Committee of the Whole
REPORT 09-012

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

Present:
Mayor F. Eisenberger

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

COMMITTEE OF THE WHOLE PRESENTS REPORT 09-012 AND RESPECTFULLY RECOMMENDS:

1. Appointment of new Citizen Members of the HECFI Board of Directors (Item 4.1)

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.
2. Sewage Treatment Plant Upgrade

(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.

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

(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;

(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:

<table>
<thead>
<tr>
<th>Reserve/ Project #</th>
<th>Description</th>
<th>Net Transfers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Dedicated Reserves</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>110065</td>
<td>Police Capital Reserve</td>
<td>17,399</td>
</tr>
<tr>
<td>108023</td>
<td>IT Capital Reserve</td>
<td>(14,415)</td>
</tr>
<tr>
<td>110025</td>
<td>Fleet Replacement Reserve</td>
<td>(41,708)</td>
</tr>
<tr>
<td></td>
<td>Development Charges</td>
<td>20,188</td>
</tr>
<tr>
<td></td>
<td><strong>Sub-Total</strong></td>
<td><strong>(18,536)</strong></td>
</tr>
</tbody>
</table>

| **Return to Capital Levy Reserve** | |               |
| 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.

4. Taxation Collection Measures during Economic Downturn (FCS09039) (City Wide) (Item 8.4)

(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 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.

5. 2009 Tax Ratios and Final Tax Impacts (FCS09032a) (City Wide) (Item 8.5)

(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.

6. 2009 Tax Capping Policy for the Multi-Residential Commercial and Industrial Property Classes (FCS09038) (City Wide) (Item 8.6)

(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.

7. Tax and Rate Operating Budget Variance Report to December 31, 2008 (Unaudited) (FCS09040) (City Wide) (Item 8.7)

(a) That the 2008 Tax and Rate Operating Budget Variance Report to December 31, 2008 be received for information;

(b) That, subject to Final Audit, Table 1 - Disposition of Year-End Surplus, of Report FCS09040, be approved.


(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.

9. Accessible Transportation Services (ATS) Review – Request for additional Information (PW05075(e) (City Wide))

(a) That Confidential Appendix “A” to Report PW05075(e) be received;

(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 Report PW05075(e);

(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.

(d) That Appendix A remain confidential and not for release.
FOR THE INFORMATION OF COUNCIL:

(a) 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

(b) 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”.

The Agenda was adopted as amended.

(c) DECLARATIONS OF INTEREST

None

(d) ADOPTION OF MINUTES

3.1 March 30, 2009

The minutes of March 30, 2009 were adopted as presented.

(e) ADVISORY/SUB-COMMITTEE/VOLUNTEER COMMITTEE MINUTES

The following Minutes were received:

(I) Minutes of the February 10, 2009 meeting of the Advisory Committee for Persons with Disabilities

(f) DELEGATION REQUEST

Request to address Committee by Lynda Lukasik, Environment Hamilton respecting climate change was approved for a future Committee of the Whole meeting.
(g) **RECORDED VOTES/OPPOSITIONS:**

(i) **Accessible Transportation Services (ATS) Review – Request for additional Information (PW05075(e) (City Wide))**

That the following be added as 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 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

(ii) **Staff Report - Area rated variances being covered by the benefitting community.**

Motion DEFEATED on a Recorded vote:

**Yeas:** Collins, Duvall, Powers, Whitehead

**Total:** 4

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

**Total:** 7

**Absent:** Bratina, Morelli, McCarthy, McHattie, Merulla

**Total:** 5

Council – April 15, 2009
(iii) Taxation Collection Measures during Economic Downturn (FCS09039) (City Wide) (Item 8.4)

Councillor Clark Opposed

(iv) 2009 Tax Ratios and Final Tax Impacts (FCS09032a) (City Wide)

Councillor Powers opposed

(h) THE FOLLOWING WAS REFERRED TO STAFF:

Advisory Committee for Persons with Disabilities Report 09-003

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

(i) PRESENTATIONS:

(i) Sewage Treatment Plant Update

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

Included in the presentation were highlights of the following:
- water treatment plant needs
- what are the pressures
- what have we done?
- overview of the project
- benefits

(ii) Corporate Strategic Plan - Verbal Update by Chris Murray

Chris Murray provided an update. Included in the update was the following:
- What has transpired within the last 10 months
- Overview of Plan approved in June 2008 by Council
- Project structure
- Corporate strategic plan committee
- Feedback from staff and the community
Committee of the Whole

11.1 Closed Session Minutes of March 9, 2009
The Minutes were adopted as presented and remain confidential.

11.2 Accessible Transportation Services (ATS) – Appendix “A”
Appendix A remained confidential as per the resolution approved in Item 9 of this report.

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.

Councillor McHattie requested that the Future Fund Board be updated on the status of the BTR Funding.

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
And Budgets
April 14, 2009