THE SELECTION COMMITTEE PRESENTS REPORT 08-002 AND RESPECTFULLY RECOMMENDS:

1. Line Fence Viewer Appointments (Item 4.3)

   (a) That the following applicants be appointed as Line Fence Viewers for the balance of the 2006-2010 term of Council or until such time as successors are appointed by Council:

   (i) Stew Beattie

   (ii) Robert Kominar

   (iii) Andrew Lendrum

   (iv) Bruce Nisbet

   (b) That the by-law to Appoint Fence-Viewers for the City of Hamilton, attached as Appendix “A” to Report 08-002, be approved and enacted.
FOR THE INFORMATION OF COUNCIL:

(a) Changes to the Agenda

There were none.

(b) Declarations of Interest

There were none declared.

(c) Approval of Previous Minutes

3.1 April 10, 2008

The April 10, 2008 Minutes of the Selection Committee were approved, as presented.

3.2 April 17, 2008

The April 17, 2008 Minutes of the Selection Committee were approved, as presented.

(d) Approval of Closed Session Minutes (Item 4)

4.1 April 10, 2008

As the Committee determined that no discussion or amendments, respecting the Closed Session Minutes of the April 10, 2008, meeting of the Selection Committee were required, the Minutes were approved in Open Session, as shown below:

The Minutes of the Closed Session of the Selection Committee meeting of April 10, 2008 were approved, as presented.

The Minutes will remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

4.2 April 17, 2008

As the Committee determined that no discussion or amendments, respecting the Closed Session Minutes of the April 10, 2008, meeting of
the Selection Committee were required, the Minutes were approved in Open Session, as shown below:

The Minutes of the Closed Session of the Selection Committee meeting of April 17, 2008 were approved, as presented.

The Minutes will remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

(e) Review of Citizen - Line Fence Viewer Appointments (Item 4.3)

The Committee moved into Closed Session at 9:15 a.m. for the purpose of reviewing citizen applications for Fence Viewer appointments, pursuant to Section 8.1, Sub-section (b) of the City's Procedural By-law 03-301, and Section 239, Sub-section (b) of the Ontario Municipal Act, 2001, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees.

The Committee reconvened in Open Session at 9:40 a.m.

(f) Adjournment

There being no further business, the meeting adjourned at 9:45 a.m.

Respectfully submitted

Councillor T. Jackson
Chair, Selection Committee

Stephanie Paparella
Legislative Assistant
June 19, 2008
CITY OF HAMILTON

BY-LAW NO. __________

Being a By-Law to Appoint Fence-Viewers for the City of Hamilton

WHEREAS Section 2 of the Line Fences Act, R.S.O. 1990, c. L.17, provides that the council of every local municipality shall by by-law appoint such number of fence-viewers as are required to carry out the provisions of the Act and the by-law shall fix the remuneration to be paid for the fence-viewers and the remuneration may be fixed on an hourly or daily rate or a rate for each attendance or re-attendance by the fence-viewers;

AND WHEREAS subsection 17(1) of the Line Fences Act, R.S.O. 1990, c. L.17, provides that the council of every local municipality may by by-law fix its reasonable administrative fees to be paid to the municipality in relation to proceedings under the Act;

AND WHEREAS subsection 5(2) of the Line Fences Act R.S.O. 1990, c. L.17, states that the council of every local municipality may provide by by-law that no arbitration or other proceeding requiring the attendance or re-attendance of fence-viewers shall be scheduled between the 1st day of November and the 31st day of March in the next following year;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Hamilton enacts as follows:

Definitions

1. In this By-Law:

   (a) “Adjoining Owner” means the registered owner of land that adjoins the Applicant’s land and that is subject to proceedings under Section 4 of the Line Fences Act;

   (b) “Applicant” means the registered owner of land who notifies the Clerk that they desire Fence-Viewers to view and arbitrate as to what portion of the fence they and the Adjoining Owner shall
construct, reconstruct or repair and maintain and keep up under Section 4 of the *Line Fences Act*;

(c) “City” means the municipality of the City of Hamilton or the geographic area of the City of Hamilton, as the context requires; and,

(d) “Clerk” means the City Clerk of the City of Hamilton or their designate.

2. The following four persons are appointed as Fence-Viewers for the City for the balance of the term of City Council or until such time as a successor is appointed by Council:

   (i) Stew Beattie;

   (ii) Robert Kominar; and,

   (iii) Bruce Nisbet.

3. The remuneration to be paid by the City to the Fence-Viewers shall be a rate of ninety dollars ($90.00) for each Fence-Viewer for each fence viewing plus mileage, at the City’s non union mileage allowance rate, from the Fence Viewer’s place of residence to the location of the fence viewing and return.

4. The administrative fee to be paid by the Applicant to the City shall be one hundred dollars ($100.00) for each fence-viewing.

5. The cost of remuneration paid to the Fence-Viewers shall be recovered from either the Applicant or the Adjoining Owner as the Fence-Viewers deem appropriate, or by both in such proportions as the Fence-Viewers deem appropriate.

6. An Applicant, upon notifying the Clerk that they desire Fence-Viewers, shall pay the City three hundred ($300.00) dollars as a deposit to be paid first against the Applicant’s portion of the costs of remuneration and the administrative fee and second against the Applicant’s portion of any fence viewing award.

7. There shall be no arbitration or other proceeding requiring the attendance or re-attendance of Fence-Viewers scheduled between the 1st day of November in any year and the 31st day of March in the following year.
8. This By-law comes into force on the day it is enacted.

PASSED this day of , 2008.

______________________________  ________________________________
Fred Eisenberger                Kevin C. Christenson
Mayor                            Clerk