Audit and Administration Committee
REPORT 07-014
9:30 a.m.
Wednesday, November 7, 2007
Committee Room 207
Hamilton Convention Centre
Hamilton, Ontario

Present:
Mayor F. Eisenberger (Ex-Officio)
Chair C. Collins
Vice-Chair M. Pearson
Councillors B. Bratina, B. Clark, R. Powers and T. Whitehead

Absent:
Councillor B. Morelli

Also Present:
G. Peace, City Manager
J. Rinaldo, General Manager, Finance and Corporate Services
R. Male, M. McChesney, L. Friday, A. Little, Finance and Corporate Services
C. Berge, L. Howarth, Human Resources
K. Christenson, Irene Sturgeon, City Clerk’s

THE AUDIT AND ADMINISTRATION COMMITTEE PRESENTS REPORT 07-014 AND RESPECTFULLY RECOMMENDS:

1. **Monthly Status Report of Tenders and Requests for Proposals for September 7, 2007 to October 11, 2007 (FCS07030(g)) (City Wide) (Item 5.1)**

   That Information Report FCS07030(g) respecting the Monthly Status Report of Tenders and Requests for Proposals for September 7, 2007 to October 11, 2007 be received.

2. **Red Hill Valley Project Financial Status Report - July to September 2007 (FCS07003c/PW07003c) (City Wide) (Item 5.2)**

   That Information Report FCS07003c/PW07003c respecting the Red Hill Valley Project Financial Status Report - July to September 2007 be received.
3. **Apportionment of Taxes for Properties in Hamilton, Glanbrook, Ancaster and Stoney Creek (FCS07001(e)) (Wards 7, 8, 9, 11 & 12) (Item 5.3)**

(a) That the 2007 land taxes for Roll #2518 003 850 12000 (83 Aubrey Avenue, Stoney Creek), be apportioned in the amount of $2,333.12 and split amongst the two newly created parcels as set out in Appendix A to report FCS07001(e);

(b) That the 2007 land taxes for Roll #2518 070 871 01110 (84 Theodore Drive, Hamilton), be apportioned in the amount of $2,313.89 and split amongst the five newly created parcels as set out in Appendix A to report FCS07001(e);

(c) That the 2007 land taxes for Roll #2518 080 941 07050 (1286 Upper James Street, Hamilton), be apportioned in the amount of $2,106.44 and split amongst the two newly created parcels as set out in Appendix A to report FCS07001(e);

(d) That the 2007 land taxes levied against the following properties be apportioned in the amount of $13,593.01 and split amongst the seventy-eight newly created parcels as set out in Appendix A to report FCS07001(e); and

- Roll #2518 140 220 50002 – 187 Myers Lane, Ancaster
- Roll #2518 140 220 50010 – 173 Myers Lane, Ancaster
- Roll #2518 140 220 50020 – 159 Myers Lane, Ancaster
- Roll #2518 140 220 50030 – 30 Chapman Lane, Ancaster
- Roll #2518 140 220 50035 – 16 Chapman Lane, Ancaster
- Roll #2518 140 220 50040 – 15 Chapman Lane, Ancaster
- Roll #2518 140 220 50045 – 45 Myers Lane, Ancaster
- Roll #2518 140 220 50050 – 31 Myers Lane, Ancaster
- Roll #2518 140 220 50055 – 17 Myers Lane, Ancaster
- Roll #2518 140 220 50060 – 4 Myers Lane, Ancaster
- Roll #2518 140 220 50065 – 12 Myers Lane, Ancaster
- Roll #2518 140 220 50075 – 32 Myers Lane, Ancaster
- Roll #2518 140 220 50085 – 46 Myers Lane, Ancaster

(e) That the 2007 land taxes for Roll #2518 902 510 01000 (9555 Airport Road, Glanbrook), be apportioned in the amount of $1,554.76 and split amongst the two newly created parcels as set out in Appendix A to report FCS07001(e).
4. **Tax Appeals under Section 357 and 358 of the Municipal Act, 2001, (FCS07035(e)) (City Wide) (Item 8.1)**

   (a) That the tax write-offs processed under Section 357 of the Municipal Act, 2001, in the amount of $256,891.64 be approved (refer to Appendix “A” to report FCS07035(e)); 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 $2,204.69 be approved (refer to Appendix “B” to report FCS07035(e)).

5. **Microsoft Software Licensing Agreement (City Wide) (FCS07097) (Item 8.2)**

   That the City of Hamilton enrol with Dell Canada Inc. for the purchase of Microsoft software and Microsoft Software Assurance for the period October 1, 2007 through September 30, 2010 in accordance with the terms of the contract awarded to Dell Canada by the Ministry of Government Services for the Province of Ontario.


   (a) That the mandated Consent Order issued by the Ministry of Labour on March 7, 2003, respecting the implementation of A.T.U. 107 Job Evaluation adjustments be approved and funded from contingency provided in the 2007 Budget; and

   (b) That the contents of Report HUR07010 respecting the implementation of A.T.U. 107 Job Evaluation remain confidential as it contains information related to labour relations and employee negotiations.

7. **Hiring of Security Guard/Receptionist for City Centre/City Hall (CM07028) (City Wide)**

   (a) That the addition of one full-time equivalent staff member for the Fleet and Facilities Division of the Public Works Department in order to facilitate the hiring of the existing security guard for the Council and City Manager’s Offices be approved.

   (b) That the additional $7051.20 in employee related costs be approved and included in the Energy, Fleet and Facilities Division 2008 budget.

   (c) That the contents of Report CM07028 respecting the Hiring of Security Guard/Receptionist for City Centre/City Hall remain confidential as it contains personal matters about an identifiable individual.
FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

There were no changes noted.

The agenda was approved as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the October 17, 2007 (a.m.) meeting and the Special Training meeting held on October 17, 2007 (p.m.) of the Audit and Administration Committee were approved, as presented.

(d) Monthly Status Report of Tenders and Requests for Proposals for September 7, 2007 to October 11, 2007 (FCS07030(g)) (City Wide) (Item 5.1)

Councillor Whitehead raised a concern regarding the delay in the road working taking place in the Buckingham Drive area of the City. He suggested that the contractor on this job was also working on several other jobs for the City and he believed that the contractor didn’t have enough equipment or manpower to complete all the jobs on time. He questioned if anyone from the City reviews the frequency or performance of the contractors when they do not complete the projects on time?

Joe Rinaldo advised that he would speak to Public Works staff and request that they attend a future meeting of the Audit and Administration Committee and provide an update regarding the current criteria in place in the tendering policy that deals with this issue.

Mr. Rinaldo also advised that he would speak to Public Works staff about providing members of Committee with an update via email in regards to the roadwork currently taking place on Buckingham Drive.

A question was also raised if police checks are a requirement of our tendering process and if whether or not we have any mechanisms in place that allows us not to award tenders to companies that have known convictions or dealings with organized crime.

Mr. Rinaldo advised that he would request Mr. Barkwell to review this matter and report back to Committee.
(e) Red Hill Valley Project Financial Status Report - July to September 2007 (FCS07003c/PW07003c) (City Wide) (Item 5.2)

Mayor Eisenberger asked staff to provide an update on the legal costs regarding the City’s law suit with the Federal Government and Joe Rinaldo advised that he would ask Mr. Barkwell to email this information to members of Council.

(Eisenberger/Whitehead)

(a) That staff be requested to pull together all the relevant information pertaining to the law suit with the Federal Government regarding the Red Hill Valley Project;

(b) And that this information be brought forward to the next viable Committee of the Whole meeting in order for Council to make a final determination of the law suit.

CARRIED

(f) Microsoft Software Licensing Agreement (City Wide) (FCS07097) (Item 8.2)

Joe Rinaldo introduced Maria McChesney, the new Director of Information Technology. He noted that Ms. McChesney was a local resident and a former long term employee of Stelco.

(g) GENERAL INFORMATION (Item 11)

11.1 Outstanding Business List Items

(a) Report Re: City Hall Print Shop (Due Date: November 7, 2007) (New Due Date: Q01/08)

(b) Report Re: Hamilton Specialty Bar (Be removed from the Outstanding Business list)

(Powers/Clark)

That the Outstanding Business List of the Audit and Administration Committee be amended accordingly.

CARRIED

11.2 Water Arrears – Hamilton Specialty Bar Inc.

Joe Rinaldo updated Committee regarding the water arrears of Hamilton Specialty Bar and explained that all the parties had agreed to deal with this matter at a later date in order to allow the sale of the company to be completed.
11.3 Appointment to City Agencies, Boards & Committees

Councillor Pearson raised the issue regarding the article that had been printed in today’s Spectator.

A brief discussion ensued and Kevin Christenson, City Clerk advised that there had been some mis-information in the article and that he would provide an update to all members of Council.

11.4 Committee Room 207, Hamilton Convention Centre

Glen Peace, City Manager, advised Committee that he has received many complaints regarding the noise levels and the lack of microphones in Committee Room 207. He has looked into this matter and has been told that it would cost approximately $8,000.00 to address these issues.

A brief discussion ensued and it was suggested that the Convention Centre hasn’t completed all the work in the room that they should have.

Mr. Peace agreed to review this matter further and to bring forward a formal report addressing this issue.

(h) PRIVATE AND CONFIDENTIAL (Item 12)

(Whitehead/Clark)
That the Committee move into Closed Session to consider the following;

(i) Matter pertaining to labour relations & employee negotiations
(ii) Matter respecting a personal matter about an identifiable individual

CARRIED

(Pearson/Bratina)
That the Committee reconvene in Open Session.

CARRIED

See Items 6 & 7 of the report for the recommendations resulting from the Closed Session.

(Clark/Whitehead)
That the Rules of Order be waived in order to introduce a matter respecting the security of a property in the municipality.

CARRIED
(Clark/whitehead)
That the Committee move back into Closed Session to discuss a matter of security respecting a property of the municipality.

CARRIED

(Whitehead/Clark)
That the Committee reconvene in Open Session.

CARRIED

The Chair advised that direction had been provided to staff in the Closed Session.

(i) ADJOURNMENT (Item 13)

The Audit and Administration Committee adjourned at 10:45 a.m.

Respectfully submitted,

Councillor C. Collins, Chair
Audit and Administration Committee

Irene Sturgeon
Legislative Assistant
November 7, 2007