



## **General Issues Committee**

### **MINUTES**

**9:30 a.m.**

**Monday, June 25, 2012**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

---

**Present:** Deputy Mayor J. Farr (Chair)  
Mayor R. Bratina  
Councillors C. Collins, S. Duvall, L. Ferguson, S. Merulla,  
B. Morelli, T. Jackson, B. Johnson, J. Partridge, R. Pasuta,  
M. Pearson, R. Powers, T. Whitehead

**Absent with Regrets:** Councillor B. Clark – Personal Business  
Councillor B. McHattie – Personal Business

**Also Present:** C. Murray, City Manager  
R. Rossini, General Manager, Finance and Corporate  
Services  
G. Davis, General Manager, Public Works  
B. Jansenn, A/General Manager, Planning and Economic  
Development  
D. Fisher, Acting City Solicitor  
R. Caterini, City Clerk  
T. Fallis, Manager of Elections  
L. Pasternak, Senior Solicitor  
C. Biggs, Legislative Co-ordinator

#### **THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:**

- 1. Petition to Redistribute Wards in Hamilton under the Ontario Municipal Act (Item 5.1)**

**(Johnson/Morelli)**

That the petition to redistribute Wards in Hamilton under the Ontario Municipal Act,  
be received. **CARRIED**

**2. Ward Boundary Review (CL11004(b)) (City Wide)**

**(Whitehead/Duvall)**

- (a) That Report CL11004(b) respecting Ward Boundary Review, be received;
- (b) That the City Clerk be directed to prepare, for the consideration of the General Issues Committee, in the first quarter of 2015, terms of reference and a timeline for a comprehensive ward boundary review, to commence in 2015 and be completed by June 30, 2017 for the 2018 municipal election;
- (c) That the comprehensive ward boundary review be undertaken with the assistance of a consultant, and to begin the ward boundary review prior to June 30, 2015;
- (d) That the cost of the review, with an upset limit of \$260,000, be funded from the Tax Stabilization Reserve (Account No. 110046). **CARRIED**

**3. Commercial Relations between the City and TMR Construction Inc. (FCS12051/LS12015) (City Wide) (Item 7.1)**

**(Ferguson/Johnson)**

- (a) That Report FCS12051/LS12015 respecting Commercial Relations between the City and TMR Construction Inc., be received;
- (b) That the contents of Report FCS12051/LS12015 remain confidential, as it contains information pertaining to potential litigation and advice that is subject to solicitor-client privilege, including communications necessary for that purpose. **CARRIED**

**4. Collective Bargaining Update – International Alliance of Theatrical and Stage Employees (IATSE), Local B-173**

**(Pearson/Ferguson)**

That the Memorandum of Settlement between the City of Hamilton and the International Alliance of Theatrical and Stage Employees (IATSE), Local B-173, for the period from January 1, 2012 to December 31, 2015, be approved. **CARRIED**

**FOR THE INFORMATION OF COUNCIL:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Clerk advised of the following changes:

**ADDED DELEGATION**

- (i) Delegation Request from Peter Hutton respecting Ward Boundary Review (Added as Item 3.1)

**DELEGATION WITHDRAWN**

- (ii) Flamborough Community Council – advised that a representative would not be in attendance to address the Committee; written submission distributed (Item 4.2)

**ADDED PRIVATE & CONFIDENTIAL (Deferred from June 20 General Issues Committee Meeting)**

- (iii) Commercial Relationship between the City of Hamilton and TMR Construction Inc (FCS12051/LS12015) (Added as Item 7.1)
- (iv) Collective Bargaining Update – International Alliance of Theatrical and Stage Employees (No copy) (Added as Item 7.2)

**(Pearson/Johnson)**

That the agenda be approved, as amended.

**CARRIED**

**(b) DECLARATIONS OF INTEREST (Item 2)**

None

**(c) DELEGATION REQUESTS**

- (i) Delegation Request from Peter Hutton respecting Ward Boundary Review (Added as Item 3.1)

**(Whitehead/Johnson)**

That the delegation request from Peter Hutton respecting Ward Boundary Review be approved, and that the Rules of Order be waived to allow Mr. Hutton to address the Committee at today's meeting.

**CARRIED**

**(d) PUBLIC DELEGATIONS/PRESENTATIONS**

**(i) Ray Fullerton (Item 4.1)**

Ray Fullerton appeared before the Committee respecting the Ward boundary review. His comments included, but were not limited to, the following:

- Mr. Fullerton is a lifetime Hamiltonian, born and raised
- Have three recommendations:
  - To organize a citizens' committee, similar to area rating
  - Less Wards – distributed a chart showing the ten largest cities in Canada, their population according to the 2011 census, number of Wards and average population per Ward per Councillor
  - Hold a public referendum to allow all citizens of Hamilton to decide on this matter
- Each Councillor should have an urban, rural and agricultural component to their portfolio.

The chart referenced above can be viewed on the City's website.

**(Pearson/Whitehead)**

That the presentation from Ray Fullerton respecting the Ward Boundary Review, be received. **CARRIED**

**(ii) Peter Hutton (Added Item 3.1)**

Mr. Hutton appeared before the Committee respecting the Ward Boundary Review. His comments included, but were not limited to, the following:

- Highly recommend that there needs to be a process of citizen engagement
- Send out message that there are many more people beyond those who signed the petition who are interested in seeing some type of Council action in moving forward; if this is to be done, now is the time to act
- Two primary comments that he has been hearing from people:
  - Can make up for the differences by adding additional support i.e., serving constituents; suggest that part of the deal also is opportunity and access to the political process; adding Council seats has to be on the table; some sort of new paradigm and what that will look like cannot be predicted, but Council should not be afraid of moving forward with that kind of process

- Also hearing that this has been done in other cities; it is time for Hamilton to not be afraid of the idea of some kind of regular review of political boundaries; this happens at the provincial and federal level all of the time; citizens still identify themselves with their respective communities

**(Partridge/Powers)**

That the presentation from Peter Hutton respecting the Ward Boundary Review, be received. **CARRIED**

**(iii) Christopher Cutler (Item 4.3)**

Chris Cutler appeared before the Committee to speak the Ward Boundary Review issue. His comments included, but were not limited to, the following:

- It was difficult to capture the public opinion during collection of the signatures for the petition
- Revealed this morning that the Committee has thought about this issue in the intervening time, which is important and significant; lots of research done by members of the Committee; means that there is a great deal of interest and recognition around the table
- Anytime the issue of how government is governed is important – processes and procedures; representation is not just a matter of numbers
- Intent is to bring the issue to the floor and have it discussed and debated because it is never wrong in a democracy to discuss an issue; it is always wrong to sweep it under the carpet and not talk about the issue if presented to the Committee; grateful that this has been acknowledged
- Need to review Ward boundary reform because members of Council have a lot of questions; citizens have a lot to say about this; requires a process for voices to be heard; need to have a process by which Ward reform can be implemented
- No decision should be made without the consent of both the government and the governing; important that we engage in a process that is agreed upon
- Need to have a process in place which involves two aspects – technical aspect which respond to questions and political engagement process; engage community and public and need to be parallel that meet at the point of decision here in Council Chambers
- Do not know what the solutions are, but believe there is enough collective wisdom among Council and the City that there is a solution that can serve all

**(Partridge/Collins)**

That the presentation from Chris Cutler respecting the Ward Boundary Review, be received. **CARRIED**

**(iv) Laura Cattari, Advocacy Hamilton (Item 4.4)**

Laura Cattari spoke before the Committee on behalf of Advocacy Hamilton with respect to Ward Boundary Reform, and provided a power point presentation which included the following:

- Supreme Court of Canada Decision in the case of Attorney General for Saskatchewan vs Roger Carter, Q.C. with respect to voting power and the purpose of the right to vote
- Wards as a percentage of total population 2006
- Comparison of Wards by Voter Parity 2006
- What is being asked of Council:
  - Direct staff to allocate funds for the Ward boundary review process
  - Direct staff to prepare and compile thorough terms of reference for a Ward boundary reform consultant to guide the review process
  - Direct staff to prepare a Request for Proposal for a Ward boundary review consultant
  - Direct staff to initiate the call for the RFP so that the consultant will be prepared to commence work in January, 2015.

A copy of the power point presentation can be viewed on the City's web-site.

**(Whitehead/Duvall)**

That the presentation from Laura Cattari on behalf of Advocacy Hamilton respecting Ward Boundary Reform, be received. **CARRIED**

**(v) Flamborough Community Council (Item 4.2)**

**(Powers/Partridge)**

That the correspondence from Vaughan Martin, Chair, on behalf of the Flamborough Community Council, indicating their official position, be received. **CARRIED**

**(e) DISCUSSION ITEM**

**(i) Ward Boundary Review (CL11004(b)) (City Wide)**

The Motion **CARRIED** on the following Standing Recorded Vote:

Yeas: Farr, Pearson, Pasuta, Whitehead, Duvall, Jackson, Powers,  
Collins, Merulla, Morelli  
Total Yeas: 10  
Nays: Bratina, Johnson, Ferguson, Partridge  
Total Nays: 4  
Absent: Clark, McHattie  
Total Absent: 2

**(f) PRIVATE & CONFIDENTIAL**

**(Jackson/Morelli)**

That the Committee, move into closed session at 12:20 pursuant to sub-sections 8.1(d), (e) and (f) of the City's Procedural By-law and Sections 239.2(d), (e) and (f) of the Municipal Act as the subject matters pertain to:

- (d) Labour relations or employee negotiations respecting Collective Bargaining Update – International Alliance of Theatrical and Stage Employees (IATSE) Local B-173; and
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
- and
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, respecting Commercial Relationship between the City of Hamilton and TMR Construction Inc.

**CARRIED**

The Committee reconvened in Open Session at 1:20 p.m.

**(i) Commercial Relationship between the City of Hamilton and TMR Construction Inc. (FCS12051/LS12015) (City Wide) (Item 7.1)**

See Item 3 for the disposition of this item.

The Motion **CARRIED** on the following Standing Recorded Vote:

Yeas: Farr, Johnson, Ferguson, Powers, Pasuta, Partridge, Jackson  
Total Yeas: 7  
Nays: Whitehead, Duvall, Merulla, Morelli  
Total Nays: 4  
Absent: Bratina, Clark, McHattie, Pearson, Collins  
Total Absent: 5

**(ii) Collective Bargaining Update – International Alliance of Theatrical and Stage Employees (IATSE) Local B-173 (Item 7.2)**

See Item 4 for the disposition of this item.

**(g) OTHER BUSINESS**

- (i) Councillor B. Johnson introduced the following Notice of Motion:

**Request for All-Way Stop Control at the Intersection of Creanona Blvd. and Baseline Rd., Winona**

- (a) That all-way stop sign control be implemented at the intersection of Creanona Boulevard and Baseline Road, Winona;
- (b) That the appropriate amendment to the City's Traffic By-law No. 01-215 be passed.
- (ii) Elliott Lake Mall Roof Cave-In – June 23, 2012**

Councillor T. Whitehead expressed his sadness at the incident of the roof cave in at a mall in Elliott Lake and conveyed that the City's thoughts and prayers go out to the community at this difficult time.

There being no further business, the Committee adjourned at 1:30 p.m.

Respectfully submitted

Councillor J. Farr  
Deputy Mayor

Carolyn Biggs  
Legislative Co-ordinator  
June 25, 2012