Committee of the Whole
MINUTES 09-021(b)
1:30 p.m.
Tuesday, August 4, 2009
Albion Room
Hamilton Convention Centre

Present: Mayor F. Eisenberger

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
M. Gallagher, Coordinator, Council and Committee of the Whole/Budgets

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

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

(Pearson/Jackson)

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;

d) That staff report back to Council on an appropriate level of compassionate grant, to be part of and on the same terms and conditions as the
Residential Municipal Relief Assistance Program for Basement Flooding, for owners/tenants (of residential property) denied “sewer back up 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 a mass installation of the 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; and

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.

(Whitehead/Morelli)
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. WITHDRAWN

(Collins/Merulla)
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) WITHDRAWN

(Collins/Merulla)

1. Amend c) by adding at the end: “and that payments be expedited”.

Carried on a Standing Recorded vote as follows:

<table>
<thead>
<tr>
<th>Yeas:</th>
<th>Bratina, Clark, Collins, Duvall, Jackson, McCarthy, Merulla, Morelli, Powers, Whitehead</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total:</td>
<td>10</td>
</tr>
<tr>
<td>Nays:</td>
<td>Eisenberger, Ferguson, Pasuta, Mitchell, Pearson</td>
</tr>
<tr>
<td>Total:</td>
<td>5</td>
</tr>
<tr>
<td>Absent:</td>
<td>McHattie</td>
</tr>
<tr>
<td>Total:</td>
<td>1</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Yeas:</th>
<th>Bratina, Clark, Collins, Duvall, Jackson, McCarthy, Merulla, Morelli, Whitehead</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total:</td>
<td>9</td>
</tr>
<tr>
<td>Nays:</td>
<td>Eisenberger, Ferguson, Pasuta, Mitchell, Pearson, Powers</td>
</tr>
<tr>
<td>Total:</td>
<td>6</td>
</tr>
<tr>
<td>Absent:</td>
<td>McHattie</td>
</tr>
<tr>
<td>Total:</td>
<td>1</td>
</tr>
</tbody>
</table>

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:

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

(Pearson/McCarthy)
That the question be put. CARRIED.
Clark, Collins, Jackson, Whitehead opposed

(Merulla/Morelli)
That the following be added as (j):
(j) That staff be directed to identify any resident who is deemed homeless or
whose home is uninhabitable 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

(Whitehead/Morelli)
That the following be added as recommendations (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.” CARRIED.

Added Motion: Ontario Disaster Relief Assistance Program (ODRAP);

(Eisenberger/Pearson)

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 CARRIED.

5.1 as amended – Councillor Mitchell opposed to subsections c, d and f

FOR THE INFORMATION OF COMMITTEE:

(a)  CHANGES TO THE AGENDA (Item 1)

That the agenda be adopted as presented. CARRIED.

(b)  DECLARATIONS OF INTEREST (Item 2)

There were none declared.

(c)  DELEGATION REQUESTS (Item 3)

None.

(Powers/Pearson)
That there being no further business, Committee of the Whole adjourned at 3:07 p.m.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

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