Committee of the Whole
REPORT 07-016

9:30 a.m.
May 14, 2007
Council Chambers
Hamilton City Hall
71 Main Street West, Hamilton

Present:
Mayor F. Eisenberger

Councillors B. Bratina, B. Clark, C. Collins, S. Duvall,
T. Jackson, B. McHattie, M. McCarthy, S. Merulla, D.
Mitchell, B. Morelli, R. Pasuta, M. Pearson,
R. Powers and T. Whitehead

Absent with regrets:
Councillor L. Ferguson

Also Present:
G. Peace, City Manager
J. Rinaldo, General Manager, Finance and Corporate
Services
L. A. Coveyduck, General Manager, Planning and
Economic Development
J. Priel, General Manager, Community Services
S. Stewart, General Manager, Public Works,
J. Kay, Fire Chief/General Manager HES
M. Gallagher, Co-ordinator, Council, Committee of the
Whole

COMMITTEE OF THE WHOLE PRESENTS REPORT 07-016 AND
RESPECTFULLY RECOMMENDS:
1. **Citizen Protection Project respecting “Safe Havens” (Item 6.1)**

That the Mayor with the assistance of the Co-ordinator of Council be directed to facilitate a meeting of the members of the Citizen Protection Project and Councillors Bratina and McHattie to explore options of how to support the initiative of the Safe Haven Project.

2. **Environmental Assessment on Integrated Power System Plan**

That the Province be requested to reverse their earlier decision and conduct a full environmental assessment on the Integrated Power System plan.

3. **Hamilton Utilities Corporation Annual General Meeting of Shareholders**

(a) **HUC 2006 Financial Statements**

That the Financial Statements for the year 2006, be received as approved by the Board of Directors, of Hamilton Utilities Corporation.

(b) **Change to Horizon Utilities Dividend Policy**

WHEREAS it is in the best interests of Horizon Utilities Corporation (the “Corporation”) to adopt a dividend policy (the “Horizon Dividend Policy”) that provides for dividends on the Class 1 and Class A common shares of the Corporation;

AND WHEREAS the Corporation adopted the Horizon Dividend Policy as of March 1, 2005 in accordance with, and attached as Schedule C to, its Shareholders Agreement dated March 1, 2005 (the “Horizon Shareholders Agreement”);

AND WHEREAS subparagraph 5.1(i) of the Horizon Shareholders Agreement requires the approval of the respective municipal Council for each of Hamilton and St. Catharines for any change to the Horizon Dividend Policy;
AND WHEREAS the Corporation last changed the Horizon Dividend Policy effective January 1, 2006 (the “Revised Horizon Dividend Policy”) in accordance with subparagraph 5.1(i) of the Horizon Shareholders Agreement;

AND WHEREAS the Board of Directors has reviewed the affordability of dividends in relation to earnings and cash flow and subject to other prudential considerations;

AND WHEREAS the Board of Directors is recommending that the Revised Horizon Dividend Policy be amended, effective January 1, 2007, by deleting the following sentence under the section titled Payment of Dividends - Regular Dividends:

“Quarterly dividends will, subject to meeting the above criteria, be targeted at $1.0MM and paid March 1st (or shortly following the approval of the annual audited financial statements of the preceding year), June 1st, September 1st and December 1st.”; and replacing it with a new sentence which reads as follows:

“Quarterly dividends will, subject to meeting the above criteria, be targeted at up to $1.5MM and paid March 1st (or shortly following the approval of the annual audited financial statements of the preceding year), June 1st, September 1st and December 1st.”.

AND WHEREAS the shareholders of Horizon Utilities Corporation have approved the recommendation of the Board of Directors to so amend the Horizon Dividend Policy provided that such amendment will be authorized subject to the further approval of the respective municipal Council for each of Hamilton and St. Catharines;

BE IT RESOLVED that the Council of the City of Hamilton approve the amendment to the Horizon Dividend Policy and that such amendment will be authorized subject to the approval of the respective municipal Council of the City of St. Catharines and, thereafter, effective as of January 1, 2007.

(c) Amendment to Number of Board of Directors and Appointment of Board of Directors

(i) That the number of Directors be decreased from nine to seven.
(ii) That the following slate of Nominees be re-appointed to serve as Directors, as put forth by the Nominating Committee and supported by the Board of Directors, of Hamilton Utilities Corporation, and that, the corresponding terms of office are approved, effective May 16, 2007:

- Robert Dolan 2 year term
- Charles Hantho 1 year term
- Edward Minich 1 year term
- Peter Routliff 2 year term
- Owen Shewfelt 1 year term
- Marnie Spears 1 year term

Note: This slate of independent directors combined with the Mayor Fred Eisenberger comprises the Hamilton Utilities Corporation slate of directors effective May 16, 2007.

(d) Appointment of Auditors for 2007

That KPMG LLP, Chartered Accountants, be re-appointed auditors of Hamilton Utilities Corporation for the fiscal year 2007.

4. Capital Projects Status and Closing Report as of December 31, 2006 (FCS06079(b)) (City Wide) (Item 8.1)

(a) That the December 31, 2006, Capital Projects’ Status and Projects’ Closing Report and the attached Appendices A, B, C, D and E to Report FCS06079(b) for the tax levy and the rate supported capital projects be received for information;

(b) That the General Manager of Finance & Corporate Services be directed to close the completed capital projects listed in Appendix B to Report FCS06079(b) in accordance with the Capital Closing Policy and that the net transfers be dealt with as listed in Appendix A to Report FCS06079(b) and summarized as follows: 

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<table>
<thead>
<tr>
<th>Reserve/ Project #</th>
<th>Description</th>
<th>Net Transfers</th>
</tr>
</thead>
<tbody>
<tr>
<td>104090</td>
<td>Parks’ Dedication Reserve</td>
<td>84,118</td>
</tr>
<tr>
<td>Various</td>
<td>Development Charge Reserves</td>
<td>1,372,207</td>
</tr>
<tr>
<td>100031</td>
<td>Fire Equip And Protective Gear Reserve</td>
<td>(22,661)</td>
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<tr>
<td>110022</td>
<td>Vehicle Replacement-Ambulances</td>
<td>24,027</td>
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<tr>
<td>110046</td>
<td>Tax Stabilization Reserve</td>
<td>12,102</td>
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<tr>
<td>100034</td>
<td>Small Equipment Reserve</td>
<td>(389,287)</td>
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<tr>
<td></td>
<td>Dedenture Reduction</td>
<td>176,607</td>
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<tr>
<td><strong>Sub-Total</strong></td>
<td></td>
<td>1,257,114</td>
</tr>
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</table>

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<thead>
<tr>
<th>Return to Capital Levy Reserve</th>
</tr>
</thead>
<tbody>
<tr>
<td>108020</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use to Reduce Debenture Borrowings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rate Projects</td>
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</tbody>
</table>

| **Total Net Transfers** | 1,769,032 |

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5. **2006 Final Tax and Rate Operating Budget Variance Report to December 31, 2006 (FCS07038) (Item 8.2)**

   (a) That the 2006 Tax and Rate Operating Budget Variance Report to December 31, 2006 be received for information.

   (b) That, subject to Final Audit, Table 1 of Report FCS07038 Disposition of Year-End Surplus, be approved.

6. **Facility Naming Sub-Committee Report 07-001 (Item 8.3)**

   (a) **Renaming of the Trenholme Bocce Court to the Trenholme Park Nadir Giuseppe (Joe) Perin Bocce Court (PW07058) - (Ward 6)**

   That the Trenholme Bocce Court (located in Trenholme Park) be renamed the Trenholme Park Nadir Giuseppe (Joe) Perin Bocce Court.

   (b) **Ernie Seager (PW07059) - (City Wide)**

      (i) That the name of Ernie Seager be approved as an appropriate name for a park or facility within the City of Hamilton;

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(ii) That staff be directed to report back to Committee with a recommendation to name a new park or facility within the former municipality of Stoney Creek after the late Ernie Seager.

(c) **Playspace at 1 Oriole Crescent and 44 Martha Street Housing Neighbourhood (PW07061) - (Ward 4)**

That commemorative signage be placed on or near the playspace located at 1 Oriole Crescent and 44 Martha Street Housing Neighbourhood to acknowledge the contributions made by Don Gray and CityHousing Hamilton.

7. **2007 Volunteer Committee Budget Review Sub-Committee (Item 8.4)**

(a) That the budgets for the Volunteer Committees attached hereto as Appendix A, be approved;

(b) That the Committee Against Racism dialogue with Hamilton Centre for Civic Inclusion for possible funding partnership for the upcoming symposium

(c) That the Advisory Committee on Immigrants and Refugees explore funding sponsorships for their upcoming community forum

(d) That the Arts Advisory Committee receive approval of $6,000 providing for a 10 year quantity of medals which are distributed during the Arts Awards Reception, with the funding source being the general corporate contingency (54350-205030).

(e) That the Hamilton Historical Board partner with non-profit organizations to pursue conservancy foundation monies for their Heritage plaquing, inventory and newsletter initiatives

(f) That the Volunteer Committee Budget Proposal Evaluation Team continue to meet as required during the budget process.

**FOR THE INFORMATION OF COUNCIL:**

(a) **CHANGES TO THE AGENDA**

The agenda was approved as amended with the withdrawal of delegations 7.3 and 7.6
(b) DECLARATIONS OF INTEREST

Councillor Pasuta declared an interest in Item 7.1 as his son is involved in the nuclear industry.

(c) ADOPTION OF MINUTES

3.1 April 10, 2007

Minutes were adopted as presented.

(d) Introduction of the Mayor for the Day programme established by the Mayor’s Office

Mayor Eisenberger introduced Carolyn Stearns, Grade 7 Student of Cardinal Heights and Daniel Dumas, Grade 10 of Académie Catholique Mère Teresa, selected to be Mayor for the Day. The students received certificates from the Mayor.

(e) Ms. Barbara Abraham, Citizen Protection Project respecting “Safe Haven” (Item 6.1)

The delegation presented a video on Citizen Protection Project “Safe Havens”.

The video illustrated the importance of safe havens and the difference made by having havens within the community.

The delegation requested funding to assist with the sustaining of this project including marketing and branding to communicate the information to the community.

(f) DELEGATIONS

(i) Jack Gibbons, Ontario Clean Air Alliance

In favour of the motions.

Issues addressed included:
- reduces electricity bills and makes industry more competitive.
- Hamilton has its own waste heat can be captured to produce electricity with Dofasco and Stelco
- Good source is small scale natural gas heat and power plants.
- Much more efficient to use natural gas
- Need to convert Hamilton shopping malls, recreation centres, offices should be converted to combined scale heat and power plants.

(ii) Dr. John Valliant

Opposed to motion.
Issues addressed included:
- motion flawed.
- Science pertains to the motion – unbiased
- Numerous inaccuracies and left out.
- Safety of nuclear power are facts which have been ignored
- Proper consultation was not undertaken by presenters of motion
- Wealth of expertise at McMaster University who work in the field
- Did not consult with McMaster.
- Flawed principle of future
- Should entertain new ideas as they come along. - Technology and public opinion changes. Ideas should be debated
- Problems with science and data presented.
- Motion should be defeated.

(iii) Michel Ingram, Vice-President, Atomic Energy of Canada Limited - withdrawn

(iv) Power Workers Union (PWU)

Peter Falconer, PWU Vice President
Rick Perell, PWU
Opposed to motion.

Issues addressed included:
(Refer to written presentation.

(v) Canadian Nuclear Workers Council (CNWC)

David Shier, President CNWC
Joanne Usher and Tom Fraser

Opposed to motion.
Issues addressed included:
(Refer to written presentation)
(vi) Murray Elston, President and CEO of the Canadian Nuclear Association - withdrawn

(vii) Jerry Cuttler, Canadian Nuclear Society

Opposed to motion
Issues addressed included:
(Refer to written presentation)

(viii) Dr. David Novog, McMaster University

Opposed to motion
Issues addressed included:

- sends a message that Hamilton does not need cost effective power
- incorrect facts in motion
- this publicly turning its back to an emission free energy source.
- asked council to reject motion.

(ix) Doug Boreham

Opposed to motion
Issues addressed included:

- Effects of radiation on humans and the environment.
- Decommissioning of waste management is a cost factored into nuclear power.
- Biological affects of radiation and is there a risk.
- Radiation in large doses causes cancer, but you need a lot of radiation to cause cancer.
- Very low doses in nuclear power plants.

(x) Hans Jensen (written submission attached)

Opposed to the motion.
Issues addressed included:
(Refer to written presentation)

(xi) Mr. Woodhead

Issues addressed:
- Costs of storing the spent energy would be expensive.
(xii) Dr. Cathy Cottrell, Society of Professional Engineers and Associates (SPEA)

Issues addressed included:
(Refer to written presentation)

(xiii) Bob Dassinger
not in attendance

(xiv) Peter Ormond
In Favour
(Refer to written presentation)

(xv) Carol Chudy, Clean Affordable Energy Alliance

Opposed to motion
(Refer to written presentation)

(xvi) Joanna Santa-Barbara, Physicians for Global Survival

In Favour of the motion
Issues addressed included:
- health risks
  Risks are all low probability but high magnitude
- How safe are nuclear power plants – insurance companies will not ensure these plants.
- Attacks are possible on nuclear power plants by terrorists
- Probability may be small but catrostrophic
- Expense of nuclear power
- Cost of building nuclear power stations and dismantling is great

(xvii) Jack Santa-Barbara

In favour of motion
Issues addressed included:
- comparable with renewable energy sources
- magnitude of the area impacted by nuclear disaster
- How long it takes a nuclear power plant for a net energy gained
- Why spend enormous amount of dollars and amounts of energy in building an infrastructure which will become obsolete. Why not move to renewable option.
- It’s a centralized resource where renewable energies is dispersed.
(xviii) Gordon Hadaller, President, Stern Laboratories

Opposed to motion
Issues addressed included:

- Stern Laboratories was formed in 1988 from the sale of Westinghouse
- conduct sophisticated experiments for nuclear industry
- design and build equipment for laboratories around world
- electricity generated by Nanticoke
- If it is shutdown without replacement will have impact on electricity
- It’s cleaner, provides work

(xix) Scott Travers, The Society of Energy Professionals

Opposed to motion
Issues addressed included:
(Refer to written presentation)

(xx) Frank Harrison, Stelco

Issues addressed included:
- recommendation that Nanticoke be considered as a possible location of new nuclear plant
- would make parcel of land, appropriately zoned, available should location of new nuclear power plant be approved

(xxii) Thelma McGillvray

In favour of motion
Issues included:
- speaking as President of Hamilton District Council of Woman
- the Hamilton District Council of Woman supports a moratorium on any construction of a nuclear plant in the Hamilton area
- grounded in well researched policies supporting phase out of nuclear plants
- supports reusable energy
- long term protection of the community

(xxii) Written submission received by Roger Pride

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(xxiii) Dave Martin, Energy Co-ordinator, Greenpeace

In favour of motion
Issues addressed included:
- safety – risk of catastrophic accident, radioactive waste disposal
- cleanliness of nuclear power - it is not emissions free.
- there is no safe range of exposure – risk may be smaller but there is risk to radiation exposure
- Costs – the most expensive form of generating electricity
- Seek clarification from the Minister Duncan about the location of the plant.
- Alternatives to coal and nuclear power (i.e. renewable energy)

(xxiv) Ziggy Kleinau, Citizens for Renewable Energy

In favour of motion
Issues addressed included:
- read aloud a letter submitted to Hamilton Spectator

(xxv) Joe Minor

In favour of motion
Issues addressed included:
- phase out of coal burning at Nanticoke – disagree with air quality problems not being significant
- expressed concerns with nuclear power
- lobbying by nuclear power industry
- need to address costs of nuclear power
- requires planning on a 10,000 year horizon – dealing with the waste

(xxvi) Anneliese Poetz, McMaster University

Issues address included:
- environmental assessment
- importance of public consultation
- Regulations changes
- business case, environmental case, energy supply and political decisions
- Analysis of risks being done
- Differing opinions and how to deal with them
Comes down to costs issues (i.e. environmental, financial, social)

The presentations were received.

Following the delegations, it was moved by Councillor McHattie and seconded by Councillor Merulla that in order for City Council to avail themselves of all necessary information to consider the motion (7.1), that the motion be tabled and an invitation extended to the Province of Ontario and to Mayor Marie Trainer of Haldimand County to have them attend a meeting of Committee of the Whole meeting, to be scheduled in the near future, to provide comments and additional information on this issue.

Councillor D. Mitchell opposed to the tabling motion.

(g) HAMILTON UTILITIES CORPORATION ANNUAL GENERAL MEETING

(a) Presentation to Shareholders
Charles Hantho, Chairman of the Board, John Basilio, Interim President, Max Cananzi, President and CEO Hamilton Utilities Corp, provided a power point presentation highlighting the following:
- HUC Year in Review
- Business Review (Horizon Utilities, FibreWired, Hamilton Community Energy)
- The Year Ahead
- Shareholder Resolutions

(h) PRIVATE AND CONFIDENTIAL

Committee moved into closed session to address the following matters:

12.1 Setting Sail/West Harbour

12.2 Reorganizational Structure - Planning and Economic Development Department

12.3 Update on Labour Relations Matter

Committee reconvened in Open Session, providing direction to staff in camera, with no public report.

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Meeting adjourned at 5:00 p.m.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
May 14, 2007