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The Regional Municipality of Durham

MINUTES

REGIONAL COUNCIL

Wednesday, January 26, 2022

The Council of The Regional Municipality of Durham met in the Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM. Electronic participation was offered for this meeting.

Regional Chair Henry assumed the Chair.

1. Traditional Territory Acknowledgment

Regional Chair Henry read the following land acknowledgement:

We are currently located on land which has long served as a site of meeting and exchange among the Mississaugas Peoples and is the traditional and treaty territory of the Mississaugas of Scugog Island First Nation. We honour, recognize and respect this nation and Indigenous Peoples as the traditional stewards of the lands and waters on which we meet today.

Regional Chair Henry spoke to mental health awareness and advised that in recognition of Bell Let's Talk Day, the Region has shared mental health awareness messages through social media and on the website, and encouraged all to show support.

Regional Chair Henry announced that Ralph Walton, Regional Clerk and Director of Legislative Services, will be leaving the Region to take on the role of Clerk for the Town of Niagara on the Lake. He advised that R. Walton has been with the Region since 2017 and his extensive experience from both the municipal and provincial level, and knowledge have been a tremendous benefit to the Region, and his advice and guidance have been truly appreciated. Chair Henry on behalf of Regional Council wished R. Walton all the best in the future.

2. Roll Call

A roll call was taken by the Regional Clerk and the following members were present:

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Collier

Councillor Crawford
Councillor Dies
Councillor Drew left the meeting at 1:40 PM
Councillor Foster
Councillor Grant
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

*** all members of Council, except the Regional Chair, participated electronically**

All members of Council were present.

3. Declarations of Interest

Councillor Marimpietri made a declaration of interest under the Municipal Conflict of Interest Act with respect to Item #2 of the 1st Report of the Committee of the Whole, Report #2022-COW-2: Organics Management Solution Update. He indicated that he has family members who own property and reside in an area impacted by the decision to build an organics waste facility.

Councillor Drew made a declaration of interest under the Municipal Conflict of Interest Act with respect to Item #4 of the 1st Report of the Works Committee, Report #2022-W-4: Tender Award and Additional Financing for Regional Municipality of Durham Contract D2021-19 for Road Rehabilitation on York Durham Line (Regional Road 30) from Wagg Road to Aurora Road (York Regional Road 15), in the Township of Uxbridge. She indicated that her son has been assigned to that project.

4. Adoption of Minutes

Moved by Councillor Chapman, Seconded by Councillor Barton,
(1) That the minutes of the following meetings be adopted:

- Regular Regional Council meeting held on December 22, 2021; and
- Regular Committee of the Whole meeting held on January 19, 2022.

CARRIED

5. Presentations

5.1 R.J. Kyle, Commissioner and Medical Officer of Health, re: COVID-19 Update

R.J. Kyle, Commissioner and Medical Officer of Health, appeared with respect to a COVID-19 Update. Highlights of the presentation included:

- Current Status
- Recent Changes on the Data Tracker
- COVID-19 Vaccination Administration
- COVID-19 Vaccine by Administration Site
- COVID-19 Vaccination Coverage
- School and Childcare Absenteeism
- Recent Provincial Announcements
- Case and Contact Information Hub
- Current COVID-19 Vaccine Plan

Dr. Kyle responded to questions from members of Council.

5.2 Christine Roarke, HDR Inc. and Angela Porteous, Supervisor, Waste Management Services, re: Long-Term Waste Management Plan 2021 Consultation, Final Long-Term Waste Management Plan 2021 to 2040 and first Five-Year Action Plan (2022-WR-1) [Item 7.1]

Christine Roarke, HDR Inc. and Angela Porteous, Supervisor, Waste Management Services, appeared with respect to Long-Term Waste Management Plan 2021 Consultation, Final Long-Term Waste Management Plan 2021 to 2040 and first Five-Year Action Plan. Highlights of their presentation included:

C. Roarke and A. Porteous provided an overview of the Long-Term Waste Management Plan development. Highlights of the presentation included:

- Long-Term Waste Management Plan Development
- Development of Draft Waste Plan, Targets and Short, Mid and Long-Term Actions
- Waste Plan Consultation (2020-2021)
- What We Heard

- Long-Term Waste Management Plan – Development and Update Framework
- Waste Plan Targets and Actions
- Next Steps

C. Roarke provided a detailed overview of the Targets, Measures and Actions being proposed for the following five objectives of the Five-Year Action Plan:

- Objective 1 – Engage with residents to build an understanding and awareness of the 5Rs and the Region's waste management programs and services;
- Objective 2 – Reduce the quantity of waste we create;
- Objective 3 – Increase diversion of waste from disposal and support the circular economy;
- Objective 4 – Support the Region's greenhouse gas (GHG) reduction and climate change mitigation efforts; and
- Objective 5 – Protect or improve water, land and air quality in Durham Region.

A. Porteous outlined next steps and stated that with regards to the Five-Year Action Plan, actions are aligned with the proposed 2022 budget and capital forecast being presented in February 2022. A. Porteous added that implementation and work on the 2022 actions would begin after budget approval; the progress on targets will be reported annually; and after five years, there will be an opportunity to review the Action Plan.

S. Siopis provided closing remarks and thanked the team. She advised that a staff report with respect to Public Consultation was included in the January 21st CIP. She stated that although this is a 20-year plan, there are built-in 5-year increments in the Plan to allow it to be flexible and responsive to new initiatives that may emerge. She added that the Plan positions the Region to have a fully integrated waste management solution, which will incorporate the principles of reducing waste and environmental sustainability.

Staff responded to questions from members of Council.

5.3 Elaine Baxter-Trahair, Chief Administrative Officer, re: 2021 Accomplishments

Elaine Baxter-Trahair, Chief Administrative Officer, appeared with respect to 2021 Accomplishments. Highlights of the presentation included:

- COVID-19 Vaccinations and recovery
 - Social Recovery
 - Municipal Recovery
 - Economic Recovery
 - Built Recovery

- Partnerships
- Diversity Equity and Inclusion
- Innovation and Modernization
- Housing and Homelessness
- Service Excellence
 - Service Excellence – Awards won

E. Baxter-Trahair advised that the following matters will be covered during 2022 Budget considerations:

- The Road Ahead – Priorities for 2022
 - Re-opening and Recovery
 - Environmental Sustainability
 - Community Vitality
 - Economic Prosperity
 - Social Investment
 - Service Excellence

E. Baxter-Trahair responded to questions from members of Council.

Moved by Councillor Marimpietri, Seconded by Councillor Wotten,
(2) That Council recess for 15 minutes.

CARRIED

Council recessed at 10:59 AM and reconvened at 11:16 AM.

The Regional Clerk conducted a roll call following the recess and all members of Council were present.

Moved by Councillor Marimpietri, Seconded by Councillor Anderson,
(3) That the order of the agenda be altered to allow W. Bracken to present consecutive delegations.

CARRIED

6. Delegations

- 6.1 Wendy Bracken, Durham Resident, re: Report #2022-WR-1: Long-Term Waste Management Plan 2021 Consultation, Final Long-Term Waste Management Plan 2021 to 2040 and first Five-Year Action Plan
-

Wendy Bracken appeared with respect to Report #2022-WR-1: Long-Term Waste Management Plan 2021 Consultation, Final Long-Term Waste Management Plan 2021 to 2040 and first Five-Year Action Plan.

W. Bracken stated that the Long-Term Waste Management Plan (LTWMP) is an important plan that impacts all regional interests and departments. She stated that her main concerns are as follows:

- Guiding Principles are flawed as they are missing key principles to address reduction of toxic loading to environment;
- Missing simple, low-cost, low-tech front-end actions to maximize diversion and minimize impacts;
- Insufficient consideration, analysis of incineration impacts;
- Insufficient metrics to monitor performance and impacts as well as protect public; and
- Report should be amended to include up-to-date data.

W. Bracken added that other Ontario municipalities are successfully implementing clear bags to increase diversion of recyclables and get organic materials out of the garbage and that a clear bag policy was one of the top solutions suggested by the Advisory Committee. She added that there are questions regarding diversion and Greenhouse Gas (GHG) claims.

6.4 Wendy Bracken, Durham Resident, re: Report #2022-COW-2: Organics Management Solution Update

Wendy Bracken appeared with respect to Report #2022-COW-2: Organics Management Solution Update.

W. Bracken stated that her main concerns are as follows:

- skyrocketing costs;
- increasing risks;
- critical information that has not been provided on the risks of the project;
- a failure to investigate other available options;
- a failure to maximize the three Rs first; and
- that costs and risks increase with a back-end focus.

W. Bracken asked that Report #2022-COW-2 be referred back to staff for more information including options and a fulsome analysis of risks.

W. Bracken feels that critical information regarding risks, costs and impacts are not provided in the Report and noted that the Region of Peel has backed away from a Region-owned AD facility; the Region of York has private contracts for source separated organics; the Region of Peel and the City of London's reports identify contamination issues with mixed waste processing digestate; and that the City of London report also identifies many mixed processing facilities closed or re-engineered as they weren't meeting performance or contract requirements.

Moved by Councillor Anderson, Seconded by Councillor John Neal,

- (4) That W. Bracken be granted a one-time two-minute extension to finish her delegation.

CARRIED

W. Bracken stated that scientists around the world are raising concerns with carbon capture and how it can be misleading.

W. Bracken also stated that there has been a failure to investigate new information and suggested that there needs to be a more fulsome, detailed evaluation of risk as other Regions have done.

W. Bracken responded to questions from members of Council.

6.2 Linda Gasser, Durham Resident, re: Report #2022-WR-1: Long-Term Waste Management Plan 2021 Consultation, Final Long-Term Waste Management Plan 2021 to 2040 and first Five-Year Action Plan

Linda Gasser appeared with respect to Report #2022-WR-1: Long-Term Waste Management Plan 2021 Consultation, Final Long-Term Waste Management Plan 2021 to 2040 and first Five-Year Action Plan.

L. Gasser expressed concerns that there hasn't been enough public consultation on the Plan and added that there is no rush to approve it. She added that the report should have been considered by the Committee of the Whole, and also by lower tier municipalities, residents, upper tier governments and other interested parties.

L. Gasser stated that the Plan is premature and more details and data are needed to understand the material streams including processing and costs; that there are competing narratives around the Plan's focus and vary from reduction and diversion; that the draft Plan assumes approvals for projects that have not yet been approved; that there are a lot of "forward looking statements" about mixed waste pre-sort and how that might address Plan objectives but little detail; and the Plan lacks a description of the disposal in addition to what is burned at the incinerator.

L. Gasser suggested that lower-tier municipalities should comment on the draft Plan and consider taking back responsibility for their own waste collection.

L. Gasser stated there is no rush to adopt the plan now and it should be referred to staff for review and update. L. Gasser added that the Region of Durham must remain flexible and respond to changes; and that there are inconsistent statements about focus and primary objectives and clarity and consistency is essential. She feels the Plan should be updated to include 2020 data for materials streams, tonnage and GHG emissions.

L. Gasser added that the incoming Council should have a chance to review a draft plan, and feels that Greenhouse Gas (GHG) reduction targets will not be met if Council adopts what this Plan is premised on.

L. Gasser responded to questions of the Committee.

6.3 Linda Gasser, Durham Resident, re: Report #2022-COW-2: Organics
Management Solution Update

Linda Gasser appeared with respect to Report #2022-COW-2: Organics Management Solution Update.

L. Gasser questioned the estimated property tax impact based on current cost estimates and displayed a chart illustrating the estimated cost for 2020. She stated that in the 2022 report, the total nominal construction cost is \$242 million which she feels is an extraordinary increase and is almost 50% above the original estimate. L. Gasser stated Council should ask for an updated Business Case prior to approving budget requests.

L. Gasser feels the Mixed Waste Pre-sort and Anaerobic Digestion project is inflexible, inefficient, risky and expensive and the benefits need a thorough review. L. Gasser expressed concerns that after the transition of the blue box collection and processing to Producers, current diversion metrics reporting will become irrelevant, and targets will need updating. L. Gasser questioned how the cost for the project has increased.

L. Gasser asked that Council request updates and details of the project risk; processing capacity for mixed waste pre-sort and anaerobic digestion and estimates of excess capacity; an update/timeline with regards to staff's plans to relaunch the green bin to include additional materials; that staff provide an estimate of potential additional organics captures after the green bin relaunch; what the impact is on projected source separated organics tonnage; and expected percentage in the reduction of organics in garbage bags going to the mixed waste pre-sort facility.

6.4 Wendy Bracken, Durham Resident, re: Report #2022-COW-2: Organics
Management Solution Update

W. Bracken was heard earlier in the meeting. See Item 6.4 on pages 6 and 7.

7. Reports related to Delegations/Presentations

1. Long-Term Waste Management Plan 2021 Consultation, Final Long-Term Waste Management Plan 2021 to 2040 and First Five-Year Action Plan
(2022-WR-1)
-

[CARRIED AS AMENDED ON A RECORDED VOTE] [SEE MOTIONS (5), (6), (7), (8) AND (9) ON PAGES 9 TO 12]

- A) That the final Long-Term Waste Management Plan 2021 to 2040 as contained in Attachment #2 to Report #2022-WR-1, and the first Five-Year Action Plan as contained in Attachment #3 to Report #2022-WR-1, be endorsed;

- B) That Attachment #2 be amended by deleting the words “will remain consistent throughout the life of the of the Waste Plan without further review and updating” and replacing them with the words “will be achieved through” in the first sentence of the second paragraph listed under the Introduction of the Durham Region Long-term Waste Management Plan final draft, so the paragraph reads as follows:

“The approved Guiding Principles, Vision and Objectives **will be achieved through** Action Plans, with measurable targets and accompanying actions for the following timelines – short-term (2022 to 2026), mid-term (2027 to 2033) and long-term (2034 to 2040) which will be reviewed and updated (if required) every five years to ensure alignment with corporate direction and associated legislation.”; and

- C) That Attachment #3 be amended by deleting the words “without further review and updating” in the last sentence of the paragraph listed under the Guiding Principles, Vision and Objectives of the Five-Year Action Plan, so the sentence reads as follows:

“The approved guiding principles, vision and objectives will remain consistent throughout the life of the Waste Plan.”

- D) **And further that the Minister of the Environment, Conservation and Parks (MECP) be requested to ban single use plastic bags, and that the Association of Municipalities of Ontario (AMO) and the local area municipalities be so advised.**

Moved by Councillor Kerr, Seconded by Councillor Smith,

- (5) That the recommendations contained in Item 1 of Report #1 of the Works Committee be adopted.

CARRIED AS AMENDED
LATER IN THE MEETING
(See Following Motions)

Moved by Councillor Joe Neal, Seconded by Councillor Foster,

- (6) That the main motion (5) of Councillors Kerr and Smith to adopt the recommendations contained in Item 1 of Report #1 of the Works Committee, be amended by adding the following:

And further that a pilot program be implemented in the Municipality of Clarington in 2023 for the use of clear garbage bags for one year.

MOTION REFERRED TO STAFF AS AMENDED
LATER IN THE MEETING
(See Following Motions)

Moved by Councillor Chapman, Seconded by Councillor Barton,
(7) That the foregoing amending motion (6) of Councillors Joe Neal and Foster be referred to staff for a report on how the clear bag program will be done, when, what the cost is, etcetera.

CARRIED AS AMENDED
(See Following Motion)

Moved by Councillor Joe Neal, Seconded by Councillor John Neal
(8) That the foregoing referral motion (7) of Councillors Chapman and Barton be amended to specify that the requested staff report be brought to the April 2022 Council meeting.

CARRIED

The foregoing amending motion (7) of Councillors Chapman and Barton was then put to a vote and CARRIED AS AMENDED.

Moved by Councillor Joe Neal, Seconded by Councillor John Neal
(9) That the foregoing main motion (5) of Councillors Kerr and Smith to adopt the recommendations contained in Item 1 of Report #1 of the Works Committee, be amended by adding the following:

And further that the Minister of the Environment, Conservation and Parks (MECP) be requested to ban single use plastic bags, and that the Association of Municipalities of Ontario (AMO) and local area municipalities be so advised.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Anderson
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Grant
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor Mitchell
Councillor Mulcahy
Councillor John Neal

No

Councillor Ashe
Councillor Barton
Councillor McLean

Councillor Joe Neal
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: None

Declarations of Interest: None

The foregoing main motion (5) of Councillors Kerr and Smith was then put to a vote and CARRIED AS AMENDED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Grant
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor Joe Neal
Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor John Neal

Members Absent: None

Declarations of Interest: None

8. Communications

CC 01 Memorandum from Alexander McPherson, Solicitor, Legal Services, dated January 17, 2022 re: Expropriation of Lands Required for Regional Road 3 Rehabilitation Project

Moved by Councillor Ryan, Seconded by Councillor Anderson,

(10) That Council adopt recommendations A), B), C) and D) as contained in Council Correspondence CC 01, being:

- A) That Regional Council, as approving authority under the Expropriations Act, approve the property requirements for the expropriation of the property as described in the registered reference plan as Part 2 on Plan 40R-31092, deposited in the Land Registry Office on October 20, 2020;
- B) That Regional Council, as expropriating authority under the Expropriations Act, authorize all steps necessary to comply with the Expropriations Act, including, but not limited to, the preparation and registration of expropriation plans and the service of notices of expropriation, notice of election as to a date for compensation and notices of possession;
- C) That Regional Council grant authority to the Regional Chair and Clerk to execute any notices and forms as may be statutorily mandated by the Expropriations Act, R.S.O. 1990, c. E.26, to give effect to recommendation B), including the notices of expropriation, notices of election as to a date for compensation and notices of possession, including the certificate of approval to be affixed to the expropriation plan; and
- D) That the necessary expropriation by-law be presented to Regional Council for adoption.

CARRIED

Moved by Councillor Foster, Seconded by Councillor Joe Neal,

(11) That Council recess for one hour.

CARRIED

Council recessed at 1:00 PM and reconvened at 2:00 PM

The Regional Clerk conducted a roll call following the recess and all members of Council were present with the exception of Councillor Drew.

9. Committee Reports and any related Notice of Motions

9.1 Report of the Finance and Administration Committee

1. 2022 Municipal Elections Compliance Audit Committee (2022-A-1)
[CARRIED]

- A) That the draft Terms of Reference included as Attachment #1 to Report #2022-A-1 of the Commissioner of Corporate Services be approved;
- B) That the Regional Clerk be authorized to bring forward a by-law for the remuneration and appointment of a roster of individuals as per the draft Terms of Reference; and
- C) That at such time as the above by-law is enacted by Council, that the 2022 Municipal Election Compliance Audit Committee be deemed to be established in accordance with the Municipal Elections Act.

2. Statement of Investment Policy and Goals (2022-F-1)
[CARRIED]

That the proposed Statement of Investment Policy and Goals, attached to Report #2022-F-1 of the Commissioner of Finance, be approved.

3. Public Process for the Passage of a New Regional Transit Development Charge By-law (2022-F-2)
[CARRIED]

- A) That the Statutory Public Meeting of Regional Council, as required by the Development Charges Act, 1997 be held on April 27, 2022 in the Regional Council Chambers, or virtually if required by public health guidelines, at the beginning of the regular Regional Council meeting to consider the passage of a new Regional Transit Development Charge By-law;
- B) That the proposed Region's Regional Transit Development Charge By-law and Background Study, as required by the Development Charges Act, 1997, be released to the public at no charge upon request to the Regional Clerk's Department and posted on the Region's website, commencing April 12, 2022; and
- C) That staff be authorized to place appropriate notification in newspapers of sufficient general circulation in Durham Region and the Regional website setting forth the date, time, location and purpose of the Statutory Public Meeting and the date and contact for the release of the proposed Development Charge By-law and Background Study.

- Moved by Councillor Foster, Seconded by Councillor Collier,
(12) That the recommendations contained in Items 1 to 3 inclusive of Report #1 of the Finance and Administration Committee be adopted.
CARRIED

9.2 Report of the Planning and Economic Development Committee

1. Durham Agricultural Advisory Committee 2021 Annual Report and 2022 Workplan (2022-P-2)
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[CARRIED]

- A) That Report #2022-P-2 of the Commissioner of Planning and Economic Development be received as the Durham Agricultural Advisory Committee's 2021 Annual Report;
- B) That the Durham Agricultural Advisory Committee's 2022 Workplan be approved, as outlined in Attachment #1 to Report #2022-P-2; and
- C) That a copy of Report #2022-P-2 be forwarded to the Durham Agricultural Advisory Committee, the Durham Federation of Agriculture, the Golden Horseshoe Food and Farming Alliance, and the Area Municipalities.

2. Durham Environmental Advisory Committee 2021 Annual Report and 2022 Workplan (2022-P-3)
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[CARRIED]

- A) That Report #2022-P-3 of the Commissioner of Planning and Economic Development be received as the Durham Environmental Advisory Committee's 2021 Annual Report;
- B) That the Durham Environmental Advisory Committee's 2022 Workplan be approved, as outlined in Attachment #1 to Report #2022-P-3; and
- C) That a copy of Report #2022-P-3 be forwarded to the Durham Environmental Advisory Committee and the Area Municipalities.

3. Durham Active Transportation Committee 2021 Annual Report and DATC 2022 Workplan (2022-P-4)
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[CARRIED]

- A) That Report #2022-P-4 of the Commissioner of Planning and Economic Development be received as the Durham Active Transportation Committee's 2021 Annual Report;
- B) That the Durham Active Transportation Committee's 2022 Workplan be approved, as outlined in Attachment #1 to Report #2022-P-4; and

- C) That a copy of Report #2022-P-4 be forwarded to the Durham Active Transportation Committee and the Area Municipalities.
- 4. Smart Mobility Durham 2021 Annual Report and 2022 Workplan (2022-P-5)
[CARRIED]
 - A) That Report #2022-P-5 of the Commissioner of Planning and Economic Development be received as Smart Mobility Durham's 2021 Annual Report and 2022 Workplan;
 - B) That Smart Mobility Durham's 2022 Workplan be approved, as outlined in Attachment #1 to Report #2022-P-5; and
 - C) That a copy of Report #2022-P-5 be forwarded to the Durham Active Transportation Committee and the Area Municipalities.

Moved by Councillor Ryan, Seconded by Councillor Joe Neal,

- (13) That the recommendations contained in Items 1 to 4 inclusive of Report #1 of the Planning and Economic Development Committee be adopted.
CARRIED

9.3 Report of the Works Committee

- 1. Long-Term Waste Management Plan 2021 Consultation, Final Long-Term Waste Management Plan 2021 to 2040 and first Five-Year Action Plan
(2022-WR-1)
[CARRIED AS AMENDED ON A RECORDED VOTE]

This matter was considered earlier in the meeting. See Item 7.1 on pages 9 to 12.
- 2. Expropriation of Lands Required for the Proposed Regional Road 4 Rehabilitation Project East of Langmaid Road in the Municipality of Clarington (2022-W-1)
[CARRIED]
 - A) That authority be granted to Regional Municipality of Durham staff to initiate expropriation proceedings where necessary for the property requirements related to the proposed Regional Road 4 Rehabilitation Project along Regional Road 4 as depicted in Attachments #1 and #2 to Report #2022-W-1 and as such other property requirements as may be determined and identified by Regional Municipality of Durham staff for the Regional Road 4 Rehabilitation Project;

- B) That authority be granted to the Regional Clerk and Regional Chair to execute any notices and forms as may be statutorily mandated by the Expropriations Act, R.S.O. 1990, c. E.26 to give effect to Recommendation C of Report #2022-W-1, including the Notices of Application of Approval to Expropriate;
 - C) That authority be granted to Regional Municipality of Durham staff to serve and publish Notices of Application for Approval to Expropriate the property requirements as described in Recommendation A of Report #2022-W-1, and to forward to the Ontario Land Tribunal any requests for hearing that is received, to attend the hearings to present the Regional Municipality of Durham's position, and to present the Ontario Land Tribunal's recommendations to Regional Council for consideration; and
 - D) That despite seeking approval to commence expropriation pursuant to the recommendations in Report #2022-W-1, should amicable agreements be reached for any required property acquisitions, that such agreements and reports required for settlements pursuant to the *Expropriations Act*, R.S.O. 1990, c. E.26 related to the Regional Road 4 Rehabilitation Project approved in accordance with the Delegation of Authority By-Law 29-2020, remain confidential in accordance with section 239 (2)(c) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as it relates to a proposed or pending acquisition or disposition of land for Regional Corporation purposes and only be released publicly by the Commissioner of Works once all compensation claims have been resolved on a full and final basis.
3. Declaration of Lands as Surplus and Memorandum of Understanding with the Township of Scugog for Regional Land Requirements (2022-W-2)
[CARRIED]
- A) That property municipally known as 121 Queen Street, in the Town of Port Perry, Township of Scugog, legally described as Parts Lots 122 & 123, Plan H50020, Part 1, 40R-4015; Township of Scugog, identified with Property Identification (PIN) 26776-0074, be declared surplus to Regional requirements;
 - B) That Regional staff be authorized to enter into a Memorandum of Understanding with the Township of Scugog for a land exchange under the following terms:

- i) The Regional Municipality of Durham will transfer lands legally described as Parts Lots 122 & 123, Plan H50020, Part 1, 40R-4015; Township of Scugog identified with PIN 26776-0074 and having an estimated value of \$5,500, to the Township of Scugog once the existing sanitary sewage pumping station on the site has been fully decommissioned;
 - ii) The Regional Municipality of Durham will pave the land being transferred, and the surrounding gravel areas which are currently owned by the Township of Scugog, prior to the parcel being transferred. The Regional Municipality of Durham will also fully restore the staging area after construction;
 - iii) All costs, legal or otherwise, incurred by the Township related to the land transfer will be the responsibility of the Regional Municipality of Durham;
 - iv) The Township of Scugog will provide lands located in the south-west corner of Birdseye Park adjacent to the outdoor pool facility located at 254 Water Street in the Town of Port Perry, identified as Water Lot, Lying North of Water Street & North & East of Lot 127 George's Place; Part Water Lot C in Front of Lot 19, in the 6th Concession in Lake Scugog as in CO182255; Part Lot 127 & Part Water Street Plan H50020 as in CO182255; Scugog; and having an estimated value of \$33,000, for the Region to construct a new sanitary sewage pumping station. The Township of Scugog will further provide easements and temporary work areas over lands owned by the Township of Scugog including properties located at 215 Water Street, 223 Water Street, and the current parking area at the terminus of Water Street adjacent to the Birdseye Park;
- C) That the requirements of sections 2, 3 and 5 of Regional By-law #52-95 be waived to facilitate the land exchange between the Regional Municipality of Durham and the Township of Scugog, for nominal consideration; and
- D) That the Commissioner of Works be authorized to execute all documents associated with this land exchange.

4. Tender Award and Additional Financing for Regional Municipality of Durham Contract D2021-19 for Road Rehabilitation on York Durham Line (Regional Road 30) from Wagg Road to Aurora Road (York Regional Road 15), in the Township of Uxbridge (2022-W-4)
-

[CARRIED]

- A) That Regional Municipality of Durham Contract D2021-19 be awarded to the lowest compliant bid from Grascan Construction Ltd., in the amount of \$2,587,000* for a total estimated project cost of \$3,567,000;
- B) That the previously approved project budget of \$3,150,000 be increased by \$417,000 to a revised total project budget of \$3,567,000;
- C) That the additional General Tax financing of \$417,000 be determined at the discretion of the Commissioner of Finance; and
- D) That the Commissioner of Finance be authorized to execute any documents related to the award of the tender.

5. Additional Financing for Unbudgeted Capital Projects Declared as Emergencies (2022-W-5)
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[CARRIED]

- A) That information related to unbudgeted capital work resulting from emergency events be received for information; and
- B) That additional financing for the completion of the unbudgeted capital projects be provided from surplus funding from within the 2021 Water Supply and Sanitary Sewerage System Budgets at the discretion of the Commissioner of Finance for the following unbudgeted capital work:

Water Supply

Emergency Back-up Power Generator

Replacement – Ajax Water Supply Plant	\$355,000
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Ultraviolet (UV) Treatment Unit Replacement – Sunderland Municipal Well #1	\$814,000
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Sanitary Sewer

Digester Complex Cladding Failure – Corbett Creek Water Pollution Control Plant	\$855,000
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6. Confidential Report of the Commissioner Works – Litigation or Potential Litigation, including matters before Administrative Tribunals with respect to Contract D2016-34, Whites Road and Kingston Road BRT Lane Widening in the City of Pickering and Mediated Settlement of all Outstanding Claims (2022-W-3)

[CARRIED]

That the recommendations contained in Confidential Report #2022-W-3 of the Commissioner of Works be adopted.

7. Confidential Report of the Commissioner Works – Advice that is subject to solicitor-client privilege, including communications necessary for that purpose, as it relates to a settlement proposal regarding frontage and connection charges being imposed for the construction of a watermain on Range Road, Lake Ridge Road South, and Ontoro Boulevard, in the Town of Ajax (2022-W-6)

[CARRIED]

That the recommendations contained in Confidential Report #2022-W-6 of the Commissioner of Works be adopted.

- Moved by Councillor Mitchell, Seconded by Councillor Marimpietri,
(14) That the recommendations contained in Items 2 to 7 inclusive of Report #1 of the Works Committee be adopted.
CARRIED

9.4 Report of the Committee of the Whole

1. Durham Diversity and Immigration Program and Durham Local Immigration Partnership – Transition to Diversity, Equity and Inclusion Division (2022-COW-1)

[CARRIED]
 - A) That Regional Council endorse the transition of the Diversity & Immigration (D&I) Program and Durham Local Immigration Partnership (DLIP) to the Diversity, Equity and Inclusion Division in the CAO's office;
 - B) That Regional Council endorse re-naming the Local Diversity and Immigration Partnership Council to the Durham Local Immigration Partnership (DLIP) Council; and
 - C) That the Durham Local Immigration Partnership (DLIP) Council be co-chaired by the Chair of the Health and Social Services Committee and the Director of Diversity, Equity and Inclusion.

2. Organics Management Solution Update (2022-COW-2)
[CARRIED ON A RECORDED VOTE]

- A) That Council receive for information updated capital cost estimates for the Mixed Waste Pre-sort and Anaerobic Digestion Facility project ("AD Project")
- B) That Council approve an increase of the honorarium for pre-qualified respondents to the AD Project (as approved by Council in Report #2021-COW-14) from \$200,000 to \$400,000; and
- C) That Council approve an additional \$400,000, plus applicable taxes, to finance services rendered by external legal and financial consultants up to and including the close of the Negotiated Request for Proposal process on the AD Project.

Moved by Councillor Pickles, Seconded by Councillor Lee,

- (15) That the recommendations contained in Item 1 of Report #1 of the Committee of the Whole be adopted.

CARRIED

Moved by Councillor Pickles, Seconded by Councillor Lee,

- (16) That the recommendations contained in Item 2 of Report #1 of the Committee of the Whole be adopted.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Dies
Councillor Foster
Councillor Grant
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Smith

No

Councillor Anderson
Councillor Collier
Councillor Crawford
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Wotten

Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Drew

Declarations of Interest: Councillor Marimpietri

10. Notice of Motions

There were no notice of motions.

11. Unfinished Business

There was no unfinished business to be considered.

12. Other Business

There was no other business to be considered.

13. Announcements

There were no announcements.

14. By-laws

01-2022 Being a by-law to expropriate all estate, right, title and interest in Part of Lot 34, Concession 7, Darlington and Part of the Road Allowance Between Lots 34 & 35, Concession 7, Darlington; designated as Part 2 on Reference Plan 40R-31092

This by-law implements the recommendations contained in Council Correspondence #CC 01 presented to Regional Council on January 26, 2022

Moved by Councillor Ashe, Seconded by Councillor Lee,
(17) That By-law Number 01-2022 be passed.

CARRIED

15. Confirming By-law

02-2022 Being a by-law to confirm the proceedings of Regional Council at their meeting held on January 26, 2022

Moved by Councillor Ashe, Seconded by Councillor Lee,
(18) That By-law Number 02-2022 being a by-law to confirm the proceedings of the Council of the Regional Municipality of Durham at their meeting held on January 26, 2022 be passed.

CARRIED

16. Adjournment

Moved by Councillor Chapman, Seconded by Councillor Marimpietri,
(19) That the meeting be adjourned.

CARRIED

The meeting adjourned at 2:59 PM

Respectfully submitted,

John Henry, Regional Chair & CEO

Ralph Walton, Regional Clerk