Committee of the Whole
REPORT 08-029

9:30 a.m.
September 18, 2008
Albion Rooms
Hamilton Convention Centre

Present:
Mayor F. Eisenberger
Deputy Mayor M. McCarthy

Also Present:
J. Kay, Acting City Manager
P. Barkwell, Acting General Manager
Finance and Corporate Services
S. Stewart, General Manager, Public Works
J. Priel, General Manager, Community Services
M. Gallagher, Coordinator, COW

COMMITTEE OF THE WHOLE PRESENTS REPORT 08-029 AND RESPECTFULLY RECOMMENDS:

Item 1 was DEFEATED on a Standing Recorded Vote, as follows:

Total: 8

Total: 8

Council – September 24, 2008
1. **Accessible Transportation Services (ATS) Review – Request for Additional Information (City Wide) (PW05075(d)) (Item 6.1)**
   
   (a) That staff be directed to implement an “External” governance model for the City’s Accessible Transit Services (ATS) program, as described in Option A within Report PW05075(d);
   
   (b) That Council authorize and direct that DARTS be the single-source provider of specialized transit services to the City of Hamilton;
   
   (c) That staff be authorized and directed to negotiate a five (5) year performance based contract for services with DARTS, with performance metrics as outlined in Appendix I to this Report, with an option for a further one-time contract 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 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; and
   
   (iii) Any such Agreement be to the satisfaction of the General Manager of Public Works and the City Solicitor;
   
   (d) That Council appoint the Director of Transit and the Manager of Fare Administration & ATS as Observers of the activities of DARTS’ Board of Directors on behalf of the City of Hamilton;
   
   (e) That staff be authorized and directed to carry out re-branding of the DARTS component of the ATS program to be reflective of the respective roles of the City as program owner and DARTS as the program deliverer.

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Item 2 of Committee of the Whole Report 08-029 was deleted in its entirety and replaced with the following in lieu thereof:

2. **Accessible Transportation Services (ATS) - Review of Option D**

   That staff be directed to review and report back to Committee of the Whole respecting Option D – the Internal City Model, of the Accessible Transportation Services Review (Report PW05075(d)), and to include in that report the projected costs and any legal implications associated with same.
2. **Accessible Transportation Services (ATS) Review (PW05075(c)) (as referred by Council on April 23, 2008)**

   That Report PW05075(c) respecting Accessible Transportation Services (ATS) Review be received.

3. **Hamilton Utilities Corporation Shareholders Meeting**

   **Merger – Horizon Utilities Corporation (HUC) and Guelph Hydro Electric System Inc. (GHESI) (FCS08091) (City Wide) (Item 8.1)**

   (a) That the amalgamation of Horizon Utilities Corporation (“Horizon”) and Guelph Hydro Electric Systems Inc. (“GHESI”) be approved and authorized based on the material terms and conditions as set out in the documents (including the business case summary) submitted to Council on September 18, 2008;

   (b) That the Mayor and City Clerk are hereby authorized to execute and deliver all agreements, documents and instruments, required to implement the merger, in a form and content satisfactory to the Acting City Manager and the City Solicitor;

   (c) That the presentation by Horizon Utilities Corporation of the business case summary be received for information;

   (d) That the Municipal Merger Co-operation Agreement, as approved by the Board of Directors of Hamilton Utilities Corporation, (attached as Appendix “A” to report FCS08091) be approved;

   (e) That the Amended and Restated Shareholder Declaration, included the attached Dividend Policy, as approved by the Board of Directors of Hamilton Utilities Corporation, (attached as Appendix “B” to report FCS08091) be approved;

   (f) That any dividends received, as a result of the recapitalization adjustment relating to the merger, be earmarked for Capital purposes;

   (g) That Hamilton Utilities Corporation inform Council and the General Manager of Finance and Corporate Services of any future mergers, at the earliest possible occasion, in order to ensure that the City can conduct its’ due diligence inquiries and other required background work in the most efficient and effective manner; and
(h) That Appendices “A” and “B” remain private and confidential until all three municipal Councils have concluded their deliberations with respect to this matter.

FOR THE INFORMATION OF COUNCIL:

(a) **CHANGES TO THE AGENDA**

The Clerk noted the following changes to delegation status:

5.2 Dan Rodrigues and Philip Cristoff with be joining Shirley Glauser of DARTS for their presentation

5.3 Marwan Masri sends his regrets as he is unable to attend today for health reasons

5.5 Brian Decker is unable to attend and has sent Patricia Roak as his designate

5.7 Al Gordon is unable to attend and has sent Bob Cunliffe as his designate

5.8 Ron Vankleef of Veteran’s Transportation/Hamilton Cab has requested the opportunity to be added to the speakers list today.

The agenda was adopted as amended.

(b) **DECLARATIONS OF INTEREST**

None

(c) **ADOPTION OF MINUTES**

None

(d) **The following written submissions were received:**

4.1 Naritta Divjak, Hamilton Area Therapeutic recreation Association

4.2 Kim Morgan, Hamilton Sports Challengers

4.3 DARTS Drivers

4.4 Bill Adair, Canadian Paraplegic Association, Ontario

4.5 Lynne Edwards, Seniors Activation Maintenance Program
(e) DELEGATIONS/PRESENTATIONS

Accessible Transportation Services (ATS) Review – Request for Additional Information (City Wide) (PW05075(d)) (Item 6.1)

(i) Tim Nolan and Aznive Mallet, Members of the Advisory Committee for Persons with Disabilities

Tim Nolan and Aznive Mallet addressed Committee and provided an overview of the Briefing Paper provided to Council in the Agenda.

Highlights included:

- Where we are now and what we should keep?
- Where are we or should we be going?
- Service Standard Improvements
- Service Options Improvements
- Customer Service Improvements
- Fare Payment Changes
- Inclusive Governance
- What factors need to be maximized in the Governance Model to facilitate improvements in the current system and Future Changes
- Review of options in the staff report – Advisory Committee for Persons with Disabilities prefer either Option A or D

(ii) Shirley Glauser, Dan Rodrigues and Philip Cristoff, DARTS

Ms. Glauser addressed Committee and highlighted the following:

- Supports Option A
- DARTS offers the best combination of low-cost and high quality service
- Complaints have declined
- Staff report provides a good cost-benefit analysis
- Option A identifies that a growing seniors population will require more specialized transit and this demographic cannot afford nor deserves a reduction in service
- Option A allows DARTS to address accountability and performance improvements by ensuring transparency
(iii) Marwan Masri, Member of the City of Hamilton’s Committee for Anti Discrimination and Racism

Was unable to attend.

(iv) Budh Dhillon, ATU Local 107

Budh Dhillon addressed Committee and highlighted the following:
- Overview of strengths, weaknesses, threats to both Option A and Option D
- Union willing to negotiate with HSR to help ensure a smooth transition of Para transit services at a cost that is less than projected by the ATS Sub-Committee

(v) Brian Decker/Patricia Roak

Patricia Roak on behalf of Brian Decker addressed Committee and highlighted the following:
- BC Decker Wheelchair tennis tournament - thanks to DARTS for the assistance, compassion and flexibility provided to those participating in tournament

(vi) Doreen Babcock, Seniors Planning Changes

Doreen Babcock addressed Committee and highlighted the following:
- Hamilton has made huge advances in facilitating transportation for so many of its users
- DARTS gives the vitally needed physical support and a driver that makes sure that the frail senior makes it right to their destination
- Supports Option A

(vii) Bob Cunliffe for Al Gordon

Bob Cunliffe addressed Committee and provided the following highlights:
- Task Today – provide mobility to people with Disabilities
- Review of Options
- Importance of consultation with stakeholders
- HSR should assume the DARTS Role
(viii) Mr. Ron Vankleefe

Mr. Vankleefe addressed the following in his presentation:
- addressed service provided
- number of service trips
- working with accessible wheelchair/taxi pilot project with the City of Hamilton
- Wheelchair mini van has been added to fleet
- Service is integral to future of accessible transit
- low cost provider

(ix) Staff Presentation

Connie Wheeler and Don Hull provided an Overview and presentation. Highlights included:

- Background/historical perspective
- Overview of Current Governance Model
- Analysis of Options
- Financial Analysis and Assumptions
- Staffing/Legal Issues
- Key Findings and Conclusions

Motion CARRIED on a Standing Recorded Vote as follows:

Yeas: Ferguson, McCarthy, Pasuta, Mitchell, Pearson, Powers, Whitehead, Eisenberger
Total: 8

Nays: Bratina, Clark, Collins, Duvall, Jackson, McHattie, Merulla
Total: 7

(f) PRIVATE AND CONFIDENTIAL

That Committee move into Closed Session further to sections 8.1 (d) and (f) of the city’s Procedural by-law as the subject matters noted below pertained to employee negotiations and advice subject to solicitor/client privilege

7.1 Appendix “G” to Report Accessible Transportation Services (ATS) Review – Request for Additional Information (City Wide) PW05075(d)

7.2 Appendix “H” to Report Accessible Transportation Services (ATS) Review – Request for Additional Information (City Wide) PW05075(d)
7.3 Appendix “B” to Accessible Transportation Services (ATS) Review (PW05075(c))

The Committee reconvened in Open Session and approved the recommendation noted in Item 1 of this report.

(g) NOTICES OF MOTION

Councillor Merulla presented the following Notice of Motion:

(a) That staff be authorized and directed as a condition of any contract between the City and DARTS to negotiate and implement an Operational Oversight Committee with a mandate to address service and operations related issues, and to provide accountability and transparency to Council and the community;

(b) That the Committee be comprised of 3 appointees from each of the City, DARTS, and the Advisory Committee for Persons with Disabilities or its designated representatives. The appointees of the City shall include the General Manager of Public Works and the City Solicitor, or their designated representatives and the General Manager of Public Works shall serve as the Committee Chair.

(c) That two members of City Council be appointed to the DARTS Board with voting privileges.

(h) HAMILTON UTILITIES CORPORATION SHAREHOLDERS MEETING

Committee meeting as Shareholders of Hamilton Utilities Corporation received a presentation on the Merger between Horizon Utilities Corporation and Guelph Hydro Electric Systems Inc.

There being no further business, the meeting adjourned at 5:20 p.m.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
Council, Committee of the Whole
September 18, 2008