Audit and Administration Committee

REPORT 10-006

9:30 a.m.

Wednesday, May 19, 2010

Room 207

Hamilton Convention Centre

One Summer’s Lane

Present:

Councillors R. Powers (Chair),
B. Bratina, C. Collins M. Pearson and T. Whitehead

Absent with Regrets:

Councillor B. Clark – Personal
Councillor B. Morelli (Vice Chair) – Bereavement

Also Present:

Councillor S. Merulla
C. Murray, City Manager
R. Rossini, General Manager, Finance & Corporate Services
A. Pekaruk, Director of Audit Services, City Managers Office
R. Caterini, City Clerk
P. Barkwell, City Solicitor, Legal Services City Managers Office
G. Boychuk, Chief Investment Officer
S. Dickson, Solicitor
G. Lupton, Director - Energy, Fleet, Facilities & Traffic, Public Works
Angela Boakes, Manager of Purchasing
E. Prpic, Manager of Recycling and Waste Disposal, Public Works
A. Grozelle, Legislative Assistant, Office of the City Clerk

THE AUDIT AND ADMINISTRATION COMMITTEE PRESENTS REPORT 10-005 AND RESPECTFULLY RECOMMENDS:

Council May 26, 2010
1. **2010 Monthly Tender Report March 9, 2010 to April 9, 2010 (FCS10017(b)) (City Wide) (Item 5.1)**

That Report FCS10017(b), respecting Tenders and Requests for Proposals for March 9, 2010 to April 9, 2010, be received.


3. **Follow Up of Audit Report 2007-11 – Overstrength & Sewer Surcharge Agreements (AUD10014) (City Wide) (Item 5.3)**


4. **Follow Up of Audit Report 2008-07 – Capital Planning & Budgeting – CPI Division (AUD10015) (City Wide) (Item 5.4)**


6. **Advance Poll Dates and Times (CL10002) (City Wide) (Item 5.6)**

That the by-law, attached as Appendix “A” of Report CL10002, be enacted in order to establish advance poll voting dates and times in the City of Hamilton for the 2010 Municipal Election.

*Council May 26, 2010*
7. **Delegation by John Ariens, Director of Habitat for Humanity Hamilton, regarding Municipal Development Charges (Item 6.3)**

That the Municipal Development Charges for the location described as 19 Niagara Street in Ward 3 be waived for the purposes of a Habitat for Humanity Building Project.

8. **Tax Appeals under Sections 357 and 358 of the Municipal Act (FCS10006(d) (City Wide) (Item 8.1)**

   (a) That Appendix “A” of Report 10-006 attached hereto respecting the “Tax Write-offs processed under Section 357 of the Municipal Act, 2001”, in the amount of $26,342 be approved; and

   (b) That Appendix “B”, of Report 10-006 attached hereto 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 $31,131 be approved.


10. **Resolution from the City of Oshawa, Re: The Public Salary Disclosure Act, commonly known as the ‘Sunshine List’ (referred by Council) (Item 8.3)**

That the Resolution from the City of Oshawa, Re: The Public Salary Disclosure Act, commonly known as the Sunshine list be received.

11. **Hamilton Artists Inc. (HAI) request to sell 161 James St. N. (FCS10044) (City Wide) (Item 8.4)**

   (a) That a letter to Hamilton Artists Inc. (HAI) (refer to Appendix “C” of Report 10-006 attached hereto) respecting HAI’s request to sell 161 James St. N. be sent to HAI advising that the City is withholding consent to sell the property until approximately $200,000 in improvements to the adjoining properties at 155 – 157 James St. N. have been completed;

Council May 26, 2010
Council May 26, 2010

(b) That HAI provide documentation to the City, including copies of paid invoices as confirmation, that over $200,000 has been invested in construction improvements to 155 – 157 James Street North; and

c) That the General Manager, Finance & Corporate Services, be authorized to issue a “Letter of Consent” to HAI authorizing HAI to sell 161 James St. N. once HAI has submitted documentation confirming approximately $200,000 in improvements to 155 – 157 James St. N. have been completed and a property appraisal report received.

12. **Audit Report 2009-12 – Office of Energy Initiatives – Verification of Reported Savings (AUD10016) (City Wide) (Item 8.5)**


13. **Treasurer’s Investment Report 2009 Fiscal Year by Hewitt Associates (FCS10043) (City Wide)(Item 8.6)**

(a) That report FCS10043 “Treasurer’s Investment Report 2009 Fiscal Year by Hewitt Associates” be approved.

(b) That report FCS10043 “Treasurer’s Investment Report 2009 Fiscal Year by Hewitt Associates” and Appendix “A” attached to report FCS10043 be forwarded to the Hamilton Future Fund Board of Governors.

14. **Operational Review Sub-Committee Report 10-001**

(a) That the Evaluation of the City of Hamilton’s Purchasing Program, prepared by the National Institute of Governmental Purchasing, Inc., dated April 28, 2010, (Appendices “A” and “B” of report (FCS09109(a)) be received.

(b) That staff be directed to implement the organizational and process related changes, as outlined in the Evaluation of the City of Hamilton’s Purchasing Program, (Appendices “A” and “B” to Report(FCS09109(a)) that do not require any additional Operating or Capital Funding, changes to the Purchasing Policy By-Law 09-230 or FTE increases.
(c) That staff be directed to prepare a Work Plan, which outlines the timeframes and costs associated with the implementation of the recommendations contained in the Evaluation of the City of Hamilton’s Purchasing Program, (Summary of Recommendations attached hereto as Appendix “D” of Report 10-006) prepared by the National Institute of Governmental Purchasing, Inc., dated April 28, 2010, and report back to the Operational Review Sub-Committee by the end of September 2010.

(d) That staff be directed to review the feasibility of amending Purchasing Policy 5.1 – Policy for Low Dollar Value Procurements, from $5,000 to $10,000 or higher, and report back to the Operational Review Sub-Committee.

15. Asset Backed Commercial Paper - Civil Litigation (FCS09066(a)/LS09006(a)) (City Wide) (Item 12.2)

(a) That law firm of Juroviesky & Ricci LLP and its expert Mrs. Diane Urquhart be retained on behalf of the City of Hamilton to commence and carry out the contemplated negotiations described in report FCS09066(a)/LS09006(a);

(b) That incremental fees be paid to the law firm of Juroviesky & Ricci LLP and its expert Mrs. Diane Urquhart as set out in report FCS09066(a)/LS09006(a); and

(c) That report FCS09066(a)/LS09006(a) remain confidential.

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 be moved up in the Agenda to be addressed after item 6.1.

The agenda for the May 19, 2010 meeting of the Audit & Administration Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

Council May 26, 2010
(c) MINUTES (Item 3)

3.1 April 21, 2010

The Minutes of the April 21, 2010 meeting of the Audit & Administration Committee meeting be approved as presented.

(d) Delegation request from Mr. Dan Graham regarding a dispute between himself and a transportation company (Item 4.1)

The delegation request from Mr. Dan Graham was received.

(e) Delegation by Mr. Anthony Acheampong, regarding damage from a water main break and taxes for Roll # 030.232.55760 (Item 6.1)

Mr. Anthony Acheampong was not in attendance and was given one more opportunity to appear as a delegate on this matter.

(f) Damage from a Water Main Break & Tax Arrears at 801-803 King Street East (FCS10038) (Ward 3) (Item 12.1)

The Report FCS10038 Damage from a Water Main Break & Tax Arrears at 801-803 King Street East was deferred to a future meeting.

(g) Mark Wills of Geoware Inc. respecting RFP C11-55-09 (Item 6.2)

The delegation by Mr. Mark Wills of Geoware Inc. respecting RFP C11-55-09 was received.

(h) Delegation by John Ariens, Director of Habitat for Humanity Hamilton, regarding Municipal Development Charges (Item 6.3)

The delegation by John Ariens Director of Habitat for Humanity Hamilton, regarding Municipal Development Charges was received.

Council May 26, 2010
(i) Steve Miazga, Hamilton Conservation Authority, regarding a loan request to offset a pension deficit for the Hamilton Conservation Authority (Item 6.4)

Mr. Miazga waived his delegation to the Committee.

The Committee directed staff to investigate the possibility of entering a loan agreement with the Hamilton Conservation Authority for the purposes of paying of their pension deficit and report back to the Audit and Administration Committee.

(j) Amendments to the Outstanding Business List (Item 11.1)

(i) Item ‘E’ - Alcohol-related events in City-owned facilities
   Current Due Date: March, 2010
   Proposed New Due Date: June 16, 2010

(k) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Damage from a Water Main Break & Tax Arrears at 801-803 King Street East (FCS10038) (Ward 3) (Item 12.1)

   For disposition of this Item see above Information Item F.

(ii) Asset Backed Commercial Paper - Civil Litigation (FCS09066(a)/LS09006(a)) (City Wide) (Item 12.2)

   The Audit & Administration Committee move into Closed Session, at 10:55 a.m., to hear Item 12.2 regarding Asset Backed Commercial Paper - Civil Litigation pursuant to Section 8.1, Sub-section (f) of the City's Procedural By-law 03-301, and Section 239, Sub-section (f) of the Ontario Municipal Act, 2001, as amended, for the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose as well as Litigation or potential litigation, including matters before administrative tribunals, affecting the City

   As shown in the Closed Session Minutes, the Audit & Administration Committee reconvened in Open Session at 11:18 a.m.

   Having heard and considered the submissions of the parties, the Audit & Administration Committee provided its recommendation as shown above in Item 15.

   Council May 26, 2010
(I) AJOURNMENT (Item 13)

There being no further business, the Audit and Administration Committee adjourned at 11:19 a.m.

Respectfully submitted,

Councillor Russ Powers, Chair
Audit and Administration Committee

Andy Grozelle
Legislative Assistant
May 19, 2010