overstrength agreement Review. Committee approved the motion which is shown as item 4 of this report.
(e) **2007 Annual Accessibility Plan – Ontarians with Disabilities Act Report (FCS07085) (City Wide) (Item 7.1)**

Jane Lee, Director of Community Services, Access & Equity and Maxine Carter, Access & Equity Co-ordinator made a PowerPoint presentation to members of Committee which outlined the following:

- Ontarians with Disabilities Act
- Key Definitions
- Duties of Municipalities
- What the Accessibility Plan Must Include
- Duties of the Advisory Committee – Mandatory
- Other Provisions
- Complimentary Amendments to Other Acts
- Accessibility for Persons with Disabilities Act, 2005
- What Does This Mean for the City
- What is New for 2008
- Achievements in 2007

Committee raised the following questions and/or concerns regarding the presentation:

- How do we interface with other departments ie. Ec Dev
- Is there any Provincial funding to assist us in creating barrier free accesses
- Some communities market their barrier free facilities
- Municipalities need to change their patterns and thinking process
- Many heritage buildings do not meet the standards and we need to initiate incentives and programs to assist (but not at the expense of the taxpayer)
- Hamilton has the highest per capita in Canada of seniors and persons with disabilities
- Need to lobby the government for more assistance
- The community is overtaxed all ready and need to develop other resources or partnerships
- Accessibility needs to be part of the long term capital plans of the City
- New Act does have enforcement component – ability to impose fines on a daily basis
- When changes in the legislation occur, the province needs to give us a reasonable amount of time to implement the changes

Committee approved the staff recommendation in the report and thanked staff and members of the Advisory Committee for Persons with Disabilities for all their work in preparing the Accessibility Plan.
(f) **Accounts Receivable Write-Offs September 2007 (FCS07082) (City Wide)**

(Item 8.2)

The Committee asked for clarification on why the City allows corporations to be permanently exempt from financial charges.

The recommendations in the staff report were voted on separately as follows;

**(Clark/Whitehead)**

(a) That Sub-section (a) be amended by removing the $3,070.30 finance charge to Hamilton Health Sciences, attached as Schedule A.

CARRIED

**(Clark/Whitehead)**

(b) That Hamilton Health Sciences be made exempt for finance charges on late payments.

Sub-section (b) **LOST** on the following recorded vote;

| Yeas: None                          |
| Total Yeas: 0                       |
| Nays: Collins, Bratina, Clark, Pearson, Powers and Whitehead |
| Total Nays: 6                       |
| Absent: Morellii                    |
| Total Absent: 1                     |

**(Clark/Whitehead)**

(c) That the Schedule of Accounts Receivable Write-Offs (under $1,000), attached as Appendix “C” to FCS07082, be received for information.

CARRIED

On a motion **(Clark/Whitehead)** further direction was given to staff to provide members of the Audit and Administration Committee with the following information;

- A list of all the corporations who are currently exempt from interest charges and to identify their payment patterns
- A report on the City of Hamilton’s payment record ie. Identify if bills are being paid in a timely manner, if not, what are the barriers and challenges
(g) GENERAL INFORMATION

11.1 Correspondence from the Township of South Stormont respecting shortening the time frame required for approval of drainage maintenance requests (Referred from Council at their meeting held on September 11, 2007)

Members of Committee endorsed the resolution and directed staff to forward a copy of the resolution to both A.M.O. and F.C.M.

11.2 News Release From CHCH Respecting Potential Job Losses

(Whitehead/Powers)
That the General Manager of CHCH be invited to meet with the members of the Audit and Administration Committee in order to provide an update of the redesign of local news by CanWest and the potential job losses at CHCH.

CARRIED

(h) ADJOURNMENT (Item 13)

The Audit and Administration Committee adjourned at 10:57 a.m.

Respectfully submitted,

Councillor C. Collins, Chair
Audit and Administration Committee

Irene Sturgeon
Legislative Assistant
October 17, 2007