

CITY OF HAMILTON

MOTION

Council Date: February 8, 2012

MOVED BY COUNCILLOR B. CLARK.....

SECONDED BY COUNCILLOR

**Closed Session Minutes of the General Issues Committee Meeting -
June 27. 2011**

That the June 27, 2011 Closed Session Minutes of the General Issues Committee be publicly released, in a redacted format.



General Issues Committee **CLOSED SESSION MINUTES**

REDACTED

11:12 a.m.

Monday, June 27, 2011

Council Chambers

Hamilton City Hall

71 Main Street West

PRIVATE & CONFIDENTIAL

The Committee moved into Closed Session at 11:12 a.m. pursuant to Section 8.1(c) of the City's Procedural By-law and the Municipal Act as the subject matter pertained to a proposed or pending acquisition or disposition of land for City purposes.

12.1 McMaster Health Campus

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

Also Present: C. Murray, R. Rossini, G. Davis, T. McCabe, A. Zuidema,
G. Norton, C. Phillips, J. Savoia, B. Farkas, M. Zegarac,
D. Lapointe-Kay, P. Chapman, C. Biggs

Chris Murray provided introductory comments and stated that the purpose of the presentation was to create a decision-making framework; hoping to come back on July 4 with responses to questions which may be raised today

The following Representatives from McMaster University addressed the Committee with respect to a proposed McMaster Health Campus on the property where the Hamilton Wentworth District School Board administration offices are currently located.

Patrick Deane, President of McMaster University
Dr. John Kelton, VP of Health Sciences
Roger Couldry, VP Administration
Dr. David Price, Chair of Family Medicine
Debbie Martin, Executive Director of Corporate Services for HHS

The request from McMaster is for the City to partner with McMaster in this extraordinary venture and for a \$20 million contribution from the City of Hamilton.

During the McMaster delegation presentation, the Clerk advised the Committee Chair that the contents of the presentation did not fall within the purposes contained in Section 8 of the City's Procedural By-law for moving into Closed Session.

The City Solicitor cautioned the Committee that in order to be properly in Closed Session, questions and discussion needed to relate to the issue of land acquisition by the City.

During their presentation, the delegation responded to questions from the Committee.

Upon completion, the delegation vacated the Chamber and staff continued to provide additional information.

Chris Murray provided an overview of discussions that have taken place with McMaster officials and issues that require further investigation, and advised that a report will be brought back to the Committee at a future meeting.

Members of Council expressed their concern with respect to the timing of the information being received and the timeline that the City is required to respond to McMaster.

The Committee reconvened in Open Session at 1:37 p.m.

See Item 2 of General Issues Committee Report 11-021 for the disposition of this item.

8.1 2011 City of Hamilton Water, Wastewater, Stormwater, GO-Transit Development Charge By-law and Amendment for Development Charge By-law 09-43 (FCS11053(a)) (City Wide)

Present: Deputy Mayor B. Johnson (Chair)
Councillors B. Clark, C. Collins, J. Farr, L. Ferguson,
T. Jackson, S. Merulla, B. Morelli, J. Partridge, M. Pearson,
T. Whitehead

Also Present: C. Murray, R. Rossini, T. McCabe, P. Barkwell, T. Sergi,
D. Fisher, A. Zuidema, M. Zegarac, J. Spiler, G. Scandlan
(Watson & Associates), R. Doumani (Outside Legal
Counsel – Aird & Berlis), C. Biggs

The Committee moved In Camera at 2:55 p.m. pursuant to Sections 8.1(b), (e) and (f) of the City's Procedural By-law and the Municipal Act and the City's Procedural By-law as the subject matter pertained to the following:

- (i) litigation or potential litigation, including matters before administrative tribunals affecting the City and the receiving of legal advice that is subject to solicitor-client privilege, including communications necessary for that purpose, respecting the appeals of the 2009 Development Charge By-law;
- (ii) personal matters about an identifiable individual, including City employees, with respect to the Independent External Audit Review of HECFI Operations

Robert Doumani and Rob Rossini appeared before the Committee to provide an update with respect to the appeal by Losani Homes on Development Charge By-law No. 09-143 and 09-144.

The Committee was circulated with a draft letter of settlement prepared by Mr. Doumani to Chris Barnett, Legal Counsel for Losani Homes, setting out a proposal based on potential instructions from the City, with an acceptance deadline of June 29, 2011.

Following discussion of the contents of the letter, Mr. Doumani was instructed not to send the correspondence.

See Item 6 of General Issues Committee Report 11-021 for the disposition of this item.

8.2 Independent External Review of HECFI Operations (CM11013) (City Wide)

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

Also Present: C. Murray, A. Zuidema, T. Tollis, A. Pekaruk, P. Barkwell,
C. Biggs

The Committee discussed the takeover of the HECFI Board and how the messaging should be delivered; not about the Board members but rather, about the organization and the need to get it back on track for the taxpayers of the City.

The Mayor requested that new Councillors be appointed to the Board in lieu of the current Council representatives.

There was some discussion with respect to extending an invitation to the HECFI Board Chair and CEO to respond to the KPMG Report. Peter Barkwell advised that in a strict legal sense, the City is not obligated to give HECFI an opportunity respond; however, Council can, if they so desire, provide them the opportunity, but would then have to ask themselves that if given the road proposed, whether, in fact, their response would alter Council's opinion.

The Committee agreed that HECFI is moving in a new direction, and the fact that the City is recommending to be the interim Board of Directors has nothing to do with the performance of the current employees. The organization is at a crossroads and there is a need to take control to facilitate a new reality.

See Item 7 of General Issues Committee Report 11-021 for the disposition of this item.

The Committee reconvened in Open Session at 4:14 p.m.

Respectfully submitted

Councillor B. Johnson, Deputy Mayor
General Issues Committee

Carolyn Biggs, Co-ordinator
Committee Services/Council/Budgets
June 23, 2011