

Minutes - Final
Finance and Corporate Services
Committee

Wednesday, June 27, 2012

7:00 PM

Council Chamber

For consideration by General Committee on August 13, 2012.

The meeting was called to order by Councillor Prowse at 7:06 p.m. The following were in attendance for the meeting:

PRESENT:

Councillor, M. Prowse, Chair
Councillor B. Ainsworth
Councillor A. Nuttall.

STAFF:

Chief Administrative Officer, C. Ladd
City Clerk, D. McAlpine
Committee Secretary, W. Sutherland
Director of Finance (Acting), C. Millar (joined the meeting at 9:12 p.m.)
Executive Assistant to the General Manager of Corporate Services, J. Taylor (joined the meeting at 9:23 p.m.)
Financial Analyst, L. Jerney (joined the meeting at 9:12 p.m.)
General Manager of Corporate Services, E. Archer (joined the meeting at 9:23 p.m.)
Manager of Accounting, C. Smith (joined the meeting at 9:12 p.m.)
Municipal Law Enforcement Officer 1, B. Keene
Municipal Law Enforcement Supervisor, T. Banting
Municipal Prosecutor, S. Feeney
Senior Municipal Law Enforcement Officer, J. Forgrave.

ALSO PRESENT:

C. Fernandes, Fernandes Paralegal Services
J. Clow, Barriston Law LLP
T. Crockford, Auditor, BDO Canada (joined the meeting at 9:12 p.m.)
R. Iftikhar
C. Iftikhar

The Finance and Corporate Services Committee met at 7:06 p.m. for the purpose of conducting an appeal hearing pursuant to City of Barrie By-law 2006-265 (Transportation Industry) as follows:

SECTION "A"

Councillor Prowse advised the public that the purpose of the meeting was to conduct an appeal hearing pursuant to Barrie By-law 2006-265 (Transportation Industry) in response to the appeal submitted by Mr. R. Iftikhar on behalf of 1748215 Ontario Inc. Councillor Prowse confirmed with the Committee Secretary that notification was conducted in accordance with By-law 2006-265 for the hearing.

**APPEAL HEARING - BUSINESS LICENSING BY-LAW 2006-265 -
TRANSPORTATION INDUSTRY SUBMITTED BY 1748215 ONTARIO INC.**

Mr. S. Feeney identified himself to the Chair and explained he was acting on behalf of the Issuer of Licences for the City of Barrie.

Mr. S. Feeney requested an exclusion order from the Committee with respect to the second witness on behalf of 1748215 Ontario Inc., Mr. C. Iftikhar.

The Committee approved the request to exclude the second witness on behalf of 1748215 Ontario Inc. from the Council Chamber before evidence was presented.

Ms. C. Fernandes identified herself to the Chair and advised that she was acting on behalf of the Applicant, Mr. R. Iftikhar of 1748215 Ontario Inc.

Ms. T. Banting, Municipal Law Enforcement Supervisor and Issuer of Licences was sworn in by W. Sutherland, Committee Secretary. Mr. S. Feeney presented evidence and examined Ms. T. Banting as a witness.

A Member of the Committee requested clarification of the evidence provided by Ms. T. Banting.

Ms. C. Fernandes cross-examined Ms. T. Banting with respect to the evidence that had been provided.

Mr. S. Feeney examined Ms. T. Banting in reply.

Mr. B. Keene, Municipal Law Enforcement Officer 1 was sworn in by W. Sutherland, Committee Secretary. Mr. S. Feeney presented evidence and examined B. Keene as a witness.

Ms. C. Fernandes cross-examined Mr. B. Keene with respect to the evidence that had been provided.

Mr. R. Iftikhar was sworn in by W. Sutherland, Committee Secretary. Ms. C. Fernandes presented evidence and examined Mr. R. Iftikhar on behalf of 1748215 Ontario Inc. as a witness.

Mr. S. Feeney cross-examined Mr. R. Iftikhar with respect to the evidence that had been provided.

Ms. C. Fernandes examined Mr. R. Iftikhar in reply.

A Member of the Committee requested clarification of the evidence provided by Mr. R. Iftikhar.

Mr. C. Iftikhar was sworn in by W. Sutherland, Committee Secretary. Ms. C. Fernandes presented evidence and examined Mr. C. Iftikhar as a witness.

Mr. S. Feeney cross-examined Mr. C. Iftikhar with respect to the evidence that had been provided.

Mr. S. Feeney recalled Mr. B. Keene to respond to the evidence provided by Mr. R. Iftikhar and Mr. C. Iftikhar.

Ms. C. Fernandes was provided an opportunity to cross-examine Mr. B. Keene. Ms. C. Fernandes did not cross-examine Mr. Keene.

Mr. Feeney provided closing statements on behalf of the Issuer of Licences.

Ms. C. Fernandes provided closing statements on behalf of the Applicant.

The Finance and Corporate Services Committee reports that upon adoption of the required procedural motion it met In-Camera at 9:12 p.m. in the Councillors Lounge to receive and discuss confidential advice that is subject to confidential solicitor-client privilege concerning the preparation of a decision letter related to the appeal submitted by Mr. R. Iftikhar on behalf of 1748215 Ontario Inc. The Committee members, City Clerk and J. Clow, Legal Counsel to the Committee, were present in the Councillors Lounge for this portion of the meeting.

SECTION "B"

**CONFIDENTIAL SOLICITOR-CLIENT ADVICE MATTER - APPEAL
HEARING - BUSINESS LICENSING BY-LAW 2006-265 -
TRANSPORTATION INDUSTRY - SUBMITTED BY 1748215 ONTARIO
INC.**

That the motion contained within the confidential notes of the Finance and Corporate Services Committee dated June 27, 2012 concerning advice that is subject to client privilege concerning the preparation of a decision letter related to the appeal submitted by Mr. R. Iftikhar on behalf of 1748215 Ontario Inc., be received.

The Finance and Corporate Services Committee resumed in open session in Council Chamber at 9:22 p.m.

SECTION "C"

**APPEAL HEARING - BUSINESS LICENSING BY-LAW 2006-265 -
TRANSPORTATION INDUSTRY - submitted by 1748215 ONTARIO INC.**

J. Clow, Solicitor, advised that he was not asked any legal questions by the Committee members while in the Councillors Lounge that required a response.

Councillor Prowse, Chair of the Finance and Corporate Services Committee advised that the Committee had made a decision regarding the appeal submitted by 1748215 Ontario Inc.

The appeal of By-law 2006-265 by 1748215 Ontario Inc. was denied in accordance with a decision letter to be issued to the Applicant.

The Committee concluded the appeal hearing portion of the meeting at 9:22 p.m.

The Finance and Corporate Services Committee met and recommends adoption of the following recommendation(s):

SECTION "D"

2011 AUDITED CONSOLIDATED FINANCIAL STATEMENTS

1. That the 2011 Audited Consolidated Financial Statements be approved.
2. That the expense resulting from setting up an allowance in relation to the MacLaren Art Centre notes receivable of \$3,941,141 be funded as follows:
 - a) \$1,970,571 from the Tax Capital Reserve (13-04-0440)
 - b) \$1,970,570 from the Tax Rate Stabilization Reserve (13-04-0461)
3. That in the event any future funds are recovered related to the allowance for the MacLaren Art Centre notes receivable, the funds be allocated to the Tax Capital Reserve (13-04-0440) and the Tax Rate Stabilization Reserve (13-04-0461).
4. That staff in the Legal Department investigate and report to General Committee by memorandum concerning the following:
 - a) That the City in making this accounting adjustment, does not change its place in line for recompense during any possible creditor claims if the MacLaren Art Centre is forced into bankruptcy after the 10 year period (2016);
 - b) The possibility of obtaining the Spirit Catcher as a City asset in exchange for monies owed and before the possibility of the MacLaren Art Centre being forced into bankruptcy in 2016; and
 - c) That the City building that houses the MacLaren Art Centre is and will be held safe from harm in 2016. (File: F03)

Attachments: 2011 Audited Consolidated Financial Statements.pdf

This matter was recommended to General Committee for consideration of adoption at its meeting to be held on 13/08/2012.

SECTION "E"

The Finance and Corporate Services Committee met and reports as follows:

**REPORT OF THE TOWN AND GOWN COMMITTEE MEETING DATED
MAY 22, 2012.**

The Report of the Town and Gown Committee dated May 22, 2012 was received. (File: C05)

Attachments: Town and Gown Committee Report May 22 2012.pdf

**PRESENTATION CONCERNING 2011 AUDITED CONSOLIDATED
FINANCIAL STATEMENTS**

The document concerning the 2011 Audited Consolidated Financial Statements was received. T. Crockford noted that it is the auditor's opinion that the consolidated financial statements present fairly, in all material respects, the financial position of The Corporation of the City of Barrie as at December 31, 2011.

Attachments: FS Presentation to FC Jun 27 (FINAL)

The meeting adjourned at 9:40 p.m.