



**SPECIAL COUNCIL MEETING, FEBRUARY 25, 2003**

**IN COMMITTEE-OF-THE-WHOLE TO CONSIDER  
A SECURITY OF PROPERTY MATTER; AND IN OPEN SESSION  
TO ADDRESS THE REQUIREMENTS UNDER BILL 210 –  
THE ELECTRICITY, PRICING, CONSERVATION AND SUPPLY ACT, 2002.**

**CITY HALL, COUNCIL CHAMBERS  
411 EAST MAIN STREET**

Council met in Committee-of-the-Whole (in camera) at 6:05 p.m. and in open session at 7:30 p.m. on the above date.

Her Worship Mayor Cindy Forster in the Chair.

**Members Present:** Councillors M. Belcastro, N. Dmytrow Bilboe, M. Dzugan (7:00 p.m.), T. Eybel, D. Fortier, J. Irvine, J. Mastroianni, S. O'Dell and J. Spadafora .

**Members of the Staff and Others Present:**

City Clerk C.A. Stirtzinger

City Solicitor G. Banks ( 7:30 p.m. )

City Manager T. Fitzpatrick

Chief, Fire & Emergency Services P. Olah ( 7:30 p.m. )

General Manager Engineering, Public Works & Transportation Services D. Shantz

General Manager Financial & Corporate Services/Treasurer B. Silvestri

Chief Building Official M. Mantesso ( 7:30 p.m. )

Games Licensing Clerk S. Stirling ( 7:30 p.m. )

*(Mr. R. Peever, President & C.E.O., Welland Hydro-Electric System, Mr. T. Clutterbuck, Chair, Welland Hydro-Electric System and Mr. A. Roman, Solicitor, Miller Thomson were present during Committee-of-the-Whole discussions on a Security of Property Matter)*

**03-25** Moved by Mastroianni and Belcastro that Council meet in Committee-of-the-Whole, closed to the public at 6:05 p.m. to consider:

- a) the security of the property of the municipality.

**CARRIED**

**03-25** Moved by Belcastro and Mastroianni that the Committee-of-the-Whole arise from its closed meeting at 7:10 p.m.

**CARRIED**

### **BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE**

**99-43** Moved by Mastroianni and Dmytrow-Bilboe

WHEREAS Section 142 of The Electricity Act, 1998, required municipalities to convert their existing electricity businesses into corporations incorporated under the Business Corporations Act within two years of its enactment; and

WHEREAS in 2000 Welland Hydro-Electric System Corp. was formed, being a Business Corporations Act corporation established under Section 142 of The Electricity Act, 1998, for the purpose of converting the City's existing electricity business in accordance with The Electricity Act, 1998; and

WHEREAS Welland Hydro-Electric System Corp. has continued as a business and continues to operate as a highly efficient utility for the benefit of the taxpayers of City of Welland and

WHEREAS on December 9, 2002 Bill 210, the Electricity, Pricing, Conservation and Supply Act, 2002, received third reading and Royal Assent; and

WHEREAS Bill 210 amends The Electricity Act, 1998, by adding Section 159.1, to require a municipality that beneficially owns voting securities in a corporation incorporated under Section 142 of The Electricity Act, 1998, either to pass a resolution affirming that the corporation should continue to be incorporated as a Business Corporations Act corporation and to file the certificate required by Bill 210 within the time prescribed by Bill 210, or to suffer severe financial consequences; and

WHEREAS Welland Hydro-Electric System Corp. presently has the lowest residential customer rates in Ontario, and the City of Welland will continue to operate its utility in a manner that will generate no surplus revenues; and

WHEREAS the City of Welland will continue to operate Welland Hydro-Electric System Corp. in accordance with the Shareholder Declaration from the City of Welland, to the extent permitted by Ontario law;

**99-43...Cont'd....**

NOW THEREFORE BE IT RESOLVED THAT:

1. The City of Welland affirms that Welland Hydro-Electric System Corp. continues to be incorporated as a Business Corporations Act company as provided in Subsection 142(1) of The Electricity Act, 1998.
2. Council authorizes the Mayor and Clerk to file the resolution and the attached form of certificate required by Bill 210 within the time prescribed by Bill 210.

**CARRIED**

Council adjourned at 7:50 p.m.

These Minutes approved and adopted by Motion of Council this 4<sup>th</sup> day of March, 2003.

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**MAYOR**

**CLERK**