Audit and Administration Committee
MINUTES
9:30 a.m.
Wednesday, November 4, 2009
Committee Room 207
Hamilton Convention Centre
One Summer’s Lane

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

Also Present:
C. Murray, City Manager
R. Rossini, General Manager; T. Tollis, Treasurer; R.
Male, Director of Financial Services – Finance and
Corporate Services
J. Kay, General Manager/Chief – Emergency Services
G. Davis, General Manager, Jim Harnum, Senior Director
of Water and Wastewater – Public Works
T. McCabe, General Manager – Economic Development
and Planning
Mary Agro, Manager of Organizational Development –
Human Resources
K. Christenson, City Clerk; M. Meyer, Legislative Assistant
– City Clerk’s Office

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. Tax Appeals under Section 357 and 358 of the Municipal Act, 2001
   (FCS09006(g)) (City Wide) (Item 5.2)

   (Collins/Morelli)
   (a) That the tax write-offs processed under Section 357 of the Municipal
       Act, 2001, in the amount of $51,144 be approved as set out in Appendix
       A to report FCS09006(g); and

   (b) That the tax appeals due to a gross or manifest clerical error, pursuant
       to Section 358 of the Municipal Act, 2001, in the amount of $10,770 be
       approved as set out in Appendix B to report FCS09006(g).

   CARRIED
2. **Apportionment of Taxes for Property in Stoney Creek (FCS09001(g)) (Ward 11) (Item 5.3)**

*(Collins/Morelli)*

That the 2009 property taxes, in the amount of $2,010 for 61-63 Waterford Crescent, Stoney Creek (Roll #2518 003 030 01693), be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS09001(g).

CARRIED

3. **Monthly Status Report of Tenders and Requests for Proposals for September 15, 2009 to October 13, 2009 (FCS09027(f)) (City Wide) (Item 5.4)**

*(Collins/Morelli)*

That Information Report FCS09027(f) respecting Monthly Status Report of Tenders and Requests for Proposals for September 15, 2009 to October 13, 2009 be received.

CARRIED

4. **2009 City of Hamilton Development Charge By-laws 09-143 and 09-144 Amendment – Correct Omission of Affordable Housing Exemption (FCS09099) (City Wide) (Item 6.1)**

*(Collins/Morelli)*

(a) That Development Charge By-law 09-143 be amended to include, under exemptions in Section 24 (f) “An affordable housing project that receives funding from the City’s Community Rental Housing program through a municipal housing project facilities agreement and by-law, or any such similar City housing program delivered by the City, provided the development charge liabilities of the affordable housing project are not eligible for funding by senior levels of government.”;

(b) That Development Charge By-law 09-144 be amended to include, under exemptions in Section 21 (f) “An affordable housing project that receives funding from the City’s Community Rental Housing program through a municipal housing project facilities agreement and by-law, or any such similar City housing program delivered by the City, provided the development charge liabilities of the affordable housing project are not eligible for funding by senior levels of government.”;

(c) That the amendment to Development Charges By-law 09-143, attached hereto as Appendix B to report FCS09099, be passed and enacted; and
(d) That the amendment to Development Charges By-law 09-144, attached hereto as Appendix C to report FCS09099, be passed and enacted

CARRIED

5. 2009 Purchasing Policy Updates (FCS09020(a)) (City Wide) (Item 8.1)

(Morelli/Pearson)
(a) That the By-law attached as Appendix ‘A’ to report FCS09020(a) be passed and enacted; and

(b) That Item K be removed from the Outstanding Business List of the Audit and Administration Committee.

CARRIED

6. Code of Conduct for Employees Policy and Whistleblower By-Law (HUR09012) (City Wide) (Item 8.2)

(Collins/Bratina)
(a) That the Code of Conduct for Employees Policy (Appendix A) be approved and implemented (replaces existing policy), as amended;

(b) That the proposed Whistleblower By-law be passed (Appendix B), as amended;

(c) That the City of Hamilton, Conflict of Interest Policy, Code of Conduct for Employees Policy, and Candidacy for Political Office Policy be repealed (all existing); and

(d) That item F be removed from the Audit and Administration Committee outstanding business list.

CARRIED

7. Council Code of Conduct (Added Motion)

(Whitehead/Morelli)
That the draft “Section 4 – Gifts and Benefits” of Appendix H, Code of Conduct for Members of Council, to the Procedural By-law be referred to the Governance Review Subcommittee to be reviewed so as to harmonize with the “Gifts and Hospitality” section of the Code of Conduct for Employees Policy.

CARRIED
8. **Correspondence from the City of Greater Sudbury respecting Proposed Workplace Fatalities Family Bill of Rights (HUR09016) (City Wide) (Item 8.3)**

*(Collins/Whitehead)*

(a) That Council refer the City of Greater Sudbury’s resolution respecting Proposed Workplace Fatalities Family Bill of Rights to the Ministry of Labour and request municipal consultation in the event there are impacts on municipalities; and

(b) That Item S be removed from the Audit and Administration Committee outstanding business list.

*CARRIED*

9. **Election Campaign Contribution Rebates (CL09006(a)) (Item 8.4)**

*(Collins/Morelli)*

That Information Report CL09006(a) respecting Election Campaign Contribution Rebates be received.

*CARRIED*

10. **Recommendations (d) of Residential Protective Plumbing Subsidy Program (FCS09100/PW09082(a)) (City Wide) (Referred by Council at its meeting on October 28, 2009) (Added Item 8.5)**

*(Collins/Morelli)*

That recommendation (d) of Report FCS09100/PW09082(a) respecting the 2009 Residential Protective Plumbing Subsidy Program be approved as follows:

(d) That homeowners may not be eligible for future reimbursement under the Compassionate Grant Program if all of the following criteria exist:

(i) The homeowner has been a previous recipient of the Compassionate Grant Program;

(ii) The homeowner has been contacted in writing by the City of Hamilton and offered assistance under the Residential Protective Plumbing Subsidy Program in order to undertake some corrective protective plumbing measures; and

(iii) The homeowner does not take advantage of the Residential Protective Plumbing Subsidy Program, for either the grant and/or the loan components.

*CARRIED*
FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following change to the agenda:

Added as Item 8.5 is recommendation (d) of Item 10 of the Audit & Administration Committee Report 09-014 respecting the Residential Protective Plumbing Subsidy Program, which was referred back to the Committee for further discussion by City Council at its meeting on October 28, 2009.

On a motion (Pearson/Collins), the agenda was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) MINUTES (Item 3)

(i)  Minutes of the meeting held on October 21, 2009 (Item 3.1)

(Powers/Pearson)
That the minutes of the Audit and Administration Committee meeting held on October 21, 2009 be approved as presented.  

CARRIED

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

(Collins/Morelli)
That the following minutes of various sub-committees be received:
(a)  GLBT Advisory Committee – September 17, 2009  

CARRIED

(e) 2009 City of Hamilton Development Charge By-laws 09-143 and 09-144 Amendment – Correct Omission of Affordable Housing Exemption (FCS09099) (City Wide) (Item 6.1)

Rob Rossini, General Manager of Finance and Corporate Services, provided an introduction to the matter and overview of the amendment to the bylaw. He advised that it was a housekeeping amendment with no policy change implications.
Chair Clark advised the meeting that Item 6.1 was a public meeting pursuant to Section 12 of the Development Charges Act, 1997, to present and obtain public input on the City’s proposed amendments to the Development Charges By-law and Water Wastewater Development Charges By-Law. He further advised that notice of the public meeting was published in the Hamilton Spectator on October 9, 2009, inviting interested parties to make representations at today’s meeting. Any person in attendance can make representations relating to the proposed amendments to the Development Charges By-law and Water Wastewater Development Charges By-Law.

No members of the public came forward to address the matter.

(f) 2009 Purchasing Policy Updates (FCS09020(a)) (City Wide) (Item 8.1)
Committee discussed the updates to the Purchasing Policy. In response to questions from the Committee, staff advised of the following:

- Where there is a financially sensitive issue, they will come before Committee and outline the risks, who is providing current service, and seek direction on how to proceed.
- Staff are working on a policy respecting vendors for which there is documented proof of unsatisfactory performance, which will be brought forward to the Committee by the end of the first quarter, before the start of the 2010 construction season.
- Currently, a complete review is being done of the Purchasing section. A report will be brought forward to the Operational Review Subcommittee on November 16, 2009 and will come to the Audit and Administration Committee on November 18, 2009.
- Staff educate vendors on the RFP process, but not specifically with respect to their technical work deliverables.

(g) Code of Conduct for Employees Policy and Whistleblower By-Law (HUR09012) (City Wide) (Item 8.2)
Chris Murray, City Manager, provided an overview of the proposed new Code of Conduct for Employees Policy and the Whistleblower By-law.

Some discussion ensued, including but not limited to the following:
- Staff confirmed that the Code of Conduct for Employees Policy and the Whistleblower By-law is exclusive of the Mayor and Members of Council, but does apply to their staff.
- Staff confirmed that the Code of Conduct for Employees is meant to harmonize with the Council Code of Conduct.
• Staff clarified that they would try to handle any costs incurred by the Whistleblower Bylaw with existing dollars and existing complement.
• The Integrity Commissioner is responsible for a separate process, so he would not be responsible for investigation under the Code of Conduct for Employees Policy or Whistleblower Bylaw.
• Committee requested clarification of and expressed concerns respecting the “Gifts and Hospitality” component of the Code of Conduct for Employees Policy, specifically with regard to the exemption for management and professional staff who, as part of their business responsibilities, participate in hospitality events that are more frequent or exceed the monetary limits outlined in the policy.

Committee discussed section 6(d) of the Whistleblower Bylaw. Staff advised that they could make it clear in their communication to all employees that an employee should first approach his or her supervisor/manager, and should approach the Department head or Director of Audit Services if the disclosure of serious wrongdoing is with respect to their supervisor/manager. Committee agreed that the communication should make it clear and, should there be confusion after the fact, the matter can be investigated and an amendment passed at that time.

Committee passed the following motion:

(Collins/Bratina)
(a) That the Code of Conduct for Employees Policy be amended by deleting the words “disadvantages and disadvantages” in the “Indirect Interests” portion of the policy (page 3 of 11) and replacing them with the words “advantages and disadvantages”;
(b) That the Code of Conduct for Employees Policy and the Whistleblower Bylaw be amended by refining the definition of the word “employee” so as to make it clear that Members of Council are excluded from the definition.

CARRIED

Committee passed a motion as outlined in Item 7 above.

(h) Election Campaign Contribution Rebates (CL09006(a)) (Item 8.4)

Kevin Christenson, City Clerk, provided an overview of the report.
(i) GENERAL INFORMATION/OTHER BUSINESS

(i) Outstanding Business List Items requiring Approval for Proposed New Due Dates (Item 11.1)

(Collins/Pearson)
That the proposed new due date for the following Audit and Administration Committee Outstanding Business List item be approved:

Item L: Alcohol-related Events in City-owned Facilities

Current Due Date: Nov. 4/09
Proposed New Due Date: Dec. 2/09

CARRIED

(j) ADJOURNMENT (Item 13)

(Collins/Pearson)
The Audit and Administration Committee adjourned at 10:44 a.m.

Respectfully submitted,

Councillor Brad Clark, Chair
Audit and Administration Committee

Mary-Ann Meyer
Legislative Assistant
November 4, 2009