



Committee of the Whole MINUTES

**9:30 a.m.
April 14, 2009
Albion Room
Hamilton Convention Centre**

Present: Mayor F. Eisenberger
Councillors B. Bratina, B. Clark, C. Collins, S. Duvall,
T. Jackson, L. Ferguson, B. McHattie, S. Merulla, B.
Morelli, D. Mitchell, R. Pasuta, M. Pearson, R.
Powers, T. Whitehead

Absent with regrets: Councillor M. McCarthy - Illness

Also Present: C. Murray, City Manager
T. Tollis, Acting General Manager, Finance and
Corporate Services
G. Davis, Acting General Manager, Public Works
J. Kay, General Manager/Chief, Hamilton Emergency
Services
T. McCabe, General Manager, Planning and Economic
Development
M. Gallagher, Co-ordinator, Council and Committee of the
Whole/Budgets

THE FOLLOWING WAS REPORTED TO CITY COUNCIL FOR CONSIDERATION:

ANNOUNCEMENTS

Deputy Mayors for the Month of April, 2009
Aris Damianopoulos and Anja Djoga

The Mayor introduced and welcomed the two Deputy Mayors for the Month of April - Aris Damianopoulos, Glendale Secondary School and Anja Djoga of Elizabeth Bagshaw School

1. CHANGES TO THE AGENDA

The Clerk noted the following change to the agenda:
Added request for a presentation by staff respecting "Build Canada –and our Sewage Treatment Plant".

(Clark/Duvall)

That the Agenda be adopted as amended.

CARRIED.

2. DECLARATIONS OF INTEREST

None

3. ADOPTION OF MINUTES

3.1 March 30, 2009

(Clark/Bratina)

That the minutes of March 30, 2009 be adopted as presented.

CARRIED.

4. CONSENT ITEMS

4.1 Appointment of new Citizen Members of the HECFI Board of Directors

(Morelli/Mitchell)

That the appointment of David Sauve and Shirley Madill to the HECFI Board of Directors for a three year term ending March 31, 2012 be approved.

CARRIED.

4.2 Minutes of the February 10, 2009 meeting of the Advisory Committee for Persons with Disabilities – FOR INFORMATION ONLY

(Whitehead/Powers)

That the minutes of February 10, 2009 be received. CARRIED.

5. DELEGATION REQUESTS

**5.1 Request to address Committee by Lynda Lukasik,
Environment Hamilton respecting climate change**

(Whitehead/Pearson)

Be approved for a future Committee of the Whole meeting.

CARRIED.

8. DISCUSSION ITEMS

**8.1 Accessible Transportation Services (ATS) Review – Request
for additional Information (PW05075(e) (City Wide)
(Whitehead/Pearson)**

- (a) That Council receive the information requested of staff at the City Council meeting of October 1, 2008, contained within Confidential Appendix “A” to this report;
- (b) That staff be authorized and directed to negotiate a modified service delivery model with DARTS, as described within the “Analysis/Rationale” section of this Report, assigning functional accountability for scheduling of dedicated specialized transit services to DARTS, conditional upon successful negotiation of a three (3) year Agreement, with an option for a further one-time renewal of up to five (5) years at the sole discretion of the City and upon further Council approval, provided that:
 - (i) DARTS develop, deliver and maintain a rolling five (5) year business and operating plan which conforms to the general guidelines set out by Council with regard to current and future capital and operating budgets;
 - (ii) DARTS confirm the essential mandate of its Board of Directors to be management and delivery of an efficient and effective accessible transportation service as defined in any such Agreement;
 - (iii) any such Agreement with DARTS be performance based, with performance metrics as outlined in Appendix “C” to this Report, and
 - (iv) any such Agreement be to the satisfaction of the General Manager of Public Works and the City Solicitor;
- (c) That staff be authorized and directed to develop a re-branding strategy for the DARTS component of the ATS

program to be reflective of the respective roles of the City as program owner and DARTS as a program deliverer, and report back to Council with further specific recommendations to enable that strategy.

(Whitehead/Pearson) to add subsection (d):

(d) That Appendix A remain confidential and not for release.

Amendment carried on the following standing recorded vote:

Yeas:	Eisenberger, Whitehead, Powers, Pearson, Pasuta, Jackson, Mitchell, Ferguson
Total:	8
Opposed:	Bratina, Clark, Collins, Duvall, McHattie, Merulla
Total:	6
Absent:	McCarthy, Morelli
Total:	2

MOTION AS AMENDED (Whitehead/Pearson) CARRIED ON A STANDING RECORDED VOTE:

Yeas:	Eisenberger, Collins, Ferguson, Jackson, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total:	9
Opposed:	Bratina, Clark, Duvall, McHattie, Merulla
Total:	5
Absent:	McCarthy, Morelli
Total:	2

Recess for lunch: 12:15 p.m.

Reconvene 12:40 p.m.

Added Item – Sewage Treatment Plant Update

Mike Zegarc and Jim Harnum provided an overview by power point presentation.

(Whitehead/Pearson)

- (a) That Council endorse the Sewage Treatment Plant upgrade as a priority capital project for consideration by the Provincial and Federal governments under the Build Canada fund;
- (b) That staff forward a project overview and description for the Sewage Treatment Plant upgrade to the Minister of the Department of Industry and the Minister of Energy and Infrastructure in prelude to a formal process under the Build Canada Fund;
- (c) That area MPs and MPPs be provided copies of the Sewage Treatment Plant project overview and description.

CARRIED.

8.2 Advisory Committee for Persons with Disabilities Report 09-003

(Jackson/Whitehead)

That Report 09-003 of the Advisory Committee for Persons with Disabilities be received and referred to staff.

CARRIED.

8.3 Capital Projects Status and Closing Report as of December 31, 2008 (FCS08084(b) (City Wide)

(Powers/Pearson)

- (a) That the December 31st, 2008, Capital Projects' Status and Projects' Closing Report and the attached Appendices A, B, C, D, E, F and G to report FCS08084(b) for the tax levy and the rate supported capital projects be received for information; and
- (b) That the Acting General Manager of Finance & Corporate Services be directed to close the completed capital projects listed in Appendix B to report FCS08084(b) in accordance with the Capital Closing Policy and that the net transfers are dealt with as listed in Appendix A to report FCS08084(b) and summarized below:

<u>Reserve/ Project #</u>	<u>Description</u>	<u>Net Transfers</u>
<u>Dedicated Reserves</u>		
110065	Police Capital Reserve	17,399
108023	IT Capital Reserve	(14,415)
110025	Fleet Replacement Reserve	(41,708)
	Development Charges	20,188
	Sub-Total	(18,536)
<u>Return to Capital Levy Reserve</u>		
108020	Tax Projects	115,063
	Total Net Transfers	96,527

- (c) That the Federal Gas tax funding for projects outlined in Schedule G be re-allocated between the Federal Gas Tax and the approved other sources of funding, to concur with the City's practice of allocating the Federal Gas Tax funds in the same year that the gas tax revenues are received to eligible projects. CARRIED.

8.4 Taxation Collection Measures during Economic Downturn (FCS09039) (City Wide)
(Ferguson/Whitehead)

- (a) That the current Penalty and Interest charge of 15% be lowered to 12%, which is a monthly change of 1.25% to 1.00%;
- (b) That the tax staff adjust their tax registration procedures as outlined in the attached Appendix A to report FCS09039; and
- (c) That staff report back, as soon as possible after the June tax billing, as to the tax arrears status. CARRIED.

Councillor Clark Opposed.

8.5 2009 Tax Ratios and Final Tax Impacts (FCS09032a) (City Wide)
(Whitehead/Pearson)

- a) That the following final tax ratios be established for the 2009 taxation year:

- Residential 1.0000
- Multi-Residential 2.7400

- New Multi-Residential 1.0000
- Commercial (residual) 1.9950
- Parking Lot & Vacant Land 1.9950
- Industrial (residual) 3.3325
- Large Industrial 3.9078
- Pipeline 1.7367
- Farm 0.2099
- Managed Forest 0.2500

- b) That the City Solicitor & Corporate Counsel be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of establishing the tax ratios and related tax policies for the 2009 taxation year. CARRIED.

Councillor Powers Opposed.

8.6 2009 Tax Capping Policy for the Multi-Residential Commercial and Industrial Property Classes (FCS09038) (City Wide) (Whitehead/Pearson)

- a) That, for the 2009 taxation year, the tax capping percentage for any assessment-related tax increases in the Commercial, Industrial and Multi-Residential property classes be set at 10%, the maximum allowed under Section 329.1 (1) 1 of the Municipal Act, 2001;
- b) That, for the 2009 taxation year, any capped property in the Commercial, Industrial and Multi-Residential property classes that is within \$250 of its Current Value Assessment (CVA) of taxes in 2009, be moved directly to its' full Current Value Assessment (CVA) of taxes, as allowed under Section 329.1 (1) 3 of the Municipal Act, 2001;
- c) That, for the 2009 taxation year, the new construction / new to class treatment be phased out by establishing a minimum percentage of Current Value Assessment (CVA) taxes, such that eligible properties will be taxed at 100% of Current Value Assessment (CVA) taxes in 2009 and future years, as allowed under Section 329.1 (1) 8 of the Municipal Act, 2001;
- d) That, pending Provincial regulation, for the 2009 taxation year, any property in the Commercial, Industrial and Multi-Residential property class which paid full Current Value Assessment (CVA) taxes in 2008, no longer be eligible for capping protection in 2009 and future years;

- e) That, for the 2009 taxation year, the cost of the capping program be funded fully from the operating budget, requiring no clawbacks; and
- f) That the City Solicitor & Corporate Counsel be authorized and directed to prepare the necessary by-law, for Council approval, for the purposes of establishing the capping policies for the 2009 taxation year. CARRIED.

8.7 Tax and Rate Operating Budget Variance Report to December 31, 2008 (Unaudited) (FCS09040) (City Wide) (McHattie/Pasuta)

- a) That the 2008 Tax and Rate Operating Budget Variance Report to December 31, 2008 be received for information and
- b) That, subject to Final Audit, Table 1 - Disposition of Year-End Surplus, of Report FCS09040, be approved. CARRIED.

8.8 Hamilton Future Fund Board of Governors 09-001

1. Hamilton Future Fund Reserve Status and Project funding as of December 31, 2008 (FCS08049(a) (Item 4.1)

That Report FCS08049(a) respecting Hamilton Future Fund Reserve Status and Project funding as of December 31, 2008 be received.

2. International Event Opportunities – 2015 Pan Am Games Bid Update (CM09006) (Item 4.2)

- (a) That Hamilton City Council be advised that the Future Fund Board of Governors has no objection should Council wish to utilize principal monies in the form of a loan from the Hamilton Future Fund to fund the City's financial requirement for participation in the 2015 Pan Am Games;
- (b) That the Province be advised that the \$60 million as requested remain in the fund for as long as possible
- (c) That the city explore other possible funding sources to mitigate the use of the fund where possible.

- (d) That council make best efforts to restore the dollars and ensure the legacy of the future fund for future projects.

Mayor Eisenbereger relinquished the chair to the Deputy Mayor Whitehead.

(Eisenberger/Powers)

- (a) That Hamilton Future Fund Board of Governors Report 09-001 be received;
- (b) That \$60 million dollars in the form of a grant be approved from the Hamilton Future Fund to fund the City's financial requirement for participation in the 2015 Pan Am Games.
- (c) That the city make best efforts to restore the funds and explore other possible funding sources to mitigate the use of the fund where possible.

CARRIED.

Deputy Mayor Whitehead relinquished the chair to Mayor Eisenberger

8.9 Corporate Strategic Plan - Verbal Update by Chris Murray

Chris Murray provided an update.

Included in the update was the following:

- Update of what has transpired within the last 10 months
- Plan approved in June 2008 by Council
- A further update will be provided to Council in June
- project structure
- corporate strategic plan committee
- important to engage staff and the community and receive feedback

9. MOTIONS

9.1 Staff Report - Area rated variances being covered by the benefiting community.

(Whitehead/Powers)

That staff be directed to prepare the following report for Committee of the Whole when it meets to discuss the issue of area rating:

Suggested options for area rated variances being covered by the benefiting community.

Motion DEFEATED on a Recorded vote:

Yeas: Collins, Duvall, Powers, Whitehead

Nays: Eisenberger, Clark, Ferguson, Jackson, Pasuta, Mitchell,
Pearson

10. NOTICES OF MOTION

None

11. PRIVATE AND CONFIDENTIAL

(Mitchell/Pearson)

That committee move into closed session further to subsections (e) and (f) of the procedural by-law as the matters deal with labour relations and advice that is subject to solicitor client privilege. CARRIED.

11.1 Closed Session Minutes of March 9, 2009

11.2 Accessible Transportation Services (ATS) – Appendix “A”

(Whitehead/Pearson)

That Committee reconvene in Open Session. CARRIED.

11.1 Closed Session Minutes of March 9, 2009

(Powers/Pearson)

Be adopted as presented and remain confidential. CARRIED.

Other Business:

Councillor Ferguson requested that Governance address a policy to wait 48 hours between having a report sent by a Standing Committee directly to Council on the same day.

There being no further business, the meeting adjourned at 2:05 p.m.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
Council, Committee of the Whole
Budgets
April 14, 2009