Audit and Administration Committee
MINUTES
9:30 a.m.
Wednesday, September 8, 2010
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Councillor R. Powers (Chair) B. Morelli (Vice-Chair), M. Pearson, T. Whitehead, B. Bratina and B. Clark

Regrets: C. Collins – City Business

Also Present: R. Rossini, General Manager, Finance & Corporate Services
P. Barkwell, City Solicitor
R. Caterini, City Clerk
L. Barroso, Manager FOI and Records
T. Fallis, Manager Elections and Print and Mail
A. Zuidema, Director, Corporate Initiatives
F. Snelling Coordinator, IT Strategic Planning
M. McChesney, Director of Information Technology
F. Janicas, Manager, Infrastructure and Operations
A. Grozelle, Legislative Assistant, Office of the City Clerk

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. POA Annual Report (FCS10071) (Item 5.8)

   (Bratina/Morelli)
   That Report FCS10071, POA Annual Report be received.

   CARRIED
2. **Tax Appeals under Section 357 and 358 of the Municipal Act 2001 (FCS10006(f)) (Item 5.10)**

   **(Bratina/Morelli)**
   
   (a) That Appendix “A” attached to report FCS10006(f) respecting the “Tax Write-offs processed under Section 357 of the Municipal Act, 2001”, in the amount of $1,008,729 be approved; and
   
   (b) That Appendix “B” attached to report FCS10006(f) 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 $65,902, be approved.

   **CARRIED**

3. **Treasurers Write-off of Taxes under Section 354 of the Municipal Act, 2001 (FCS10065) (Item 5.11)**

   **(Bratina/Morelli)**
   
   (a) That the Treasurer, under Section 354(3) of the Municipal Act (2001), write-off taxes as uncollectible due to a failed tax sale on 25 Ann Street (Tax Roll Number 260.100.24800) (Ward 13) in the amount of $19,668.30;
   
   (b) That the Treasurer, under Section 354(3) of the Municipal Act (2001), write-off taxes as uncollectible due to a failed tax sale on 278 Wilson Street (Tax Roll Number 030.213.04680) (Ward 3) in the amount of $34,024.38;
   
   (c) That the Treasurer, under Section 354(3) of the Municipal Act (2001), write-off taxes as uncollectible due to a failed tax sale on 0 East 12th Street (Tax Roll Number 070.811.01651) (Ward 7) in the amount of $397.34;
   
   (d) That the Treasurer, under Section 354(3) of the Municipal Act (2001), write-off taxes as uncollectible due to a failed tax sale on 112 Peachwood Crescent (Tax Roll Number 003.250.31550) (Ward 10) in the amount of $9,855.82; and
   
   (e) That the Treasurer, under Section 354(3) of the Municipal Act (2001), write-off taxes as uncollectible due to a failed tax sale on 380 Sherman Avenue North (Tax Roll Number 030.271.00520) (Ward 3) in the amount up to $29,643.44.

   **CARRIED**
4. **Monthly Status Report of Tenders and Requests for Proposals for July 17, 2010 to August 13, 2010 (FCS10017(e)) (Item 5.12)**

(Bratina/Morelli)
That Report FCS10017(e), Monthly Status Report of Tenders and Requests for Proposals for July 17, 2010 to August 13, 2010 be received.  

**CARRIED**

5. **Termination of IBM Evergreen Customer Agreement (FCS10049) (Item 5.13)**

(Bratina/Morelli)
That the Mayor and City Clerk be authorized to terminate the IBM Evergreen Customer Agreement.  

**CARRIED**

6. **Correspondence from Denis Lemelin, National President, Canadian Union of Postal Workers, date June 28, 2010, respecting the Canadian Postal Service Charter and the Future, (referred from Council) (Item 8.1)**

(Clark/Morelli)
That the correspondence from Denis Lemelin, National President, Canadian Union of Postal Workers, dated June 28, 2010, respecting the Canadian Postal Service Charter and the Future be received.  

**CARRIED**

7. **Proposed Write-offs of Outstanding Fines for Provincial Offences (FCS10072) (Item 8.2)**

(Clark/Pearson)
That staff be authorized to write-off all outstanding Provincial Offences in the amount of $564,740 deemed uncollectible with a due date of December 31, 2002, (refer to Appendix "A" of report FCS10072).  

**CARRIED**

8. **Corporate Records Storage – Feasibility (FCS10036) (Item 8.3)**

(Morelli/Whitehead)
(a) That the City’s Corporate Records Storage Facility currently located at 700 Woodward Avenue be relocated to the former City Hall Garage located at 71 Main Street West;

(b) That funding estimated in the amount of $538,000 be allocated from the Records and Information Management Program, project id 3520457100.  

**CARRIED**
9. **Wireless Cellular Services and Devices Agreement (FCS10029(a)) (Item 8.4)**

**(Whitehead/ Morelli)**

(a) That the Corporate Wireless Cellular Services and Devices Contract be awarded to Bell Mobility Inc. based on pricing in the Province of Ontario’s Vendor of Record-VOR1021 (VOR) pricing plus incentives;

(b) That the General Manager of Finance and Corporate Services be authorized to negotiate a 4 year contract, with the option of a 1 year extension, with Bell Mobility Inc. in a form satisfactory to the City Solicitor;

(c) That the responsibility for cellular services be consolidated into the Information Services Division of Corporate Services;

(d) That staff be authorized to utilize the Provincial VOR Agreement pricing for Telus devices as required for “push to talk” services; and

(e) That Item AA respecting Wireless Cellular Services and Device Agreements be considered complete and removed from the Committee of the Whole Outstanding Business List.

(f) That we request a report on the delinquency of wireless cellular accounts, numbers, frequency, months past and the costs.

(g) That staff be directed to negotiate a 10-15% range for cellular phone/mobile service reduction.

(h) That staff be directed to report back on a Wireless Devices management policy at Octobers Committee of the Whole meeting.

**CARRIED**

10. **Governance Review Sub-Committee Report 10-004 (Amendments to City of Hamilton Procedural By-law 10-053) (Added Item 8.5)**

**(Pearson/Whitehead)**

(a) That staff reports relating to the following economic development issues be shifted to the General Issues Committee:

(i) Real estate acquisitions/disposals
(ii) Airport (Airport Implementation Task Force)
(iii) Departmental/divisional work plans (including economic development and real estate, downtown renewal, tourism)
(iv) “Open for Business” initiatives
(v) Cluster strategies (i.e., Agricultural Action Plan)
(vi) Incentive/loans programs and approvals (ERASE, CPIG, etc.)
(vii) All tourism initiatives/annual reports
(viii) All Downtown/BIA initiatives not requiring public meeting(s);
(b) That the Economic Development and Planning Committee be changed to the “Planning Committee”;

(c) That Appendices “A” and “D” of By-law 10-053 be amended accordingly;

(d) That the appropriate amending by-law to City of Hamilton Procedural By-law 10-053 be passed.

11. Institutional Polls (CL10006) (Item 5.9)

(Clark/Morelli)

(a) That the by-law, attached hereto as Appendix “A”, be enacted in order to establish special advance voting hours and institutional polls in the City of Hamilton for the 2010 Municipal Election.

(b) That staff be directed to hold consultations with appropriate stakeholders on the selection of polling locations at the conclusion of the 2010 election.

12. Eaglewood Drive YWCA Development Charges exemption (added Item 9.1)

(Whitehead/Pearson)

Whereas the YWCA has approved stimulus funding for a non-profit development for developmentally handicapped seniors at Eaglewood Drive;

Whereas the project is time sensitive as it has a substantial completion date of March 31, 2010 under the Stimulus Program;

Whereas the project has a required tendering and construction ready date of October 2010, in order to meet the required substantial completion date of March 31, 2011;

Whereas the funding approved under the stimulus program of $900,000, is capped and may not be sufficient to meet all associated costs, including development charges;

Therefore, that the proposed YWCA non-profit development for developmentally handicapped seniors at Eaglewood Drive be exempted from development charge liability, forecast at $50,400, unless the accepted bid and associated charges for this development comes in under the proposed government grant amount.

CARRIED
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 Report 10-004 of the Governance Review Sub-Committee September 2, 2010 Meeting be added to the Agenda as Item 8.5

(Pearson/Morelli)
That the agenda for the September 8, 2010 meeting of the Audit & Administration Committee be approved, as amended. CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) MINUTES (Item 3)

3.1 June 16, 2010

(Morelli/Pearson)
That the Minutes of the June 16, 2010 meeting of the Audit & Administration Committee meeting be approved as presented. CARRIED

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

(Pearson/Morelli)
That the following minutes of various sub-committees be received:

(a) February 11, 2010 Immigrant and Refugee Advisory Committee
(b) February 17, 2010 Hamilton Mundalization Committee
(c) March 25, 2010 Status of Women Committee
(d) March 23, 2010 Committee Against Racism
(e) April 27, 2010 Committee Against Racism
(f) May 25, 2010 Committee Against Racism
(g) June 24, 2010 Gay, Lesbian, Bisexual, Transgender Advisory Committee

CARRIED
(e) Wireless Cellular Services and Devices Agreement (FCS10029(a))(above Item 9)

(Clark/ Bratina)
That the main motion be amended by the addition of sub-section (f) to read as follows;

(f) That we request a report on the delinquency of wireless cellular accounts, numbers, frequency, months past and the costs.

CARRIED

(Whitehead/Morelli)
That the main motion be amended by the addition of sub-section (g) to read as follows;

(g) That staff be directed to negotiate a 10-15% range for cellular phone /mobile service reduction.

CARRIED

(Morelli/ Whitehead)
That the main motion be amended by the addition of sub-section (h) to read as follows;

(h) That staff be directed to report back with a Wireless Devices management plan at Octobers Committee of the Whole meeting.

CARRIED

Subsections (a) of The Main motion as Amended CARRIED on the following recorded votes;

Yeas: Bratina, Morelli, Pearson, Powers and Whitehead
Total: 5
Nays: Clark
Total: 1
Absent: Collins
Total: 1

Subsection (b) of The Main motion as Amended CARRIED on the following recorded votes;

Yeas: Bratina, Morelli, Pearson, Powers and Whitehead
Total: 5
Nays: Clark
Total: 1
Absent: Collins
Total: 1
Subsection (c) of The Main motion as Amended CARRIED on the following recorded votes;

Yeas: Bratina, Morelli, Pearson, Powers and Whitehead
Total: 5
Nays: Clark
Total: 1
Absent: Collins
Total: 1

Subsection (d) of The Main motion as Amended CARRIED on the following recorded votes;

Yeas: Bratina, Morelli, Pearson, Powers and Whitehead
Total: 5
Nays: Clark
Total: 1
Absent: Collins
Total: 1

Subsection (e) of The Main motion as Amended CARRIED on the following recorded votes;

Yeas: Bratina, Morelli, Pearson, Powers and Whitehead
Total: 5
Nays: Clark
Total: 1
Absent: Collins
Total: 1

Subsection (f) of The Main Motion as amended CARRIED on the following recorded votes;

Yeas: Bratina, Morelli, Pearson, Powers, Clark and Whitehead
Total: 6
Nays: 0
Total: 1
Absent: Collins
Total: 1

Subsection (g) of The Main motion as Amended CARRIED on the following recorded votes;

Yeas: Bratina, Morelli, Pearson, Powers and Whitehead
Total: 5
Nays: Clark
Total: 1
Absent: Collins
Total: 1

Subsection (h) of The Main motion as Amended CARRIED on the following recorded votes;

Yeas: Bratina, Morelli, Pearson, Powers and Whitehead
Total: 5
Nays: Clark
Total: 1
Absent: Collins
Total: 1

(f) Institutional Polls (CL10006) (above item 11)

(Clark/Morelli)
That the Item be divided into (a) and (b) subsections to read as follows;

(Clark/Morelli)
(a) That the by-law, attached hereto as Appendix “A”, be enacted in order to establish special advance voting hours and institutional polls in the City of Hamilton for the 2010 Municipal Election.

(b) That staff be directed to hold consultations with appropriate stakeholders on the selection of polling locations at the conclusion of the 2010 election.

CARRIED

Councillor Morelli addressed several comments specifically to the public record. Councillor Morelli’s comments included but were not limited to the following;

- Expressed disappointment with the way that Polling Locations were determined
- Indicated that he felt that concerns being raised by Councillor’s and others were not being addressed in the process
- Indicated that he had brought concerns forth after the last election and felt his concerns had not been followed-up upon
- Councillor Morelli expressed frustration at not having met with success after taking a proactive approach on the issue
- Indicated that he does not want to see the same process continue to happen in the future expressing that he would like to see it rectified for this election but if not possible does not want to see the same approach used in future elections
(g) NOTICE OF MOTIONS (Item 10)

Councillor T. Whitehead put forward the following Notice of Motion:

10.1 Eaglewood Drive YWCA Development Charges exemption

Whereas the YWCA has approved stimulus funding for a non-profit development for developmentally handicapped seniors at Eaglewood Drive;

Whereas the project is time sensitive as it has a substantial completion date of March 31, 2010 under the Stimulus Program;

Whereas the project has a required tendering and construction ready date of October 2010, in order to meet the required substantial completion date of March 31, 2011;

Whereas the funding approved under the stimulus program of $900,000, is capped and may not be sufficient to meet all associated costs, including development charges;

Therefore, that the proposed YWCA non-profit development for developmentally handicapped seniors at Eaglewood Drive be exempted from development charge liability, forecast at $50,400, unless the accepted bid and associated charges for this development comes in under the proposed government grant amount.

(Morelli/ Pearson)

That the rules of order be waived in order to allow for the introduction of a motion respecting Eaglewood Drive YWCA Development Charges exemption

CARRIED

9.1 Eaglewood Drive YWCA Development Charges exemption (above item)

(Whitehead/Pearson)

Whereas the YWCA has approved stimulus funding for a non-profit development for developmentally handicapped seniors at Eaglewood Drive;

Whereas the project is time sensitive as it has a substantial completion date of March 31, 2010 under the Stimulus Program;

Whereas the project has a required tendering and construction ready date of October 2010, in order to meet the required substantial completion date of March 31, 2011;

Whereas the funding approved under the stimulus program of $900,000, is capped and may not be sufficient to meet all associated costs, including development charges;
Therefore, that the proposed YWCA non-profit development for developmentally handicapped seniors at Eaglewood Drive be exempted from development charge liability, forecast at $50,400, unless the accepted bid and associated charges for this development comes in under the proposed government grant amount.

CARRIED

(h) GENERAL INFORMATION/OTHER BUSINESS

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

(Pearson/Morelli)
Outstanding Business List Items Requiring Approval to be Removed:

(i) Item ‘A’ Civil Litigation Trial Costs
(ii) Item ‘K’ Wireless Cellular Services and Device Agreements

CARRIED

(i) AJOURNMENT (Item 13)

(Pearson/Whitehead)
There being no further business, the Audit and Administration Committee adjourned at 11:18 a.m.

CARRIED

Respectfully submitted,

Councillor Russ Powers, Chair
Audit and Administration Committee

Andy Grozelle
Legislative Assistant
September 8, 2010