Committee of the Whole
MINUTES

9:30 a.m.
May 11, 2009
Albion Room
Hamilton Convention Centre

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

Also Present:
C. Murray, City Manager
R. Rossini, General Manager, Finance and Corporate Services
B. Shynal, Acting General Manager, Public Works
T. McCabe, General Manager, Planning and Economic Development
J. Brown, Acting General Manager, Community Services
P. Barkwell, City Solicitor
M. Gallagher, Co-ordinator, Council and Committee of the Whole/Budgets

THE FOLLOWING WAS REPORTED TO CITY COUNCIL FOR CONSIDERATION:

ANNOUNCEMENT – DEPUTY MAYORS FOR THE MONTH OF MAY

Mayor Eisenberger introduced and presented certificates to the two Deputy Mayors for the month of May - Frankie Orrico and Jack Moore

1. CHANGES TO THE AGENDA

The Clerk noted the following changes to the agenda:
Revised Resolution of Shareholders for Hamilton Utilities Corporation noted as Item 12.1

Added Private and Confidential Item respecting an identifiable individual which will be added as Item 11.3 on today’s agenda

(Pearson/Pasuta)
That the agenda be adopted as amended. CARRIED.

2. DECLARATIONS OF INTEREST
None

3. ADOPTION OF MINUTES

3.1 April 1, 2009
(Ferguson/Duvall)
That the Minutes of April 1, 2009 be adopted as presented. CARRIED.

3.2 April 14, 2009
(Ferguson/Duvall)
That the Minutes of April 14, 2009 be adopted as presented. CARRIED.

3.3 April 27, 2009
(Ferguson/Duvall)
That the Minutes of April 27, 2009 be adopted as presented. CARRIED.

4. CONSENT ITEMS

(Pearson/Mitchell)
That the consent items be received. CARRIED

FOR INFORMATION ONLY:

4.1 Minutes of the June 5, 2008 Hamilton Future Fund Board of Governors meeting

4.2 Minutes of the September 29, 2008 Hamilton Future Fund Board of Governors meeting

4.3 Minutes of the March 10, 2009 meeting of the Advisory Committee for Persons with Disabilities
5. DELEGATION REQUESTS

5.1 Request to made presentation respecting “SIMPLY TREEMENDOUS” CHALLENGE by the Niagara Peninsula Conservation Authority

(Mitchell/Pearson)
That the request by Niagara Peninsula Conservation Authority to appear as a delegation at an upcoming Committee of the Whole meeting be approved.

CARRIED.

6. PRESENTATIONS

7. PUBLIC DELEGATIONS

7.1 Cliff Woodhead respecting Licence plates for Veterans who served in World War II or in Korean War

Mr. Woodhead was not in attendance for the meeting.

Item 8.1 moved up on the agenda.

8.1 Licence plates for Veterans who served in World War II or in Korean War (PED06157(b)

(a) That staff be authorized and directed to develop, implement and administer a Permit Parking Exemption Program respecting Ontario Veteran license plate holders who reside in the City of Hamilton and who honourably served in World War II or in Korea during the Korean War, as a member of the Canadian Armed Forces or as a member of an allied force or in the Merchant Navy or the Ferry Command.

(Morelli/Powers)
That subsection (a) of Item 8.1 be amended by adding the following at the end of subsection (a):

"As well as all persons residing in Hamilton, who have served in the Canadian Forces, who have attained the age of 60 years and who have obtained and affixed to their vehicle a valid Ontario veteran licence plate." to now read as follows:
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(a) "That staff be authorized and directed to develop, implement and administer an enhanced parking exemption program respecting Ontario veteran license plate holders residing in Hamilton who honourably served in World War II or in Korea during the Korean War as a member of the Canadian Armed Forces or as a member of an Allied Force, in the Merchant Navy or Ferry Command, as well as all persons residing in Hamilton, who have served in the Canadian Forces, who have attained the age of 60 years and who have obtained and affixed to their vehicle a valid Ontario veteran licence plate. Amendment CARRIED.

(b) That, in accordance with recommendation (a), the subject Permit Parking Exemption Program shall provide that an Ontario Veteran license plate holder (hereinafter referred to as an Eligible Veteran) shall be entitled, subject to the terms and conditions set out in recommendation (c), to receive a renewable, vehicle specific, Parking Exemption Permit (hereinafter referred to as a Veteran’s Parking Permit) which, when suitably affixed to a vehicle registered to the Eligible Veteran, shall exempt the vehicle operator from the regulations requiring the payment of parking fees in municipal parking facilities and at on-street parking meters.

(c) That the existing parking regulations under the Municipal Parking Facilities By-law, being By-law No. 01-216, as amended, and the On-Street Parking By-law, being By-law No. 01-218, as amended, be further amended such:

(i) That a vehicle registered to an Eligible Veteran, properly displaying a Veteran’s Parking Exemption Permit issued by the Parking and By-law Services Division, is exempted from the parking fee requirements in all municipal parking facilities and at all on-street parking meters on any day when such parking fee requirements would normally be in force and effect;

(ii) That, notwithstanding the display of a Veteran’s Parking Permit, all other parking and stopping regulations, including on-street meter time limit regulations, shall continue to remain in force and effect respecting any vehicle displaying said permit;

(iii) That each Veteran’s Parking Permit remains the property of the City and as such may be suspended or revoked in cases of abuse or misuse of the Veteran’s Parking Permit (such as counterfeiting or transferring the subject permit to a vehicle respecting which the permit had not been issued), at the discretion of the Director of Parking and By-law Services;
(iv) That Eligible Veterans are entitled to apply for or renew their permits for the balance of their lives;

(v) That in cases where an Eligible Veteran is no longer licensed to operate a motor vehicle, a person who is designated, in writing, as the primary care giver for said Eligible Veteran may apply for or renew the Veteran’s Parking Permit on the Eligible Veteran’s behalf, with respect to a vehicle registered and insured in the name of the Eligible Veteran, and operated exclusively for the benefit of the Eligible Veteran;

(vi) That eligibility with respect to the service requirements set out in recommendations (a) and (b) shall be deemed to have been satisfied upon the presentation to the Director of Parking and By-law Services a bona fide copy of the applicant’s service record, proof of issuance of an Ontario Veteran license plate, and proof of residence; and,

(vii) That on November 11th of each year, and for the duration of that day, all vehicles exhibiting the Ontario Veteran license plate, regardless of whether or not said vehicles display a Veteran’s Parking Permit, shall be exempted from the parking fee requirements in all municipal parking facilities and at all on-street parking meters.

(d) That authority be delegated to the Director of Parking and By-law Services and his successor or designate to establish such policies and procedures, execute such agreements and otherwise take such actions and do such things as may be necessary or appropriate in his discretion to implement and administer the recommended Program.

(e) That a By-law, satisfactory to the City Solicitor, in the form attached as Appendix ‘A’ to Report PED06167(b), to amend By-laws No. 01-216 and No. 01-218 accordingly, be passed and enacted.

(f) That the foregoing recommendations, if approved by City Council, be communicated to the Royal Canadian Legion, Ontario Provincial Command, the Hamilton Police Service and the Hamilton Association of Business Improvement Areas.

(g) That the item entitled, Licence plates for Veterans who served in World War II or in Korean War, referred back to staff for a further report by Council at its meeting of May 28, 2008, be identified as complete and removed from the Economic Development and Planning Committee’s Outstanding Business List. CARRIED AS AMENDED.
Item 8.2 was moved forward

8.2 Recommendation (b) of Report FCS09020 respecting 2009 Purchasing Policy Updates (referred by the Audit and Administration Committee at its meeting of February 18, 2009)

Staff presentation: Angela Boakes, Purchasing and Don Fisher, Legal provided an overview of the Buy Local, Buy Ontario, Buy Canada

Highlights of the presentation included:
- survey conducted
- consultations held
- overview of the Ontario Public Buyers Association Code of Ethics
- Inherent benefits of existing local businesses
- Disadvantages for implementing policy
- Definition of local
- Local content vs local preference
- Challenges associated with defining local content
- Examples sited
- Domestic Procurement Legal Considerations including (legislation, trade agreements, case law)

(Merulla/Ferguson) That the presentation be received. CARRIED.

7.2 Wayne Gates/Mike Michaud, CAW Local 504 respecting “Buy Local, Buy Ontario, Buy Canada”

Mike Michaud and Randy Smith addressed this item.

The presentation highlighted the following:
- Buy Canada Campaign
- Presenting to municipalities across Canada
- supports jobs to have a Buy Canada policy
- United Steelworker of America – Federal Economic Renewal Grants
- Some who claim to be Canadian Companies use materials from other countries

The delegation was requested to share any information on the percentages with staff.

7.3 Donald Fraser, Hamilton and District Labour Council respecting “Buy Local, Buy Ontario, Buy Canada”

Don Fraser addressed the Buy Local, Buy Ontario, Buy Canada matter.
Highlights of the presentation included:
- A procurement policy can be used to stimulate the economy, used as an effective tool for the city to retain business, to encourage local, Ontario Canadian businesses
- Would help level the playing field
- Better for environmental footprint
- The City should purchase its promotional items from distributors who manufacturer in Canada
- suggested the staff recommendation be referred back for further consultation with community stakeholders

7.4 Tony DePaulo and Ken Neuman, United Steeworkers respecting “Buy Local, Buy Ontario, Buy Canada”

Tony DePaulo addressed the the Buy Local, Buy Ontario, Buy Canada matter.
Highlights of the presentation included:
- this is not business as usual today
- we support measures to buy Local, Provincial and Canadian
- Hamilton has 450 million tones of steel produced in China
- We need to start the push locally

(Pearson/Whitehead)
That the presentations be received. CARRIED.

8.2 Recommendation (b) of Report FCS09020 respecting 2009 Purchasing Policy Updates (referred by the Audit and Administration Committee at its meeting of February 18, 2009)

That the City of Hamilton not adopt any specific procurement policy with respect to applying a preference, or penalty, based on: item (i) - the geographical location of any vendor/supplier, or potential vendor/supplier, of goods and/or services to the City of Hamilton and its' affiliated entities; and item (ii) - the Canadian, Ontario and/or Hamilton/local content of any goods and/or services provided, or to be provided, to the City of Hamilton and its' affiliated entities;

(Merulla/Morelli)
That recommendation (b) be referred back to staff for a report back in consultation with community stakeholders on the following:
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- amending the Procurement Policy to define “Buy Local” as in “Buy Canada”
- review of the CAW Resolution Buy Canadian - Building Communities Resolution
- how to implement a local preference policy
- and the establishment of a “Buy Local” Hamilton Campaign

CARRIED.

8. DISCUSSION ITEMS

8.3 Jobs Prosperity Collaborative – 2008 Annual Report (PED09142) (City Wide)

Tim McCabe provided an overview of the Jobs Prosperity Collaborative initiative.

Mark Chamberlain, Chair and Tim Dobbie, Director, Jobs Prosperity Collaborative attended committee and Mark Chamberlain provided an overview of the 2008 Annual Report.

(Jackson/Ferguson)
(a) That Report PED09142 respecting the Jobs Prosperity Annual Report for 2008 be received.

(b) That the $100,000 in funding for the Jobs Prosperity Collaborative, approved in the 2009 Budget, now be released as a result of compliance with the condition established in the directive of the January 28, 2009 Economic Development and Planning Committee Budget Meeting. CARRIED.

8.4 City of Hamilton/Ministry of Transportation Dedicated Gas Tax Funding Agreement (FCS09057) (City Wide)

(Powers/Pearson)

a) That the Mayor and City Treasurer be authorized and directed to enter into an Agreement between the City of Hamilton and the Province of Ontario, related to the funding commitment made by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds For Hamilton’s Public Transportation Program;

b) That the Mayor and City Treasurer be authorized and directed to execute the Letter of Agreement attached as Appendix “A” to Report FCS09057;
c) That the appropriate by-law, *City of Hamilton/Ministry of Transportation Dedicated Gas Tax Funding Agreement By-Law*, attached as Appendix “C”, be passed and enacted; and

d) That, upon Council approval, a certified copy of this by-law be forwarded to the Ministry of Transportation.  CARRIED.

9. MOTIONS

None

10. NOTICES OF MOTION

None

11. PRIVATE AND CONFIDENTIAL

(Pearson/Powers)
That Committee move into Closed Session further to the following sections of the Procedural By-law and Municipal Act:
8.1(e) as the subject matter pertains to litigation or potential litigation and section 8.1 (f) the receiving of legal advice and 8.1(b) relating to an identifiable individual.

CARRIED.

(Powers/Pearson)
That committee reconvene in Open Session.  CARRIED.

11.1 Minutes of the April 1, 2009 closed session meeting

(Pearson/Powers)
That the Closed Session Minutes of April 1, 2009 be adopted as presented and remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

CARRIED.

11.2 Utilities Arrears Assistance Program and Energy Conservation Contract Update (CS09036) (City Wide)
(Pearson/Duvall)
That Report CS09036 be received  CARRIED.
That Report CS09036 remain a confidential document.

11.3 Update respecting an identifiable individual
Direction provided in closed session.
The Hamilton Utilities Corporation Annual Shareholder meeting was called to order.

12. HAMILTON UTILITIES CORPORATION ANNUAL SHAREHOLDER MEETING

12.1 Hamilton Utilities Corporation - Resolutions of Shareholders

1. Receive Hamilton Utilities Corporation 2008 Financial Statements
   (Clark/Mitchell)
   RESOLVED THAT, the Financial Statements for the year 2008, are received as approved by the Board of Directors, of Hamilton Utilities Corporation.

2. Appointment of Directors
   (Ferguson/Mitchell)
   RESOLVED THAT, the following slate of Nominees be confirmed to serve as independent Directors, as put forth by the Nominating Committee, and supported by the Board of Directors, of Hamilton Utilities Corporation, effective June 30, 2009;

   Edward Minich       2 year term
   Owen Shewfelt       2 year term
   Marnie Spears       2 year term
   Alexander Adam      2 year term
   Joan Weppler        2 year term

   FURTHER THAT, the following slate of Nominees be approved for election as independent 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 June 30, 2009;

   a) For a one-year term:

      Robert Dolan
      Peter Routliff

   b) For a three-year term:

      Paul Benson
This slate of independent Directors combined with Mayor Fred Eisenberger comprises the Hamilton Utilities Corporation slate of Directors, effective June 30, 2009.

3. Appointment of the Auditors
   (Pearson/Whitehead)
   RESOLVED THAT, KPMG LLP, Chartered Accountants, are re-appointed auditors of Hamilton Utilities Corporation for the fiscal year 2009.
   CARRIED.

City staff directed to report back on dividend targets.

There being no further business, the meeting adjourned at 1:55 p.m.

Respectfully submitted,

Mayor F. Eisenberger

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