Committee of the Whole
REPORT 09-021
1:30 p.m.
Thursday, July 30, 2009
Tuesday, August 4, 2009
Albion Room
Hamilton Convention Centre

Special Committee of the Whole Meeting of July 30, 2009:

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

Absent with Regrets: Councillors B. McHattie, D. Mitchell – Vacation
Councillor M. McCarthy – Other City Business

Also Present: C. Murray, City Manager
R. Rossini, General Manager, Finance & Corporate Services
G. Davis, General Manager, Public Works
T. McCabe, General Manager, Planning & Economic Development
J. Kay, General Manager/Chief, Hamilton Emergency Services
K. Christenson, City Clerk
M. Gallagher, Coordinator, Council and Committee of the
Whole/Budgets

Special Committee of the Whole Meeting of August 4, 2009

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

Absent with Regrets: Councillors B. McHattie – Vacation

Also Present: C. Murray, City Manager
R. Rossini, General Manager, Finance & Corporate Services
G. Davis, General Manager, Public Works
R. Caterini, Deputy Clerk
COMMITTEE OF THE WHOLE PRESENTS REPORT 09-021 AND RESPECTFULLY RECOMMENDS:

1. Municipal Disaster Relief Assistance Program - July 26, 2009 Flooding Event (FCS06007(c)) (Item 5.1)

   (a) That for the purpose of invoking the Residential Municipal Relief Assistance Program for Basement Flooding, City Council declares the rainstorm event of July 26, 2009, as a "Disaster" for all affected properties within the boundaries of the City of Hamilton.

   (b) That payment of claims be based on compassionate grounds only and not to be construed as an admission of liability on the part of the City of Hamilton.

   (c) That the compassionate grant provided to residents under the Residential Municipal Disaster Relief Assistance Program be increased from a maximum of $750, to a maximum of $1,000, for Basement Flooding and that payments be expedited.

   (d) That staff report back to Committee of the Whole within 30 days on an appropriate level of compassionate grant, including appropriate terms and conditions for eligibility and levels of assistance, for a revised Residential Municipal Disaster Relief Assistance Program covering basement flooding suffered by homeowners and tenants of residential properties who do not have "sewer backup" insurance coverage because they have been unable to purchase such coverage, but whose losses would otherwise have qualified for such coverage.

   (e) That staff develop and report back on a mitigation program, that entails investments valued at approximately $2,000, per residential property, that have experienced multiple basement flooding, on a prioritized basis, in an effort to minimize the potential impacts due to severe weather events, as well as impacts on main sewer lines and risk to neighbourhoods where there is mass installation of valves.

   (f) That the costs associated with these claims be funded from the Residential Municipal Disaster Relief Program Reserve.

   (g) That $3 million be transferred to the Residential Municipal Disaster Relief Program Reserve to be funded from the Waterworks, Sanitary Sewer and Storm Reserves.

   (h) That staff report back to Council, as part of the 2010 Rate Budget process, as to the financial feasibility, as well as, potential options to accelerate capital projects, in an effort to assist in mitigating property flooding as a result of severe weather.
(i) That staff be authorized to retain an independent adjuster(s) for the administration of claims under the Residential Municipal Disaster Relief Assistance Program and that these administrative costs be funded from the reserve.

(j) That staff be directed to identify any resident who is deemed homeless or whose home is un-inhabitable caused by the flooding event of July 26, 2009 and that these residents be accommodated accordingly within existing programs.

(k) That Council immediately establish a Sub-committee to continue and expand the existing SERG program in relation to areas affected by the July 26, 2009 rainstorm event, and that such subcommittee to consist of the Mayor and four members of Council.

2. Ontario Disaster Relief Assistance Program (ODRAP);

Whereas the City of Hamilton recently experienced storm damage and a flooding disaster event on July 26, 2009, in which areas of the City suffered significant property damage due to large volumes of torrential rainfall occurring within a two-hour time frame;

Be it resolved that the Council of the City of Hamilton hereby requests the Minister of Municipal Affairs and Housing to declare all areas in the City of Hamilton that were affected by such disaster as the "disaster area" for the purposes of the Ontario Disaster Relief Assistance Program (ODRAP);

And further, should the Minister declare a disaster, Council will immediately, as required by ODRAP, appoint members to a disaster relief committee to administer the claims made under ODRAP.

That copies be circulated to all MPP’s and MP’s

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

July 30, 2009

(i) Added Delegation Request by Mr. Robert Tremblay of the Insurance Bureau of Canada wishing the opportunity to address Committee today.

Added as Item 4.2 to today’s agenda.

(ii) Office of the City Clerk received, by e-mail, a request by Ms. Julie Brezden to have pictures of Glen Castle Drive and surrounding properties distributed at today’s meeting. It has been noted that Ms. Brezden took the time to electronically forward the pictures directly to each Councillor;
therefore, they have not be reproduced. However, they will form part of the public record and the pictures are here with us today should anyone wish to view them.

Mr. Tremblay was afforded the opportunity to address Committee.

The July 30, 2009 Committee of the Whole Agenda was adopted, as amended.

August 4, 2009

The August 4, 2009 Committee of the Whole Agenda was adopted as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

(c) DELEGATION REQUESTS (Item 3)

None.

(d) STAFF PRESENTATIONS (Item 4)

4.1 Storm Event: July 26, 2009

Gerry Davis, General Manager, Public Works provided a PowerPoint presentation, which highlighted the following:

1. Overview of the event on July 26, 2009;
2. Programs implemented to-date; and,
3. Looking Ahead.

Councillors addressed the following issues:

- Moratorium on future development – co-relation to flooding – new development.
- 1989 storm – difference between that storm and the one that occurred on July 26, 2009.
- What are identified hot spots for clearing?
- Review protocols for major inlets for maintaining during severe rainstorm.
- Mapping of rain gauges requested.
- Was this a unique situation to Hamilton?
- How do some residents on the same street, who are sharing the same system, not have flooding; while their neighbours do?
- Inspection, maintenance and investigation – to what extent?
• Greenhill tanks.
• Monitoring of slides/loose slopes in Ward 5 (i.e. Pottruff and Kenilworth).
• What is plan for dealing with these hot spots in ensuring slope instability?
• Expedite and provide as much information to residents and insurers.
• Want staff to include east mountain community; that has for the first time have been flooded as a hot spot.
• What is program for regular maintenance of catch basins?
• Being more proactive mode as opposed to reactive.
• Review of manpower availability.
• How many homes have backflow valves? 75 homes in an area were approached and 30 took the installation.
• Inspection of sewers in lower/upper Stoney Creek – staff to investigate and report back.
• Size of pipes in lower vs. upper Stoney Creek – staff will provide.
• What are redundancies at the Sewage Treatment Plant?
• Presentation from today – get it out to the community.
• Mapping of storm event response group focus areas – staff will map by house and provide Council.
• downspout not to be connected to storm sewers
• Was the Red Hill Parkway one of the reasons for the flooding in some areas?
• If we hadn’t had the other storms would we have faced the similar flooding with this recent storm?
• Congratulated staff for their hard work.
• Additional capital dollars to budget for 2010.
• Elevation verification on plans, prior to building.
• Flood Sub-committee of Council to address protocols for access to information, identifying hot spots for future events.

The presentation was received.

Rob Rossini, General Manager, Corporate Services provided a PowerPoint presentation, which highlighted the following:

1. Compassionate Grants Paid To-date;
2. Outstanding Flood Claims;
4. Number of Claims Logged To-date;
5. Revised Compassionate Grant Program;
6. Estimated Costs;
7. Municipal Act Tax Rebate Program; and,
8. Review of recommendations/

The presentation was received.

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4.2 Robert Tremblay, Insurance Bureau of Canada

Mr. Tremblay addressed the following issues:

- Climate change;
- All major urban areas have similar challenges in Canada – Hamilton is no different;
- We have a major challenge with respect to our infrastructure;
- Performance of sewer infrastructure;
- Investment needed in infrastructure – consider what will be climatic conditions in 50 – 100 years;
- Appreciate the work of the Panel and staff who have great expertise and knowledge;
- Individuals should contact other insurance providers for coverage;
- Have discussion with insurance company that should a resident get the valve installed would they reconsider their decision to not provide coverage;
- Consumer Information Centre – residents could contact this on the Insurance Bureau of Canada web site.

The following amendments were considered on July 30th.

The following was added as subsection (j) to Report FCS06007(c) to read as follows:

(j) That the Compassionate Grant Program assist homeowners with uninsured losses (with the exception of those individuals who refused to purchase the coverage) where:

(i) The cost of damages and lost personal property, contents and vehicles that are not fully covered by their insurer.

(ii) Flood victims have been denied insurance coverage as a result of past claims.

(iii) Flood victims have been denied insurance coverage for non-sewer related claims (i.e. overland flow)

The following was added as subsection (K) to Report FCS06007(c) to read as follows:

(k) That the same criteria apply to those homes affected by past storms deemed disasters by Council.
A motion to refer the recommendations to staff for a report back in one week’s time to a special COW/Council meeting on consequences of the motion was DEFEATED ON A STANDING RECORDED VOTE AS FOLLOWS:

Yeas: Eisenberger, Bratina, Ferguson, Pearson
Total: 4
Nays: Clark, Collins, Duvall, Jackson, Merulla, Morelli, Whitehead
Total: 7
Absent: Pasuta, Powers, McHattie, Mitchell, McCarthy
Total: 5

Committee of the Whole recessed for 10 minutes on July 30, 2009 at 5:55 p.m.

The Committee of the Whole meeting adjourned, due to loss of quorum at 6:11 p.m. on July 30, 2009.

The following amendments were WITHDRAWN on August 4, 2009:

That the following be added as subsection (k) to Report FCS06007(c) to read as follows:

(k) That the same criteria apply to those homes affected by past storms deemed disasters by Council.

That the following be added as subsection (j) to Report FCS06007(c) to read as follows:

(j) That the Compassionate Grant Program assist homeowners with uninsured losses (with the exception of those individuals who refused to purchase the coverage) where:

(i) The cost of damages and lost personal property, contents and vehicles that are not fully covered by their insurer.

(ii) Flood victims have been denied insurance coverage as a result of past claims.

(iii) Flood victims have been denied insurance coverage for non-sewer related claims (i.e. overland flow)

The following Amendments were considered:

1. Amend c) by adding at the end: “and that payments be expedited”. Carried on a Standing Recorded vote as follows:

Yeas: Bratina, Clark, Collins, Duvall, Jackson, McCarthy, Merulla, Morelli, Powers, Whitehead
Total: 10
Nays: Eisenberger, Ferguson, Pasuta, Mitchell, Pearson

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Total: 5
Absent: McHattie
Total: 1

2. Amend d) by deleting and replacing with:

   d) That staff report back to Committee of the Whole within 30 days on
   an appropriate level of compassionate grant, including appropriate
   terms and conditions for eligibility and levels of assistance, for a
   revised Residential Municipal Disaster Relief Assistance Program
   covering basement flooding suffered by homeowners and tenants
   of residential properties who do not have “sewer backup” insurance
   coverage because they have been unable to purchase such
   coverage, but whose losses would otherwise have qualified for
   such coverage.

   Carried on a Standing Recorded vote as follows:

   Yeas: Bratina, Clark, Collins, Duvall, Jackson, McCarthy, Merulla,
   Morelli, Whitehead
   Total: 9
   Nays: Eisenberger, Ferguson, Pasuta, Mitchell, Pearson, Powers
   Total: 6
   Absent: McHattie
   Total: 1

3. Add the following as j):

   j) That staff report back to Committee of the Whole within 30 days on
   an appropriate level of additional compassionate grant, including
   appropriate terms and conditions for eligibility and levels of
   assistance, for extending the above-mentioned revised Residential
   Municipal Disaster Relief Assistance Program by assisting
   homeowners with the following categories of losses:

   (1) basic building and contents damages and losses in excess of their
   limits covered by their insurers under “sewer backup” coverage; and

   (2) basic building and contents damages and losses incurred as a
   result of uninsurable surface flooding

   LOST on a Standing Recorded vote as follows:

   Yeas: Clark, Collins, Duvall, Jackson, Merulla, Morelli
   6
   Nays: Eisenberger, Bratina, Ferguson, McCarthy, Pasuta, Mitchell,
   Pearson, Powers, Whitehead
   Total: 9
   Absent: McHattie
   Total: 1

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4. Add the following as new "j"

That staff be directed to identify any resident who is deemed homeless or whose home is inhabitable caused by the flooding event of July 26, 2009 and that these residents be accommodated accordingly within existing programs.

Carried on a Standing recorded vote as follows:

Yea: Clark, Collins, Duvall, Jackson, Merulla, Morelli, Eisenberger, Bratina, Ferguson, McCarthy, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total: 15
Nays: 0
Absent: McHattie
Total: 1

Add the following as (k):

“(k) That Council immediately establish a sub-committee to continue and expand the existing SERG program in relation to areas affected by the July 26, 2009 rainstorm event, and that such subcommittee to consist of the Mayor and four members of Council.”

Councillor Mitchell opposed to motion as amended, specifically to subsections (c), (d) and (f).

The committee of the Whole meeting adjourned at 3:10 p.m. on August 4, 2009.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
Council/Committee of the Whole
July 30, 2009/August 4, 2009