



Official Notice

Meeting of Regional Council

Regional Council Chambers
Regional Headquarters Building
605 Rossland Road East, Whitby

Wednesday, January 26, 2022

9:30 AM

Please note: In an effort to help mitigate the spread of COVID-19, and to generally comply with the directions from the Government of Ontario, it is requested in the strongest terms that Members participate in the meeting electronically. Regional Headquarters is closed to the public, all members of the public may view the Committee meeting via live streaming, instead of attending the meeting in person. If you wish to register as a delegate regarding an agenda item, you may register in advance of the meeting by noon on the day prior to the meeting by emailing delegations@durham.ca and will be provided with the details to delegate electronically.

1. Traditional Territory Acknowledgement

2. Roll Call

3. Declarations of Interest

4. Adoption of Minutes

- 4.1 Regional Council meeting – December 22, 2021 Pages 4 - 63
- 4.2 Committee of the Whole meeting – January 19, 2022 Under Separate Cover

5. Presentations

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

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
- 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

7. Reports related to Delegations/Presentations

- 7.1 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)

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

Page 64

9. Committee Reports and any related Notice of Motions

- 9.1 Finance and Administration Committee Page 70
- 9.2 Planning and Economic Development Committee Pages 71 - 72
- 9.3 Works Committee Pages 73 - 76
- 9.4 Committee of the Whole Page 77

10. Notice of Motions

There are no notices of motions

11. Unfinished Business

There is no unfinished business

12. Other Business

There is no other business

13. 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

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

16. Adjournment

Notice regarding collection, use and disclosure of personal information:

Written information (either paper or electronic) that you send to Durham Regional Council or Committees, including home address, phone numbers and email addresses, will become part of the public record. This also includes oral submissions at meetings. If you have any questions about the collection of information, please contact the Regional Clerk/Director of Legislative Services.

The Regional Municipality of Durham

MINUTES

REGIONAL COUNCIL

Wednesday, December 22, 2021

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.

Councillor Chapman advised that Kelly O'Brien, Director, Income and Employment Support, Social Services Department, is retiring. He stated that she has been a case worker for over 35 years and her leadership and compassion has aided both employees and clients during significant provincial legislative changes. He thanked her on behalf of the Health and Social Services Committee, the Social Services Department and Council for her exceptional and dedicated work and wished her the best in the future.

Councillor Chapman advised that Pauline Hopley, Emergency Management Coordinator, Social Services Department, is retiring. He stated that she excelled in the role of department lead for emergency management and was involved in extensive planning, coordinating emergency exercises, and delivering of emergency training. He noted that she assisted in Oshawa when residents were displaced due to fires. He thanked her on behalf of the Health and Social Services Committee, the Social Services Department and Council for her exceptional and dedicated work and wished her 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
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 Anderson made a declaration of interest under the Municipal Conflict of Interest Act with respect to Item #7 of the 9th Report of the Committee of the Whole, Report #2021-COW-38: Unbudgeted Provincial Funding from the Ministry of Long-Term Care to Develop and Maintain a Community Paramedicine Program. He indicated that his daughter is a paramedic.

Councillor Joe Neal made a declaration of interest under the Municipal Conflict of Interest Act with respect to CC 28: Correspondence from Guy Giorno, Regional Municipality of Durham Integrity Commissioner, Special Report on Notice of Application for Judicial Review. He indicated that the correspondence involves him.

Councillor Marimpietri made a declaration of interest under the Municipal Conflict of Interest Act with respect to Item #4 of the 10th Report of the Finance and Administration Committee, Report #2021-F-34: 2022 Business Plans and Budgets and Nine Year Capital Forecast for the Consolidated Water Supply and Sanitary Sewerage System, specifically Appendix B Sections 123, 129, 130 and 139, Appendix C Sections 80 and 122, and Appendix D Sections 17, 39, 69 and 80. He indicated that he has family members who own property and reside within areas potentially affected.

Councillor John Neal made a declaration of interest under the Municipal Conflict of Interest Act with respect to CC 28: Correspondence from Guy Giorno, Regional Municipality of Durham Integrity Commissioner, Special Report on Notice of Application for Judicial Review. He indicated that he may have a conflict as he is using Councillor Joe Neal as his legal counsel in an ethics complaint.

4. Adoption of Minutes

Moved by Councillor Marimpietri, Seconded by Councillor Foster, (281) That the minutes of the following meetings be adopted:

- Regular Regional Council meeting held on November 24, 2021;
- Regular meeting held on December 15, 2021;
- Closed Committee of the Whole meeting held on December 15, 2021.

CARRIED

5. Presentations

5.1 Christmas Video Presentation of Children from Various Regional Early Learning Child Centres Singing for Council

A video was displayed showing children from various Regional Early Learning Child Centres singing holiday songs for Council.

5.2 Video Presentation from the Regional Chair re: Momentum Video 2021

A video was displayed from the Regional Chair and CAO which included various initiatives at the Region of Durham, outlined some of what Durham Region has to offer, and advised on what Durham is doing to make advancements.

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

R.J. Kyle, Commissioner and Medical Officer of Health appeared with a COVID-19 update. He thanked all employees and partners who have assisted with navigating the COVID-19 pandemic. Highlights of his presentation included:

- Current Status
- Variants of Concern (VOCs)

- COVID-19 Vaccination Administration
- COVID-19 Vaccination Coverage
- Weekly Epi Stats
- Weekly Epi Stats – Vaccination Status
- Recent Provincial Announcements
- Education and Enforcement Activities
- Current COVID-19 Vaccine Plan
- #PublicHealthProtects

Dr. Kyle responded to questions from members of Council.

Moved by Councillor Foster, Seconded by Councillor Smith,
(282) That Council recess for 10 minutes.

CARRIED

Council recessed at 11:16 AM and reconvened at 11:26 AM

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

5.4 Chief Todd Rollauer, Durham Regional Police Services, re: Quarterly Update to Regional Council

Councillor Drew, Chair of the Durham Regional Police Services Board (DRPSB), provided introductory remarks and outlined priorities for the Board from a governance perspective including the Chief of Police selection process, the Budget for 2022 and the new Police Services Board web site www.durhampoliceboard.ca

Chief Todd Rollauer, Durham Regional Police Services (DRPS) appeared before Council to provide an operational update on the DRPS. A copy of the presentation was provided to members prior to the meeting. Highlights of the presentation included:

- Youth Advisory Committee and Youth in Policing
- Body-Worn Cameras
- Calls for Service – year to date
- Violent Crime – year to date
- Gun Crime
- Crime Guns Seized
- Stabbings
- Roadway Safety
- Property Crime
- Mental Health Calls
- Immunization Clinic Protests
- Municipal Council Engagement

- Cop Shop

Chief Rollauer responded to questions from members of Council.

Moved by Councillor Kerr, Seconded by Councillor Foster
(283) That Council recess for one hour.

CARRIED

Council recessed at 12:16 PM and reconvened at 1:16 PM.

The Regional Clerk conducted a roll call following the recess and all members of Council were present with the exception of Councillors Collier and Foster. Councillor Foster was absent on municipal business and attended the meeting at 1:32 PM.

6. Delegations

- 6.1 The Honourable Peter Van Loan, Aird & Berlis LLP, on behalf of Belmont Equity (Rossland Landing) Ajax Ltd., re: Employment Area Conversion Request CNR-14, Ajax (2021-P-25)
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The Honourable Peter Van Loan, participating electronically, appeared on behalf of Belmont Equity (Rossland Land) Ajax Ltd., regarding Report #2021-P-25 of the Commissioner of Planning and Economic Development.

The Honourable Peter Van Loan appeared in relation to Employment Area Conversion Request CNR-14 and he advised that Belmont is seeking approval for conversion of the remaining undeveloped 0.6 hectare parcel on the site. He stated that Regional Planning staff are recommending the conversion of lands north of the site, east of Harwood Avenue, known as Additional Area 2. He also stated that this will leave the undeveloped 0.6 hectare parcel as an isolated island of employment designation that will never be developed for warehousing or manufacturing. He further stated that Regional Planning staff acknowledge that the site meets the planning criteria for conversion with the exception that it's not supported by the Town of Ajax. He added that the Town's decision was made before there was any recommendation to convert the lands to the north of the site.

The Honourable Peter Van Loan also stated that the site is already de facto converted. He explained when the Town of Ajax permitted the development of the retail plaza under the expanded prestige employment designation, the site was effectively converted. He stated there is no reasonable prospect that the site would ever develop for manufacturing or warehousing, as at 0.6 hectares it is too small, and the surrounding retail community context makes it an inappropriate location for heavy truck traffic and associated effects that would result from such an employment use. He also advised that the lands directly to the north on Harwood Avenue are all being recommended for conversion even though there

has been no specific request for their conversion and that Regional Planning staff concluded that there is very limited potential for future employment area uses. He stated that the contextual and planning reasons for this recommendation apply to the Belmont site.

The Honourable Peter Van Loan concluded by requesting that Council recognize the new planning context, consider the Regional Planning evaluation criteria, approve the conversion of CNR-14, 1 Rossland Road, Ajax, and recognize that these decisions are for the long-term and can not be appealed.

The Honourable Peter Van Loan responded to questions from the members of Council.

6.2 Wendy Bracken, Newcastle Resident, re: Memorandum from Susan Siopis dated December 8, 2021 regarding the Motion Related to AMESA Q2 Quarterly Report

Wendy Bracken, participating electronically, appeared with respect to the Memorandum from Susan Siopis, dated December 8, 2021, regarding the Motion Related to AMESA Q2 Quarterly Report.

W. Bracken made observations on comments that were made to herself and L. Gasser after they appeared as delegates at the Works Committee on December 8th. She noted that she felt some comments made were inappropriate.

W. Bracken stated that AMESA sampling and reporting issues must be fixed and suggested that underlying reports be attached to the quarterly reports.

W. Bracken stated that Durham is not providing underlying AMESA monthly dioxin/furan monitoring documents to the public and she asked why. She stated that the public should see the AMESA monitoring documents. She added that the AMESA monthly data for years 2015 to 2019 exists but has not been made available. She further stated that sampling methodology needs to be clearly specified for the public and reviewed by an independent expert. She added that AMESA data is provided to the public in other jurisdictions.

Moved by Councillor Anderson, Seconded by Councillor Dies,
(284) That W. Bracken be granted a one-time two minute extension in order to finish her delegation.

CARRIED

With respect to the AMESA workplan, W. Bracken stated that it is not clear whether the comments from the Ministry of the Environment (MECP) were incorporated.

W. Bracken responded to questions from members of Council.

6.3 Linda Gasser, Whitby Resident, re: Memorandum from Susan Siopis dated December 8, 2021 regarding the Motion Related to AMESA Q2 Quarterly Report

Linda Gasser, participating electronically, appeared with respect to the Memorandum from Susan Siopis, dated December 8, 2021, regarding the Motion Related to AMESA Q2 Quarterly Report.

L. Gasser stated that the issues around AMESA reporting need to be addressed and stated that staff correspondence to the Privacy Commissioner referenced a contract with Covanta regarding AMESA sampling lab results being sent directly to Covanta and she questioned whether Council was aware.

L. Gasser stated that in her opinion the staff narrative is inconsistent and evolving and noted that there is no evidence of any external oversight over the AMESA monthly program since around 2017. She added that staff list references in the quarterly reports but do not provide them and added that the reference documents in the Q1 and Q2 report describe a data validation checklist that was not provided.

L. Gasser made observations on comments that were made to herself and W. Bracken after they appeared as delegates at the Works Committee on December 8th. She added that she feels it is Council's job to protect residents.

L. Gasser referenced a memo from Dr. Kyle in May 2016 which references stack test emission results for dioxins and furans exceeding the acceptable level, which can be a potential human health hazard, primarily by entering the food chain. The memo includes a recommendation that as actions are carried out to address the concerns they be as open, inclusive and transparent as possible.

Moved by Councillor Anderson, Seconded by Councillor Yamada,
(285) That L. Gasser be granted a one-time two minute extension in order to finish her delegation.

CARRIED

L. Gasser requested that Council:

- Direct staff to provide a copy of any contract with Covanta around any aspect of AMESA reporting
- Require staff to produce a copy of the AMESA Monitoring Plan and MECP's written response
- Hire a qualified independent consultant to provide oversight over all aspects of AMESA LTSS monthly sampling program and reporting; and
- Require all AMESA monitoring reports to be signed with links to, or attachments with, supporting data.

L. Gasser responded to questions from the members of Council.

6.4 Lindsay Dale-Harris, Bousfields Inc., re: Envision Durham – Recommendations on Employment Area Conversion Requests (2021-P-25)

L. Dale-Harris, participating electronically, appeared on behalf of Brooklin Olde Town Inc., regarding Report #2021-P-25 of the Commissioner of Planning and Economic Development.

L. Dale-Harris appeared in relation to Employment Area Conversion Request CNR-29 and she advised that the site is located at the northeast corner of Anderson Street and Highway 407 in the Town of Whitby. She displayed a map of the site and explained that the site is currently designated as Employment Area in the Regional Official Plan and Prestige Industrial in the Whitby Official Plan and Brooklin Secondary Plan. She also displayed the owner's conceptual development plan and advised that the conceptual design proposes a retirement residential building and mixture of retail and service commercial uses. She stated that the conceptual design provides for a range of employment generation uses within a Living Area designation and a significant number of local jobs.

L. Dale-Harris also advised that the subject site is small in size and a conversion would not affect the total allocation of employment lands on a Regional scale or adversely affect the creation of jobs at the local level. She stated that the re-designation from Employment Area to Living Area would result in an appropriate and desirable land use relationship with existing residential uses directly north and west of the subject site. She added that the conversion will expand the range of retail and commercial services within the area and furthers the vision of a compact and walkable community. She also advised that the lands do not have access to a Highway 407 ramp, and she stated that proximity to Highway 407 alone is not enough to attract industry. She also stated that the presence of an active residential neighbourhood can be a deterrent.

L. Dale-Harris concluded by requesting that Council support the conversion request.

L. Dale-Harris responded to questions from the members of Council.

6.5 Don Given, Malone Given Parsons re: re: Envision Durham – Recommendations on Employment Area Conversion Requests (2021-P-25)

D. Given, participating electronically, appeared regarding Report #2021-P-25 of the Commissioner of Planning and Economic Development.

D. Given appeared in relation to Employment Area Conversion Request CNR-17 and he advised that the site is located at 1520, 1540 and 1580 Reach Street, in the Township of Scugog. He advised that the Township of Scugog has employment land and has run out of residential land.

D. Given explained that the land on the western side of the property is relatively flat and would be retained as Employment Area. He stated that lands on the eastern side would not be suitable for employment. He stated that there is a sufficient amount of vacant employment lands and if servicing is advanced on his client's site, this opens a door for the balance of the employment lands to be serviced. He added that the servicing for the land will be done in cooperation with the Region.

D. Given further stated that there needs to be a cooperative approach and that his client is trying to live up to that by delivering a portion of the site as Employment Area.

D. Given concluded by requesting that Regional Council support the conversion request.

D. Given responded to questions from the members of Council.

6.6 Rizwan Mohammad, on behalf of National Council of Canadian Muslims (NCCM), re: Discrimination of Freedom of Religion in Quebec's Bill 21 [Notice of Motion Item 10.1]

Rizwan Mohammad, participating electronically, appeared on behalf of National Council of Canadian Muslims (NCCM) with respect to discrimination of freedom of religion in Quebec's Bill 21.

R. Mohammad advised that NCCM is an independent, non-partisan and non-profit organization that protects Canadian human rights and civil liberties, challenges discrimination and Islamophobia, builds mutual understanding, and advocates for the public concerns of Canadian Muslims.

On behalf of NCCM, R. Mohammad thanked Regional Council for their consideration of the motion under Item 10.1 "Discrimination of Freedom of Religion in Quebec's Bill 21". He added that NCCM is in favour of the motion put forward to have Canada's Big Cities and Regional Councils like Durham contribute funds to the legal challenge against Bill 21, the law in Quebec that bans individuals wearing religious symbols from working in certain public sector positions.

R. Mohammad advised that the NCCM and the Canadian Civil Liberties Association (CCLA) have been fighting tirelessly alongside other organizations, to ensure that this discriminatory law does not stand. He stated that the commitment of the Region of Durham amid this battle for human rights is essential for many reasons.

R. Mohammad stated that if Council agrees to pass this motion it will reassure residents that their regional government is protecting their freedom of religion

over the long-term. He added that Regional Council can stand with racialized communities and stand up for fundamental rights and freedoms.

R. Mohammad responded to questions from the members of Council.

Moved by Councillor Smith, Seconded by Councillor Ryan,
(286) That the order of the Agenda be altered to consider Correspondence Items CC 25, CC 26, CC 27, CC 30, CC 31 and CC 33 at this time, and that Correspondence Items CC 25, CC 26, CC 27, CC 30, CC 31 and CC 33 be referred to the consideration of Item 7.1, Report #2021-P-25.

CARRIED

Moved by Councillor Foster, Seconded by Councillor Pickles,
(287) That Council recess for 15 minutes.

CARRIED

Council recessed at 3:25 PM and reconvened at 3:40 PM.

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

7. Reports related to Delegations/Presentations

1. Envision Durham – Recommendations on Employment Area Conversion Requests, File D12-01, OPA-2021-003 (2021-P-25)

[CARRIED AS AMENDED] [SEE MOTIONS (288), (291) AND (296) ON PAGES 12 TO 19]

- A) That the following Employment Area conversion requests be endorsed so as to enable Protected Major Transit Station Areas through Regional Official Plan Amendment (OPA-2021-003) and the new Regional Official Plan:

- i) CNR-03, CNR-21, CNR-22 and ADD-01 in the Town of Ajax; and
- ii) CNR-11, CNR-26, CNR-37, CNR-41 (lands within the existing Urban Area Boundary only) in the Municipality of Clarington;

- B) That the following Employment Area conversion requests be endorsed and advanced through Envision Durham, and reflected in the land budget being prepared through the ongoing Land Needs Assessment, to be implemented as part of the new Regional Official Plan:

- i) In the Town of Ajax:
 - a) CNR-04;
 - b) CNR-09 so as to allow for a grocery store;

- c) CNR-15;
 - d) CNR-19
 - e) CNR-33;
 - f) ADD-02;
 - g) CNR-07; and
 - h) CNR-20.
- ii) In the Township of Brock:
 - a) CNR-01;
 - b) CNR-32; and
 - c) ADD-03 subject to site specific servicing policies and conditions
- iii) In the Municipality of Clarington:
 - a) CNR-27;
 - b) CNR-40; and
 - c) Southeast Courtice (CNR-30, CNR-38, CNR-41, CNR-42, and CNR-44).
- iv) In the City of Oshawa:
 - a) CNR-18;
 - b) CNR-45;
 - c) CNR-46; and
 - d) CNR-39.
- v) City of Pickering:
 - a) CNR-10.
- vi) In the Town of Whitby:
 - a) CNR-06
 - b) **CNR-29.**

~~vii) — In the Township of Scugog:~~

~~a) — CNR-17~~

- C) That the remaining Employment Area conversion requests, outside those referenced in Part A) or B), not be supported; and
- D) That a copy of Report #2021-P-25 of the Commissioner of Planning and Economic Development be forwarded to Durham's area municipalities, Indigenous communities, conservation authorities, the Building Industry and Land Development Association, Durham Region Homebuilders Association, agencies and service providers that may have an interest in where and how long term growth in the region is being planned for (school boards, hospitals, utility providers, as specified in Appendix 3 to Report #2021-P-25), the Ministry of Municipal Affairs and Housing, the Envision Durham Interested Parties List, and any persons that have made a submission for an Employment Area conversion request.

Moved by Councillor Lee, Seconded by Councillor Crawford,

- (288) That the Recommendations contained in Item 1 of Report #9 of the Planning and Economic Development Committee be adopted.

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

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,

- (289) That the foregoing main motion (288) of Councillors Lee and Crawford to adopt the recommendations contained in Item 1 of Report #9 of the Planning and Economic Development Committee be amended in Part B) vi) by deleting the following:

- a) CNR-06.

MOTION DEFEATED ON A
RECORDED VOTE
LATER IN THE MEETING
(See Following Motion)

Moved by Councillor Chapman, Seconded by Councillor Ashe

- (290) That the question be now put.

CARRIED ON THE FOLLOWING
RECORDED VOTE (A 2/3rds VOTE WAS
ATTAINED):

Yes

Councillor Ashe
Councillor Barton

No

Councillor Anderson
Councillor Dies

Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Drew
Councillor Foster
Councillor Grant
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Pickles
Councillor Ryan
Councillor Yamada
Regional Chair Henry

Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Roy
Councillor Smith
Councillor Wotten

Members Absent: Councillor Highet

Declarations of Interest: None

The foregoing amending motion (289) of Councillors Joe Neal and John Neal was then put to a vote and DEFEATED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Crawford
Councillor Dies
Councillor Drew
Councillor McLean
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Roy
Councillor Smith

No

Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Foster
Councillor Grant
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor Mitchell
Councillor Pickles
Councillor Ryan
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Anderson
Councillor Highet

Declarations of Interest: None

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(291) That the foregoing main motion (288) of Councillors Lee and Crawford to adopt the recommendations contained in Item 1 of Report #9 of the Planning and Economic Development Committee be amended in Part B) vii) by deleting the following:

a) CNR-17.

CARRIED ON A RECORDED VOTE
LATER IN THE MEETING
(See Following Motion)

Moved by Councillor Collier, Seconded by Councillor Ashe,
(292) That the question be now put.

MOTION DEFEATED ON THE
FOLLOWING RECORDED VOTE (A 2/3rds
VOTE WAS NOT ATTAINED):

Yes

Councillor Ashe
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Pickles
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor Anderson
Councillor Barton
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Grant
Councillor Mitchell
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Nicholson
Councillor Roy
Councillor Ryan
Councillor Smith

Members Absent: Councillor Highet

Declarations of Interest: None

The foregoing amending motion (291) of Councillors Joe Neal and John Neal was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson
Councillor Ashe
Councillor Carter

No

Councillor Barton
Councillor Chapman
Councillor Collier

Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Grant
Councillor McLean
Councillor Mitchell
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Roy
Councillor Ryan
Councillor Smith

Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor Nicholson
Councillor Pickles
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Highet

Declarations of Interest: None

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(293) That the foregoing main motion (288) of Councillors Lee and Crawford to adopt the recommendations contained in Item 1 of Report #9 of the Planning and Economic Development Committee be amended in Part B) iv) by deleting the following:

d) CNR-39.

MOTION DEFEATED ON THE
FOLLOWING RECORDED VOTE:

Yes

Councillor McLean
Councillor John Neal
Councillor Joe Neal
Councillor Smith

No

Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Grant
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor Mitchell
Councillor Mulcahy

Councillor Nicholson
Councillor Pickles
Councillor Roy
Councillor Ryan
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Highet

Declarations of Interest: None

Moved by Councillor Kerr, Seconded by Councillor Foster,
(294) That Council recess for one hour.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

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

No

Councillor Carter
Councillor Dies
Councillor John Neal
Councillor Wotten

Members Absent: Councillor Ashe
Councillor Highet
Councillor McLean

Declarations of Interest: None

Council recessed at 5:30 PM and reconvened at 6:30 PM.

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

Moved by Councillor Ashe, Seconded by Councillor Yamada,
(295) That the foregoing main motion (288) of Councillors Lee and Crawford to adopt the recommendations contained in Item 1 of Report #9 of the Planning and Economic Development Committee be amended in Part B) i) by adding the following:

- i) CNR-14 (as it pertains to 1 Rossland Road East exclusively).

MOTION DEFEATED ON THE
FOLLOWING RECORDED VOTE:

Yes

Councillor Ashe
Councillor Pickles

No

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

Members Absent: None

Declarations of Interest: None

Moved by Councillor Yamada, Seconded by Councillor Mitchell,
(296) That the foregoing main motion (288) of Councillors Lee and Crawford to adopt the recommendations contained in Item 1 of Report #9 of the Planning and Economic Development Committee be amended in Part B) vi) by adding the following new item:

b) CNR-29.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Ashe
Councillor Carter
Councillor Chapman
Councillor Foster
Councillor Grant
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor Mitchell
Councillor Nicholson
Councillor Pickles
Councillor Ryan
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor Anderson
Councillor Barton
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor McLean
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Roy
Councillor Smith

Members Absent: None

Declarations of Interest: None

The main motion (288) of Councillors Lee and Crawford 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

No

Councillor McLean
Councillor Mulcahy
Councillor John Neal
Councillor Joe Neal
Councillor Roy
Councillor Smith
Councillor Wotten

Councillor Grant
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Lee
Councillor Marimpietri
Councillor Mitchell
Councillor Nicholson
Councillor Pickles
Councillor Ryan
Councillor Yamada
Regional Chair Henry

Members Absent: None

Declarations of Interest: None

8. Communications

CC 25 Correspondence from Bianca Yurkoski, Whitby resident, re: Envision Durham (2021-P-25)

This matter was considered earlier in the meeting. See motion (286) on page 10.

CC 26 Correspondence from Greg Yurkoski, Whitby resident, re: Envision Durham (2021-P-25)

This matter was considered earlier in the meeting. See motion (286) on page 10.

CC 27 Correspondence from George Lysyk, Oshawa resident, re: Employment Area Conversion – Envision Durham (CNR-39 Request) (2021-P-25)

Correspondence Item CC 27 was withdrawn by Mr. Lysyk prior to the meeting.

CC 28 Correspondence from Guy Giorno, Regional Municipality of Durham Integrity Commissioner, re: Special Report on Notice of Application for Judicial Review

Moved by Councillor Lee, Seconded by Councillor Ryan,
(297) That Council Correspondence CC 28 be received for information.
CARRIED

CC 29 Correspondence from Nancy Taylor, Commissioner of Finance re: Childcare Centre Infrastructure Eligibility Under the Canada Community Building Fund

Moved by Councillor Crawford, Seconded by Councillor Drew,
(298) That Council Correspondence CC 29 be received for information.
CARRIED

CC 30 Correspondence from Lindsay Dale-Harris, Bousfields Inc., re: Employment Area Conversion – Envision Durham (CNR-29 Request) (2021-P-25)

This matter was considered earlier in the meeting. See motion (286) on page 10.

CC 31 Correspondence from Don Given, Principal, Malone Given Parsons Ltd., re: Employment Conversion Request – CNR-17

This matter was considered earlier in the meeting. See motion (286) on page 10.

CC 32 Correspondence from Chris Darling, Chief Administrative Officer, Central Lake Ontario Conservation Authority, re: CLOCA's funding request for the acquisition of a property adjacent to Stephens Gulch Conservation Area in the Municipality of Clarington

Moved by Councillor Chapman, Seconded by Councillor Wotten,
(299) That Council Correspondence CC 30 be referred to consideration of Item 1 of Report #9 of the Committee of the Whole.
CARRIED

CC 33 Memorandum from Brian Bridgeman, Commissioner of Planning & Economic Development, re: Employment Area Conversions Commissioner's Report 2021-P-25 Supplementary Information Requested by Committee

This matter was considered earlier in the meeting. See motion (286) on page 10.

9. Committee Reports and any related Notice of Motions

9.1 Report of the Finance and Administration Committee

1. Sole Source Purchase of Meeting Management Software (2021-A-22)
[CARRIED]

- A) That approval be granted for sole source purchase of meeting management software from eSCRIBE Software Ltd. ("eSCRIBE") at a total estimated cost of \$594,461 (inclusive of one-time \$34,190 implementation fee and estimated total \$560,271 annual fees for the entire 5-year term of the contract) with \$130,590 in implementation and one year licensing costs to be funded from the approved capital project for the Council Chamber Modernization and the annual licensing costs

for 2023 to 2026 totalling \$463,871 to be funded from future annual Corporate Services Business Plans and Budgets; and

- B) That the Commissioner of Finance be authorized to execute the necessary agreement and amendments to the agreement.

2. Temporary Borrowing By-law for 2022 (2021-F-32)
[CARRIED]

- A) That the Regional Chair and the Treasurer be authorized in 2022 to borrow funds not to exceed \$500 million in order to meet current expenditures and liabilities until such time as the general tax revenues and other revenues of the Region are received; and
- B) That approval be granted for the requisite by-law(s).

3. 2022 Interim Regional Property Tax Levy (2021-F-33)
[CARRIED]

- A) That a 2022 interim regional property tax levy be imposed on the lower-tier municipalities for all property tax classes;
- B) That the amount due from each lower-tier municipality is estimated to be equivalent to 50% of their respective share of the regional property taxes collected in 2021;
- C) That the 2022 interim regional property tax levy be paid by the lower-tier municipalities seven days subsequent to the instalment due dates established by each lower-tier municipality for the collection of their respective interim municipal property taxes;
- D) That the Regional Clerk be requested to advise the lower-tier municipalities of the imposition of the 2022 interim regional property tax levy for all property tax classes; and,
- E) That approval be granted for the requisite by-law.

4. 2022 Business Plans and Budget and Nine Year Capital Forecast for the Consolidated Water Supply and Sanitary Sewerage Systems (2021-F-34)
[CARRIED AS AMENDED] [SEE MOTIONS (301), (302) AND (304) AND PAGES 31 TO 38]

- A) That the 2022 Business Plans and Budgets for the Water Supply System, with a total gross expenditure of \$200.3 million (net user rate supported expenditure of \$118.2 million) and related financing as set out below, be approved:

	2021 Gross Budget (\$ 000's)	2022 Gross Budget (\$ 000's)	Variance Incr/(Decr) (\$ 000's)
<u>EXPENDITURES</u>			
Operations:			
Watermain Cleaning and Repairs	3,691	3,545	(146)
Valves and Hydrants	3,042	3,255	213
Water Connections	4,281	4,725	444
Water Meter Repair and Testing	562	594	32
Depot Operations	6,163	6,220	57
Water Supply Plants - Plants East	3,368	3,332	(36)
Water Supply Plants - Plants Central	14,226	14,601	375
Water Supply Plants - Plants North	2,882	3,011	129
Sun Valley Co-Operative Water System	29	30	1
Engineering and Staff Support	7,835	8,293	458
Facilities Management	7,514	8,184	670
Administration	335	342	7
Headquarters Shared Costs	1,125	1,153	28
Utility Finance	3,449	3,552	103
Share of Regional Corporate Costs	12,534	13,043	509
Subtotal Operations	<u>71,036</u>	<u>73,880</u>	<u>2,844</u>
Capital/Debt Charges:			
TCA Capital	4,905	6,812	1,907
Construction of Municipal Services	76,337	118,304	41,967
Debt Charges	1,311	1,312	1
Subtotal Capital/Debt Charges	<u>82,553</u>	<u>126,428</u>	<u>43,875</u>
TOTAL EXPENDITURES	<u>153,589</u>	<u>200,308</u>	<u>46,719</u>
<u>FINANCING</u>			
Contributions from Reserve Funds:			
Residential Development Charges - Growth Related Capital	26,536	63,793	37,257
Commercial Development Charges - Growth Related Capital	714	2,420	1,706
Industrial Development Charges - Growth Related Capital	1,460	1,607	147
Industrial Development Charges - Debt Charges	415	415	-
Institutional Development Charges - Debt Charges	22	22	-
Water Rate Stabilization Reserve Fund	-	4,265	4,265
Asset Management Reserve Fund	5,486	5,623	137
Servicing of Employment Lands	250	500	250
Equipment Replacement Reserve	-	63	63
Fees and Service Charges	3,185	3,240	55
Financing From Others:			
Federal Grant	-	67	67
Financing From Non-User Revenue Sources	<u>38,068</u>	<u>82,015</u>	<u>43,947</u>
User Revenues Financing (including frontage charges)	<u>115,521</u>	<u>118,293</u>	<u>2,772</u>
TOTAL FINANCING	<u>153,589</u>	<u>200,308</u>	<u>46,719</u>

- B) That the Nine Year Capital Forecast for 2023 to 2031 inclusive, in the amount of \$1.4 billion as detailed in the Water Supply System Capital Budget, be received for information;
- C) That the 2022 Current and Capital Business Plans and Budgets for the Sanitary Sewerage System with a total gross expenditure of \$273.6 million (net user rate supported expenditure of \$117.5 million) and related financing as set out below, be approved:

	2021 Gross Budget (\$ 000's)	2022 Gross Budget (\$ 000's)	Variance Incr/(Decr) (\$ 000's)
<u>EXPENDITURES</u>			
Operations:			
Cleaning, Repairs and Maintenance Holes	2,143	2,188	45
Sewer Connections	3,418	3,567	149
Depot Operations	3,407	3,492	85
WPCPs and Pumping Stations	25,496	25,240	(256)
Duffin Creek WPCP	38,043	38,399	356
Regional Environmental Laboratory	3,083	3,213	130
Engineering and Staff Support	7,461	8,076	615
Facilities Management	8,595	9,516	921
Administration	338	345	7
Headquarters Shared Costs	1,125	1,153	28
Utility Finance	3,450	3,552	102
Share of Regional Corporate Costs	15,783	16,436	653
Subtotal Operations	112,342	115,177	2,835
Capital/Debt Charges:			
Duffin Creek WPCP - TCA Capital	1,767	3,044	1,277
Regional Environmental Lab - TCA Capital	196	1,057	861
TCA Capital	2,536	4,804	2,268
Construction of Municipal Services	92,418	136,460	44,042
Debt Charges	14,482	13,028	(1,454)
Subtotal Capital/Debt Charges	111,399	158,393	46,994
TOTAL EXPENDITURES	223,741	273,570	49,829
<u>FINANCING</u>			
Contributions from Reserve Funds:			
Residential Development Charges - Growth Related Capital	22,581	25,703	3,122
Residential Development Charges - Debt Charges	8,103	7,836	(267)
Commercial Development Charges - Growth Related Capital	1,455	2,341	886
Commercial Development Charges - Debt Charges	873	820	(53)
Industrial Development Charges - Growth Related Capital	1,707	192	(1,515)
Industrial Development Charges - Debt Charges	532	532	-
Institutional Development Charges - Debt Charges	8	8	-
Sanitary Sewer Rate Stabilization Reserve Fund	-	7,632	7,632
Asset Management Reserve Fund	9,049	9,275	226
Servicing of Employment Lands	968	503	(465)
Equipment Replacement Reserve	-	44	44
Regional Environmental Lab Equipment Replacement Reserve	160	750	590
Fees and Service Charges	6,870	7,044	174
Financing From Others:			
Federal Grant	15	27	12
Region of York - TCA	1,387	2,505	1,118
Region of York - Construction of Municipal Services	14,285	60,883	46,598
Oversizing Costs Related to Seaton/Federal Lands	14,792	-	(14,792)
Region of York - Operating	29,142	29,488	346
Region of York Environmental Lab Operations	441	456	15
Financing From Non-User Revenue Sources	112,368	156,039	43,671
User Revenues Financing (including frontage charges)	111,373	117,531	6,158
TOTAL FINANCING	223,741	273,570	49,829

- D) That the Nine Year Capital Forecast for 2023 to 2031 inclusive, in the amount of \$1.8 billion as detailed in the Sanitary Sewerage System Capital Budget, be received for information;
 - E) That capital project approval be granted for expenditures and financing for the 2022 capital projects detailed in the 2022 Capital Project Appendices within the 2022 Consolidated Water Supply and Sanitary Sewerage Systems Business Plans and Budget, where contract awards are compliant with the Regional Budget Management Policy; and
 - F) That the necessary By-laws with respect to the 2022 Current and Capital Business Plans and Budgets for the Consolidated Water Supply and Sanitary Sewerage Systems be presented to Regional Council.
5. Recommended 2022 Water and Sanitary Sewer User Rates (2021-F-35)
[CARRIED ON A RECORDED VOTE]
- A) That the 2022 Regional Water and Sanitary Sewer User Rates increase by 1.8 per cent for an average residential customer effective January 1, 2022, with the Regional water rates increasing by 0.5 per cent and the Regional sanitary sewer rates increasing by 3.1 per cent from the 2021 user rate levels as set out in Schedule 1 and Schedule 2 of Report #2021-F-35 of the Commissioner of Finance respectively;
 - B) That the 2022 Raw Water rates for the Whitby raw water customer be increased by 0.5 per cent as set out in Schedule 1 of Report #2021-F-35, effective January 1, 2022;
 - C) That the 2022 water charges for the Sun Valley Heights Homeowners Co-operative Water System be as set out in Schedule 3 to Report #2021-F-35, effective January 1, 2022;
 - D) That the 2022 Regional Water and Sanitary Sewer Systems Miscellaneous Fees and Charges be as set out in Schedule 4 of Report #2021-F-35, effective January 1, 2022;
 - E) That the 2022 fee schedule for laboratory services at the Regional Environmental Laboratory located at the Duffin Creek Water Pollution Control Plant be as set out in Schedule 5 of Report #2021-F-35, effective January 1, 2022; and
 - F) That the Regional Solicitor be instructed to prepare the necessary by-laws to implement the foregoing recommendations.

6. Final Recommendations Regarding Amendments to the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge By-law No. 38-2019 (2021-F-36)

[CARRIED]

- A) That Pursuant to Section 10(1) of the Development Charges Act, 1997, the Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge Background Study dated October 12, 2021 be adopted;
- B) That effective January 1, 2022, Seaton Water Supply and Sanitary Sewerage Area Specific Development Charge By-law No. 38-2019 be amended, as set out in the amending by-law (Attachment No. 1 to Report #2021-F-36 of the Commissioner of Finance) to address the changes to Development Charges Act, 1997, resulting from Bill 108: *More Homes, More Choice Act, 2019*, Bill 138: *Plan to Build Ontario Together Act, 2019*, Bill 197, *COVID-19 Economic Recovery Act 2020* and O. Reg. 454/19 and to modify the development charge calculations for updated capital costs estimates;
- C) That the Seaton Residential Development Charges for Water Supply and Sanitary Sewerage as indicated in Table 1 below be imposed, effective January 1, 2022 (including indexing):

Table 1

Region of Durham Recommended Seaton Residential Development Charges \$ Per Dwelling Unit			
Service Category	Single Detached & Semi-Detached	Medium Density Multiples	Apartments
Sanitary Sewerage	\$	\$	\$
(i) Seaton Landowners Constructed Works	6,087	4,809	2,801
(ii) Regional Constructed Works	2,551	2,016	1,173
(iii) Regional Attribution	2,541	2,007	1,169
Subtotal – Sanitary Sewerage	11,179	8,832	5,143
Water Supply			
(i) Seaton Landowners Constructed Works	2,526	1,996	1,162
(ii) Regional Constructed Works	6,066	4,793	2,790
(iii) Regional Attribution	4,312	3,406	1,983
Subtotal – Water Supply	12,904	10,195	5,935
Total Development Charges	<u>\$24,083</u>	<u>\$19,027</u>	<u>\$11,078</u>

- D) That the Seaton Institutional Development Charges as indicated in Table 2 below be imposed, effective January 1, 2022 (including indexing):

Table 2

Region of Durham Recommended Seaton Institutional Development Charges \$ Per Square Foot Of Gross Floor Area	
Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	0.62
(ii) Regional Constructed Works	0.25
(iii) Regional Attribution	0.58
Subtotal – Sanitary Sewerage	1.45
Water Supply	
(i) Seaton Landowners Constructed Works	0.08
(ii) Regional Constructed Works	0.21
(iii) Regional Attribution	0.46
Subtotal – Water Supply	0.75
Total Development Charges	<u>\$2.20</u>

- E) That the Seaton Non-Institutional Development Charges for each service as indicated in Table 3 below be imposed, effective January 1, 2022 (including indexing):

Table 3

Region of Durham Recommended Seaton Non-Institutional Development Charges \$ Per Square Foot Of Gross Floor Area	
Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	1.76
(ii) Regional Constructed Works	0.74
(iii) Regional Attribution	1.70
Subtotal – Sanitary Sewerage	4.20
Water Supply	
(i) Seaton Landowners Constructed Works	0.25
(ii) Regional Constructed Works	0.59
(iii) Regional Attribution	1.34
Subtotal – Water Supply	2.18
Total Development Charges	<u>\$6.38</u>

- F) That the Seaton Prestige Employment Land Area Development Charges as indicated in Table 4 below be imposed, effective January 1, 2022 (including indexing):

Table 4

Region of Durham Recommended Seaton Prestige Employment Land Area Development Charges \$ Per Net Hectare	
Service Category	\$
Sanitary Sewerage	
(i) Seaton Landowners Constructed Works	85,624
(ii) Regional Constructed Works	35,920
(iii) Regional Attribution	81,299
Subtotal – Sanitary Sewerage	202,843
Water Supply	
(i) Seaton Landowners Constructed Works	12,511
(ii) Regional Constructed Works	28,983
(iii) Regional Attribution	64,247
Subtotal – Water Supply	105,741
Total Development Charges	<u>\$308,584</u>

- G) That any complete submission for the preparation of a subdivision agreement received by the Development Approvals Division of the Regional Works Department on or before December 31, 2021 be given the option of being processed under the rates of the current Development Charges By-Law No. 38-2019, where a complete submission requires all of the following to have been submitted to, and received by, the Development Approvals Division in a form satisfactory to the Region:
- i) Ministry of the Environment and Climate Change approval;
 - ii) Detailed cost estimate;
 - iii) Three (3) copies of the proposed Final Plan (M-Plan);
 - iv) Regional Planning approval of the Final Plan;
 - v) Three (3) copies of all proposed Reference Plans (R-Plans);
 - vi) Three (3) copies of approved General Plan of Services (signed by the Local Municipality and the Region); and
 - vii) Regional Subdivision Agreement Information Checklist.
- H) Subdivision agreements which have been processed according to By-Law No. 38-2019, excluding the impact from the recommended amendments, must be executed within three months following the

effective date of the amendments, which are recommended to take effect on January 1, 2022. Otherwise, the subdivision agreements shall be deemed cancelled and will be replaced with a subdivision agreement processed according to By-law No. 38-2019 as amended. The execution of the subdivision agreements requires all of the following to have been submitted to, and received by, the Regional Legal Department in a form satisfactory to the Region:

- i) signed Subdivision Agreement, including all schedules;
 - ii) payments of fees identified in the agreement;
 - iii) securities identified in the agreement;
 - iv) prepayment of Development Charges for Sanitary Sewerage, Water Supply and Regional Roads, and
 - v) Insurance Certificate.
- H) That Regional Council determine that no further public meeting is required;
- I) That the Regional Solicitor be instructed to prepare the requisite amending Development Charge By-law for presentation to Regional Council and passage;
- J) That the Regional Solicitor be instructed to revise future development agreements and any by-law(s) relating thereto to reflect any changes required to implement the foregoing recommendations, and that any such revised by-law(s) be presented to Council for passage;
- K) That the Regional Treasurer be instructed to prepare the requisite development charge pamphlet and related materials pursuant to the Development Charges Act, 1997; and
- L) That the Regional Clerk be instructed to follow the notification provisions pursuant to the Development Charges Act, 1997.

7. Durham Region Transit U-Pass Agreement Update (2021-F-37)
[CARRIED]

That the existing U-Pass agreement with Durham College, Ontario Tech University and Trent University (Durham Campus) be extended through the 2022-2023 academic year, including a 1.9 per cent increase in the fee per eligible student from \$144.50 per semester to \$147.25 per semester for the period of September 1, 2022 to August 31, 2023.

8. Request from the Durham Regional Police Services Board for 2022 Pre-Budget Approval for the Purchase of New Replacement Vehicles (2021-F-38)
[CARRIED]

That the request from the Durham Regional Police Services Board for 2022 pre-budget approval for the purchase of 55 new vehicles, at a total cost not to exceed \$2,340,536 be approved provided that this expenditure will be financed within the 2022 DRPS budget guideline established by Regional Council.

Moved by Councillor Foster, Seconded by Councillor Collier,
(300) That the recommendations contained in Items 1 to 3, 7 and 8 of Report #10 of the Finance and Administration Committee be adopted.
CARRIED

Moved by Councillor Foster, Seconded by Councillor Collier,
(301) That the recommendations contained in Item 4 of Report #10 of the Finance and Administration Committee be adopted.
CARRIED AS AMENDED
LATER IN THE MEETING
(See Following Motions)

Moved by Councillor Carter Seconded by Councillor Chapman,
(302) That the main motion (301) of Councillors Foster and Collier to adopt the recommendations contained in Item 4 of Report #10 of the Finance and Administration Committee be amended accordingly by the following:

Whereas Regional servicing work on Thornton Road North, north of Conlin Road West, in the Northwood Business Park when combined with road reconstruction work on Thornton Road North by the City of Oshawa will facilitate employment in the Northwood Business Park;

And whereas, the City has been working closely with the Region to develop the scope and timeline for the servicing and road reconstruction of the above noted segment of Thornton Road North as a priority;

And whereas, the City has secured construction funding in the amount of \$4,873,000 in the 2021 Capital Budget with the goal of starting construction in 2022;

And whereas, the lead consultant for both the City's project and the Region's project is T.M.I.G who have been directed by City staff to make the project a priority and expedite it;

And whereas, it would be appropriate for Regional staff to do the same;

And whereas, any delay with respect to this planned work would jeopardize significant anticipated development in the Northwood Business Park;

And whereas, the City of Oshawa is seeking to ensure that the Region is in alignment with the timeline for this project, including its commitment to funding the work, in order to avoid any potential delays;

And whereas, the servicing of employment lands is a cornerstone of the City's economic development strategy and is needed to attract employment and investment;

And whereas, key reasons in support of this position include:

- Servicing will provide a potential municipal water solution option to the owners of the Sun Valley Co-operative Water system which has been under a boil water advisory for some time;
- Servicing will support the future Regional Transit Depot on Thornton Road North;
- Servicing will support the two post-secondary institutions in the area;
- Servicing will support employment growth in proximity to the post-secondary institutions, Highway 407 East and the Oshawa Executive Airport;
- Servicing will help advance the new Community Park and community centre on Thornton Road North; and,
- Servicing will help advance anticipated major employment north of Conlin Road West on Thornton Road North;

Therefore be it resolved that Regional Council approve the Thornton Road North, north of Conlin Road West project, identified as Water Budget Item 130 and Sewer Budget Item 70, to ensure coordination with the City's timing for tendering of the Thornton Road reconstruction project; and that the remainder of the recommendations and requisite by-laws be amended accordingly.

CARRIED ON A RECORDED VOTE
LATER IN THE MEETING

Moved by Councillor Joe Neal, Seconded by Councillor Drew,
(303) That Council recess for 10 minutes.

CARRIED

Council recessed at 7:32 PM reconvened at 7:42 PM

The Regional Clerk conducted a roll call following the recess and all members of Council were present with the exception of Councillors Collier Mulcahy and Roy.

The foregoing amending motion (302) of Councillors Carter and Chapman was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes

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

No

Councillor Joe Neal

Members Absent: Councillor Collier
Councillor Mulcahy
Councillor Roy

Declarations of Interest: Councillor Marimpietri

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(304) That the main motion (301) of Councillors Foster and Collier to adopt the recommendations contained in Item 4 of Report #10 of the Finance and Administration Committee be amended by adding the following as a new Part G):

- G) That Regional staff be directed to come forward with a recommendation for funding of the Regional water related components of the Farewell Street project outside of the normal budget cycle as may be appropriate to allow timely award of the Farewell Street reconstruction project.

CARRIED

The main motion (301) of Councillors Foster and Collier to adopt the recommendations contained in Item 4 of Report #10 of the Finance and Administration Committee was then put to a vote and CARRIED AS AMENDED.

The main motion as amended now reads as follows:

- A) That the 2022 Business Plans and Budgets for the Water Supply System, with a total gross expenditure of **\$202.1** million (net user rate supported expenditure of \$118.2 million) and related financing as set out below, be approved:

	2021 Gross Budget (\$ 000's)	2022 Gross Budget (\$ 000's)	Variance Incr/(Decr) (\$ 000's)
<u>EXPENDITURES</u>			
Operations:			
Watermain Cleaning and Repairs	3,691	3,545	(146)
Valves and Hydrants	3,042	3,255	213
Water Connections	4,281	4,725	444
Water Meter Repair and Testing	562	594	32
Depot Operations	6,163	6,220	57
Water Supply Plants - Plants East	3,368	3,332	(36)
Water Supply Plants - Plants Central	14,226	14,601	375
Water Supply Plants - Plants North	2,882	3,011	129
Sun Valley Co-Operative Water System	29	30	1
Engineering and Staff Support	7,835	8,293	458
Facilities Management	7,514	8,184	670
Administration	335	342	7
Headquarters Shared Costs	1,125	1,153	28
Utility Finance	3,449	3,552	103
Share of Regional Corporate Costs	12,534	13,043	509
Subtotal Operations	71,036	73,880	2,844
Capital/Debt Charges:			
TCA Capital	4,905	6,812	1,907
Construction of Municipal Services	76,337	120,104	43,767
Debt Charges	1,311	1,312	1
Subtotal Capital/Debt Charges	82,553	128,228	45,675
TOTAL EXPENDITURES	153,589	202,108	48,519
<u>FINANCING</u>			
Contributions from Reserve Funds:			
Residential Development Charges - Growth Related Capital	26,536	63,793	37,257
Commercial Development Charges - Growth Related Capital	714	2,420	1,706
Industrial Development Charges - Growth Related Capital	1,460	1,607	147
Industrial Development Charges - Debt Charges	415	415	-
Institutional Development Charges - Debt Charges	22	22	-
Water Rate Stabilization Reserve Fund	-	5,882	5,882
Asset Management Reserve Fund	5,486	5,623	137
Servicing of Employment Lands	250	683	433
Equipment Replacement Reserve	-	63	63
Fees and Service Charges	3,185	3,240	55
Financing From Others:			
Federal Grant	-	67	67
Financing From Non-User Revenue Sources	38,068	83,815	45,747
User Revenues Financing (including frontage charges)	115,521	118,293	2,772
TOTAL FINANCING	153,589	202,108	48,519

B) That the Nine Year Capital Forecast for 2023 to 2031 inclusive, in the amount of \$1.4 billion as detailed in the Water Supply System Capital Budget, be received for information;

- C) That the 2022 Current and Capital Business Plans and Budgets for the Sanitary Sewerage System with a total gross expenditure of **\$275.8** million (net user rate supported expenditure of \$117.5 million) and related financing as set out below, be approved:

	2021 Gross Budget (\$ 000's)	2022 Gross Budget (\$ 000's)	Variance Incr/(Decr) (\$ 000's)
<u>EXPENDITURES</u>			
Operations:			
Cleaning, Repairs and Maintenance Holes	2,143	2,188	45
Sewer Connections	3,418	3,567	149
Depot Operations	3,407	3,492	85
WPCPs and Pumping Stations	25,496	25,240	(256)
Duffin Creek WPCP	38,043	38,399	356
Regional Environmental Laboratory	3,083	3,213	130
Engineering and Staff Support	7,461	8,076	615
Facilities Management	8,595	9,516	921
Administration	338	345	7
Headquarters Shared Costs	1,125	1,153	28
Utility Finance	3,450	3,552	102
Share of Regional Corporate Costs	15,783	16,436	653
Subtotal Operations	112,342	115,177	2,835
Capital/Debt Charges:			
Duffin Creek WPCP - TCA Capital	1,767	3,044	1,277
Regional Environmental Lab - TCA Capital	196	1,057	861
TCA Capital	2,536	4,804	2,268
Construction of Municipal Services	92,418	138,660	46,242
Debt Charges	14,482	13,028	(1,454)
Subtotal Capital/Debt Charges	111,399	160,593	49,194
TOTAL EXPENDITURES	223,741	275,770	52,029
<u>FINANCING</u>			
Contributions from Reserve Funds:			
Residential Development Charges - Growth Related Capital	22,581	25,703	3,122
Residential Development Charges - Debt Charges	8,103	7,836	(267)
Commercial Development Charges - Growth Related Capital	1,455	2,341	886
Commercial Development Charges - Debt Charges	873	820	(53)
Industrial Development Charges - Growth Related Capital	1,707	192	(1,515)
Industrial Development Charges - Debt Charges	532	532	-
Institutional Development Charges - Debt Charges	8	8	-
Sanitary Sewer Rate Stabilization Reserve Fund	-	9,826	9,826
Asset Management Reserve Fund	9,049	9,275	226
Servicing of Employment Lands	968	509	(459)
Equipment Replacement Reserve	-	44	44
Regional Environmental Lab Equipment Replacement Reserve	160	750	590
Fees and Service Charges	6,870	7,044	174
Financing From Others:			
Federal Grant	15	27	12
Region of York - TCA	1,387	2,505	1,118
Region of York - Construction of Municipal Services	14,285	60,883	46,598
Oversizing Costs Related to Seaton/Federal Lands	14,792	-	(14,792)
Region of York - Operating	29,142	29,488	346
Region of York Environmental Lab Operations	441	456	15
Financing From Non-User Revenue Sources	112,368	158,239	45,871
User Revenues Financing (including frontage charges)	111,373	117,531	6,158
TOTAL FINANCING	223,741	275,770	52,029

- D) That the Nine Year Capital Forecast for 2023 to 2031 inclusive, in the amount of \$1.8 billion as detailed in the Sanitary Sewerage System Capital Budget, be received for information;
- E) That capital project approval be granted for expenditures and financing for the 2022 capital projects detailed in the 2022 Capital Project Appendices within the 2022 Consolidated Water Supply and Sanitary Sewerage Systems Business Plans and Budget, where contract awards are compliant with the Regional Budget Management Policy;
- F) That the necessary By-laws with respect to the 2022 Current and Capital Business Plans and Budgets for the Consolidated Water Supply and Sanitary Sewerage Systems be presented to Regional Council; and
- G) That Regional staff be directed to come forward with a recommendation for funding of the Regional water related components of the Farewell Street project outside of the normal budget cycle as may be appropriate to allow timely award of the Farewell Street reconstruction project.**

Moved by Councillor Foster, Seconded by Councillor Collier,
(305) That the recommendations contained in Item 5 of Report #10 of the Finance and Administration Committee be adopted.

CARRIED ON A RECORDED VOTE
LATER IN THE MEETING
(See Following Motions)

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(306) That the main motion (305) of Councillors Foster and Collier to adopt the recommendations contained in Item 5 of Report #10 of the Finance and Administration Committee be amended in Part A) so that the 2022 Regional Water and Sanitary Sewer User Rates increase by 0 per cent for an average residential customer.

MOTION DEFEATED ON A RECORDED
VOTE LATER IN THE MEETING
(See Following Motion)

Moved by Councillor Mclean, Seconded by Councillor Barton,
(307) That the question be now put.

CARRIED ON A 2/3rds VOTE

The foregoing amending motion (306) of Councillors Joe Neal and John Neal was then put to a vote and DEFEATED ON THE FOLLOWING RECORDED VOTE:

Yes
Councillor Anderson
Councillor John Neal

No
Councillor Ashe
Councillor Barton

Councillor Joe Neal

Councillor Carter
Councillor Chapman
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 Nicholson
Councillor Pickles
Councillor Ryan
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Collier
Councillor Mulcahy
Councillor Roy

Declarations of Interest: None

The main motion (305) of Councillors Foster and Collier to adopt the recommendations contained in Item 5 of Report #9 of the Finance and Administration Committee was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Anderson
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Foster
Councillor Grant
Councillor Highet
Councillor Kerr
Councillor Leahy

No

Councillor Ashe
Councillor John Neal
Councillor Joe Neal

Councillor Lee
Councillor Marimpietri
Councillor McLean
Councillor Mitchell
Councillor Nicholson
Councillor Pickles
Councillor Ryan
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

Members Absent: Councillor Collier
Councillor Mulcahy
Councillor Roy

Declarations of Interest: None

Moved by Councillor Foster, Seconded by Councillor Collier,
(308) That the recommendations contained in Item 6 of Report #10 of the
Finance and Administration Committee be adopted.

CARRIED

9.2 Report of the Health and Social Services Committee

1. Naloxone Administration in Income and Employment Support Offices (2021-SS-15)

[CARRIED]

- A) That authorization be provided for naloxone nasal spray kits to be purchased and made available in each Income and Employment Support office for a one-year pilot to assess utilization and effectiveness in having access to these kits permanently at an estimated cost of \$2,200 to be funded from the approved Social Services Business Plans and Budget; and
- B) That authorization be provided to allow corporate Health and Safety training to be provided to First Aid certified personnel in Income and Employment Support Division (IESD) and Business Affairs and Financial Management (BAFM), on a voluntary basis, to administer naloxone to counteract the effects of an opioid overdose at an estimated cost of \$805 to be funded from the approved Social Services Business Plans and Budget.

2. Authorization to Extend the Existing Laundry Management Services Standing Agreement (C002104) with K-BRO Linen Systems (Ontario) Limited (2021-SS-16)

[CARRIED]
 - A) That a single source extension be authorized to extend the standing agreement (C002104) with K-BRO Linen Systems (Ontario) Limited on the same terms and conditions at an estimated cost of \$493,000, to be funded from the annual Social Services Business Plans and Budget, for a six (6) month term from November 1, 2021 to April 30, 2022 for the supply and delivery of laundry management services to the Region of Durham's four (4) Long-Term Care Homes in order to develop the necessary scope of work to facilitate a competitive bid process; and
 - B) That the Commissioner of Finance be authorized to execute any related, required agreements and amendment agreements.
3. Correspondence from the Municipality of Chatham-Kent dated November 10, 2021 regarding: Support Resolution from the Council of Huron County passed October 20th re: Homelessness Task Force

[CARRIED]

WHEREAS on November 8, 2021 the Council for the Municipality of Chatham-Kent supported the following resolution:

"THAT the County of Huron, due to the substantial increase in chronic homelessness not only in Huron County but across Ontario and Canada, requests the Province of Ontario and the Government of Canada to identify Homelessness a "Provincial" and "National Crisis" across the Province of Ontario and Canada.

AND FURTHER THAT the Province of Ontario and Government of Canada acknowledge that lack of resources to support addiction and mental health programs to be a leading cause of homelessness.

AND FURTHER THAT the County of Huron requests the Province of Ontario and Government of Canada to provide further financial support for housing and homelessness programs as well as increase funding to mental health and addiction services.";

And whereas the Region of Durham has seen a significant increase in the incidence of homelessness since 2020 which has been highlighted by the COVID-19 pandemic;

And whereas the increase of homelessness is impacting the entire community both socially and economically;

And whereas the Region is responding to urgent homelessness issues with a cross-sector task force of key stakeholders that includes: the health sector, social services, law enforcement, community partners, local municipalities, and business groups and those with lived experience;

Now therefore be it resolved that the Region of Durham supports and endorses the November 8, 2021 Chatham-Kent resolution;

And further that the Province of Ontario and Government of Canada expedite meaningful measures to appropriately support local Service Managers and District Social Services Administration Boards address the immediate homelessness crises;

And further that the Province of Ontario create a cross-ministerial task force which would include the Ministry of Housing, Ministry of Health, Ministry of Children, Community and Social Services and Ministry of Finance in partnership with local Service Managers and District Social Services Administration Boards to create a fulsome strategy to address homelessness and the root cause of homelessness, mental health and addictions;

And further that the motion be forwarded to all Durham Region municipalities, Ministry of Housing, Ministry of Health, Ministry of Children, Community and Social Services, Ministry of Finance, Ontario Big City Mayors (OBCM), and Association of Municipalities Ontario (AMO)."

Moved by Councillor Chapman, Seconded by Councillor Pickles,
(309) That the recommendations contained in Items 1 to 3 inclusive of Report #9 of the Health and Social Services Committee be adopted.

CARRIED

9.3 Report of the Planning and Economic Development Committee

1. Envision Durham – Recommendations on Employment Area Conversion Requests, File: D12-01, OPA 2021-003 (2021-P-25)

[CARRIED AS AMENDED EARLIER IN THE MEETING] [SEE MOTIONS (288), (291) AND (296) ON PAGES 10 TO 19]

This item was considered earlier in the meeting. See Item 7.1 on pages 10 to 19 of these minutes.

2. Durham Regional Official Plan Amendment #186 to establish the policy framework for Protected Major Transit Station Areas, File: OPA 2021-003 (2021-P-26)

[CARRIED]

- A) That Amendment #186 to the Durham Regional Official Plan to implement a policy framework, density target and delineations for Protected Major Transit Station Areas, be adopted as contained in Attachment #1 to Report #2021-P-26 of the Commissioner of Planning and Economic Development;
- B) That the necessary by-law be passed, and once adopted, that Amendment #186 be forwarded to the Minister of Municipal Affairs and Housing for approval under Sections 17 and 26 of the Planning Act; and
- C) That the “Notice of Adoption” be sent to the Minister of Municipal Affairs and Housing, the area municipalities, the Ministry of Transportation, Ministry of Economic Development, Job Creation and Trade, Metrolinx, the Envision Durham Interested Parties contact list, and all other persons or public bodies who requested notification of this decision.

Moved by Councillor Ryan, Seconded by Councillor Joe Neal,
(310) That the recommendations contained in Item 2 of Report #9 of the Planning and Economic Development Committee be adopted.

CARRIED

9.4 Report of the Works Committee

1. Energy from Waste-Waste Management Advisory Committee 2021 – 2022 Workplan (2021-WR-11)
[CARRIED]
 - A) That the Energy from Waste-Waste Management Advisory Committee’s 2021 – 2022 Workplan, as outlined in Attachment #1 of Report #2021-WR-11 of the Commissioner of Works, be approved; and
 - B) That a copy of Report #2021-WR-11 be forwarded to the Municipality of Clarington for information.
2. Expropriation of Lands Required for the Proposed Manning-Adelaide Connection Project, in the Town of Whitby/City of Oshawa (2021-W-46)
[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 Manning Road-Adelaide Avenue (Regional Road 58) Connection project (Project) in the Town of Whitby and the City of Oshawa as depicted in Attachment #1, Attachment #2, and Attachment #3 of Report #2021-W-46, and as such other property

requirements as may be determined and identified by Regional Municipality of Durham staff for the 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.I. 1990, c. E.26* to give effect to Recommendation C) of Report #2021-W-46, 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 #2021-W-46, and to *forward* to the Chief Inquiry Officer/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 Inquiry Officer's recommendations to Regional Council for consideration; and
 - D) That despite seeking approval to commence expropriation pursuant to the recommendations in Report #2021-W-46, that should amicable agreements be reached for any required property acquisitions that such agreements and reports required for settlements pursuant to the *Expropriations Act RSO 1990, c. E.26* related to the Manning Road-Adelaide Avenue (Regional Road 58) Connection Project that are approved in accordance with the Delegation of Authority By-Law 29-2020, that they remain confidential in accordance to Section 239 (2)(c) of the Municipal Act, 2001 as it relates to a proposed or pending acquisition or disposition of land for Regional Corporate purposes and only be released publicly by the Commissioner of Works once all compensation claims have been resolved on a full and final basis, for the Manning Road-Adelaide Avenue (Regional Road 58) Connection Project where appropriate.
3. Extension of Lease Agreement with 447110 Ontario Limited for premises occupied by Social Services Department, Income and Employment Support Division at 126, 138, and 140 Commercial Avenue, in the Town of Ajax (2021-W-47)
-
- [CARRIED]
- A) That the extension of Lease Agreement with 447110 Ontario Limited, for premises located at 126, 138, and 140 Commercial Avenue in the Town of Ajax, containing approximately 1,660.59 square metres (17,875 square feet) of office space be approved with the following terms and conditions:
 - i) The term is for a period of five years commencing January 1, 2022 and ending December 31, 2026;

- ii) The annual rental rate for the five-year term is \$160,875.00* based on a rate of \$96.88* per square metre (\$9.00* per square foot) per annum;
 - iii) The Regional Municipality of Durham will continue to be responsible for all operating costs for the leased premises including utilities, janitorial services, security, and its proportionate share of common area maintenance costs;
 - iv) The Regional Municipality of Durham will remain responsible for its proportionate share of property taxes which is estimated to be \$42,918 per annum;
 - v) The Regional Municipality of Durham will have the option to extend the lease for an additional five years, under the same terms and conditions subject to the rental rate being negotiated, as well as the option to terminate the lease after three years; and
- B) That the Regional Chair and Clerk be authorized to execute all documents associated with this Lease Agreement.
(*) before applicable taxes.
- 4. Amendment and Extension of Lease Agreement with 2381502 Ontario Inc., Operating as Midtown Centre for Premises occupied by Social Services Department, Income & Employment Support Division, located at 200 John Street in the City of Oshawa (2021-W-48)
[CARRIED]
 - A) That the Amendment and Extension of Lease Agreement with 2381502 Ontario Inc., for premises located at 200 John Street in the City of Oshawa, containing approximately 1,755.21 square metres (18,893 square feet) of office space and 235.87 square metres (2,540 square feet) of storage space be approved with the following terms and conditions:
 - i) The term is for a period of five years commencing January 1, 2022 and ending December 31, 2026;
 - ii) The annual rental rate for the five-year period is \$282,502* based on a rate of \$150.69* per square metre (\$14.00 per square foot) per annum for the office space, and \$76.21* per square metre (\$7.08* per square foot) per annum for the storage space;
 - iii) The Regional Municipality of Durham will be responsible for all operating costs for the leased space including utilities, security and its proportionate share of the common area maintenance costs;

- iv) The Regional Municipality of Durham will remain responsible for its proportionate share of property taxes which is estimated to be \$32,185 per annum;
 - v) The Regional Municipality of Durham have the option to renew the lease for an additional two years subject to the same terms and conditions save and except the rental rate to be negotiated, upon providing six months prior written notice; and
 - B) That the Regional Chair and Clerk be authorized to execute all documents associated with this Lease Agreement.
(*) before applicable taxes.
- 5. Approval of Lease Agreement with Whitby Professional Centre for use by the Health Department, Located at 10 Sunray Street, Unit 23, in the Town of Whitby (2021-W-49)

[CARRIED]
- A) That the Lease Agreement with Whitby Professional Centre, for premises located at 10 Sunray Street, Unit 23, in the Town of Whitby, containing approximately 255.95 square metres (2,755 square feet) of office space be approved with the following terms and conditions:
 - i) The lease term is for three years, two and a half months commencing January 15, 2022, and ending March 31, 2025;
 - ii) The annual rental rate for the lease term is \$48,000.00* based on a rate of \$4,000.00* per month;
 - iii) The lease is based on a gross rate that includes the Region's proportionate share of realty taxes, condominium fees, building insurance, utilities, and management fees in any;
 - iv) The Regional Municipality of Durham will have the option to renew the lease for an additional two years subject to the same terms and conditions save and except the rental rate to be negotiated, upon providing six months prior written notice; and
 - B) That the Regional Chair and Clerk be authorized to execute all documents associated with this Lease Agreement.
(*) before applicable taxes
- 6. Unbudgeted Capital Acquisition of Vehicle and Equipment Training Simulators (2021-W-50)

[CARRIED]

- A) That the unbudgeted capital acquisition of two vehicle and equipment training simulators and ancillary equipment with an estimated value of \$650,000 be approved; and
- B) That financing for the unbudgeted capital acquisition of the vehicle and equipment training simulators and ancillary equipment be provided from surplus funds available from the provision for Technical Training within 2021 Works Department Business Plans and Budgets for Depot Operations (funded proportionally in accordance with the 2021 budget between General Tax, Water Supply and Sanitary Sewer) in the amount of \$650,000.

Moved by Councillor Mitchell, Seconded by Councillor Marimpietri

- (311) That the recommendations contained in Items 1 to 6 inclusive of Report #10 of the Works Committee be adopted.

CARRIED

9.5 Report of the Committee of the Whole

1. Request for Funding from Central Lake Ontario Conservation Authority for the Acquisition of Land adjacent to the Stephen's Gulch Conservation Area in the Municipality of Clarington (2021-COW-31)
[CARRIED]

- A) That in response to the request for funding from Central Lake Ontario Conservation Authority, that notwithstanding the Land Acquisition Funding Policy for Conservation Authorities, the amount to be funded be increased to \$615,500 representing 50.6 per cent of the estimated eligible acquisition cost, for approximately 41.3 hectares (102 acres) of land located adjacent to the Stephen's Gulch Conservation Area in the Municipality of Clarington due to the significant size of this acquisition being in excess of 100 acres and its contiguous location to an existing CLOCA property, be approved and financed from the Region's Land Conservation and Protection Reserve Fund; and
- B) That the Commissioner of Finance be authorized to adjust the total payment amount of Central Lake Ontario Conservation Authority pending a review of the eligibility of final costs incurred pursuant to the Region's land Acquisition Funding Policy.

2. Establishing a Municipal Services Corporation to Build and Operate the Regional Broadband Network (2021-COW-32)
[CARRIED ON A RECORDED VOTE]

- A) That the Region establish a Regional Broadband Network (the "Network") through developing, constructing, and commercially operating a fibre optic network to provide open access fibre

connectivity across Durham Region to deliver Regional services and to enable economic development and innovation across the Durham Region through improved broadband connectivity;

- B) That staff be authorized to incorporate a wholly-owned Municipal Services Corporation (“MSC”, or the “Corporation”), being an Ontario Business Corporation Act (“OBCA”) corporation pursuant to Section 203 of the Municipal Act, 2001 to develop, construct, and commercially operate the Network;
- C) That the following documents, substantially in the form attached to Report #2021-COW-32 of the Commissioner of Planning and Economic Development, Commissioner of Works, Commissioner of Corporate Services, and Commissioner of Finance, be approved and adopted to incorporate and support the establishment of the MSC:
 - i) MSC Enabling By-law (Attachment #2)
 - ii) Name Consent (Attachment #3)
 - iii) MSC By-law No. 1 (Attachment #4)
 - iv) Organizational Resolutions (Attachment #5)
 - v) Consent to Act as First Director (Attachment #6)
 - vi) Authorization to file Articles of Incorporation (Attachment #7)
 - vii) Articles of Incorporation (Attachment #8)
 - viii) Municipal Capital Facilities By-law (Attachment #9)
 - ix) Municipal Capital Facilities Agreement (Attachment #10)
 - x) Asset Transfer Policy (Attachment #11)
 - xi) Shareholder’s Direction (Attachment #12)
 - xii) Shareholder Resolution for Election of Director (Attachment #13);
- D) That the Initial Business Plan for the MSC (Confidential Attachment #14 to Report #2021-COW-32, under separate cover) for the purposes outlined in the Shareholder’s Direction be approved;
- E) That in order to support the establishment and operations of the new MSC, capital expenditures for the planned first-year 60km build of the Network in the estimated amount of \$5.1M and related operating

expenditures in the estimated amount of \$1.1M be referred to the 2022 Business Plans and Budgets process;

- F) That Council authorize expenditures up to \$500,000 to support the early establishment and network pre-build activities of the new corporation prior to the approval of the 2022 Business Plan and Budgets process, with financing to be provided at the discretion of the Commissioner of Finance;
 - G) That staff be authorized to negotiate a Municipal Access Agreement with the MSC;
 - H) That staff be authorized to negotiate a Corporate Services Agreement as outlined in Section 6.3 of the Shareholder's Direction with the MSC to the satisfaction of the Regional Solicitor, the Commissioner of Finance, and the Chief Administrative Officer;
 - I) That the Regional Chair and Clerk be authorized to execute any required documentation to implement the recommendations of Report #2021-COW-32; and
 - J) That a copy of Report #2021-COW-32 be provided to the Area Municipalities, Innovation Science and Economic Development Canada, Ontario Ministry of Infrastructure, and Infrastructure Ontario.
3. Approval to Award a Five-Year Sole Source Negotiated Agreement with Yardi Canada Ltd. for Upgrading Property Management Software and Data Migration to Cloud-based Storage System for Durham Regional Local Housing Corporation (DRLHC) (2021-COW-34)
[CARRIED]
- A) That approval be granted to enter into a sole source negotiated agreement with Yardi Canada Ltd. ("Yardi") for the upgrade of, and data migration to a cloud-based property management software for the Durham Regional Local Housing Corporation (DRLHC) for a term of five years, at an estimated initial upgrade/implementation cost (excluding HST) not to exceed \$310,535 and annual license, support, and maintenance service fees of \$110,640 for a total estimated contract value of \$863,735;
 - B) That financing for the initial upgrade/implementation costs and first year license, support, and maintenance service fees in the amount of \$421,175 be provided from the existing capital project budget;

- C) That the financing for the annual license, support, and maintenance service fees for years two (2) to five (5) of the contract with the total amount of \$442,560 to be provided from the annual Business Plans and Budgets of the DRLHC; and,
 - D) That the Commissioner of Finance be authorized to execute the Agreements and Amendments to the Agreement.
4. Durham Region Local Housing Corporation (DRLHC) Seniors Building Portfolio Energy Retrofit Funding Strategy (2021-COW-35)
[CARRIED]
- A) That, pending confirmation from Federation of Canadian Municipalities (FCM) regarding whether the Region or the Durham Region Local Housing Corporation (DRLHC) should be the eligible lead applicant for this project, the Chief Administrative Officer be authorized to submit a funding application to the Federation of Canadian Municipalities' (FCM) Green Municipal Fund (GMF) Sustainable Affordable Housing (SAH) Program for up to \$10 million in combined grant and loan financing to be used towards the implementation of deep energy retrofits on DRLHC properties at (1) 1910 Faylee Cres., Pickering; (2) 655 Harwood Ave. S, Ajax; (3) 315 Colborne St. W, Whitby; and (4) 850 Green St., Whitby under either lead applicant option;
 - B) That the Chief Administrative Officer provide a letter of support on behalf of the Regional Municipality of Durham and DRLHC that confirms regional support for the FCM/GMF SAH loan and grant funding application; and
 - C) That upon approval of the loan and grant funding application and confirmation of the final terms of the FCM/GMF funding, staff report back to obtain approval for the final funding strategy, loan directives, and execution of the funding agreement.
5. 2021 Canada Community-Building Fund Allocation (2021-COW-36)
[CARRIED]

That the \$19.7 million in unanticipated one-time Canada Community-Building Fund (formerly the Federal Gas Tax Program) funding for 2021, along with \$5.8 million from the regular 2021 Canada Community-Building Fund allocation, be allocated toward the following priority projects:

PROJECT	ESTIMATED COST (\$, 2021)
Anerobic Digester	10,000,000
Broadband	3,000,000
DRT Battery Electric Bus and Charging Infrastructure Demonstration Pilot	2,100,000
DRLHC Deep Energy Retrofits	6,800,000
Corporate Strategic Priorities	3,600,000
Total	25,500,000

6. Durham Region Nuclear Sector Strategy 2022-2032 (2021-COW-37)
[CARRIED]
 - A) That Regional Council approve Durham Region's Nuclear Sector Strategy 2022-2032, as the framework to guide and support the Region's role and effective participation in the nuclear sector;
 - B) That a copy of Report #2021-COW-37 of the Chief Administrative Officer and the Durham Region Nuclear Sector Strategy 2022-2032, be sent to local area municipalities, the Mississaugas of Scugog Island First Nation, Curve Lake First Nation, Natural Resources Canada, Environment and Climate Change Canada, the Ontario Ministry of Energy, the Ontario Ministry of Economic Development, Job Creation and Trade, the Canadian Association of Nuclear Host Communities, and Ontario Power Generation (OPG); and
 - C) That Regional staff notify key stakeholders in the community, the nuclear sector, local post-secondary institutions, and other organizations contacted through the engagement process once the strategy has been approved and posted at Durham.ca.
7. Unbudgeted Provincial Funding from the Ministry of Long-Term Care to Develop and Maintain a Community Paramedicine Program (2021-COW-38)
[CARRIED]
 - A) That the October 1, 2021 to March 31, 2022 portion of unbudgeted ongoing Provincial funding from the Ministry of Long-Term Care (MLTC) in the amount of \$1.5 million, be expended in accordance with the budget submitted to the MLTC and as outlined in Section 4.2 of Report #2021-COW-38 of the Commissioner and Medical Officer of Health and Commissioner of Finance;
 - B) That approval be granted to increase the Paramedic Services staffing complement by the following eleven (11) new full-time positions effective January 1, 2022 to implement the Community Paramedicine

Program and that the increase be funded entirely from the additional provincial funding as follows:

- i) Five (5) Primary Care Paramedics at an estimated cost of \$166,300 (annualized cost of \$665,200);
 - ii) Five (5) Advanced Care Paramedics at an estimated cost of \$186,000 (annualized cost of \$744,000);
 - iii) One (1) Superintendent of Community Paramedicine at an estimated cost of \$43,000 (annualized cost of \$172,000);
- C) That approval be granted to work with the Finance Department to acquire all capital purchases such as vehicles and patient care equipment in accordance with Provincial and Municipal guidelines; and
- D) That the Commissioner of Finance/Regional Treasurer be authorized to approve any sole source purchases to expedite implementation of the program to meet MLTC guidelines and to sign any agreements under the Community Paramedicine for Long-Term Care (CPLTC) program.
8. Confidential Report of the Commissioners of Works and Finance – Proposed or Pending Acquisition or Disposition of Land for Regional Corporation Purposes as it relates to the Acquisition of Property in the City of Oshawa (2021-COW-33)
-
- [CARRIED]

That the recommendations contained in Confidential Report #2021-COW-33 of the Commissioner of Works and Commissioner of Finance be adopted.

Moved by Councillor Pickles, Seconded by Councillor McLean,
(312) That the recommendations contained in Items 3 to 8 inclusive of Report #9 of the Committee of the Whole be adopted.
CARRIED

Moved by Councillor Pickles, Seconded by Councillor McLean,
(313) That the recommendations contained in Item 1 of Report #9 of the Committee of the Whole be adopted.
CARRIED

Moved by Councillor Pickles, Seconded by Councillor McLean,
(314) That the recommendations contained in Item 2 of Report #9 of the Committee of the Whole be adopted.
CARRIED 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 Marimpietri
Councillor John Neal
Councillor Nicholson
Councillor Pickles
Councillor Ryan
Councillor Smith
Councillor Wotten
Councillor Yamada
Regional Chair Henry

No

Councillor Mitchell
Councillor Joe Neal

Members Absent: Councillor Lee
Councillor McLean
Councillor Mulcahy
Councillor Roy

Declarations of Interest: None

10. Notice of Motions

- 10.1 Discrimination of Freedom of Religion in Quebec's Bill 21
[CARRIED] [SEE MOTION (316) AND PAGES 54 AND 55]

Moved by Councillor Yamada, Seconded by Councillor Leahy,
(315) Whereas Durham Region consists of a diverse community, many of whom wear religious symbols including turbans, hijabs, Kippa, the cross and many others;

And Whereas the fundamental right of religious freedom is protected by the Charter of Rights and Freedoms;

And Whereas Durham Region, as one of Canada's fastest growing and most multicultural and diverse regional municipalities, stands firmly to

support religious freedom as this is aligned with our Freedom of Rights under the Canadian Charter of Rights;

And Whereas Durham Region stands in solidarity with National Council of Canadian Muslims (NCCM) and the Canadian Civil Liberties Association (CCLA) in their legal challenge against Bill 21 in Quebec;

And Whereas Durham Regional Council believes that our region is the cultural centre for diversity and Canadian multiculturalism and Council bears a responsibility to stand up in defence of the Canadian multicultural mosaic;

Now therefore be it resolved that the Durham Regional Council support in principle the legal challenge against the discrimination of freedom of religion in Quebec's Bill 21; and

That staff be directed to report back on ways Durham Region could financially support the legal challenge by providing one-time funding not to exceed \$50,000.

CARRIED LATER IN THE MEETING
(See Following Motions)

Moved by Councillor Kerr, Seconded by Councillor Joe Neal,
(316) That the main motion (315) of Councillors Yamada and Leahy be divided in order to allow voting on the two operative clauses separately.

CARRIED LATER IN THE MEETING
(See Following Motion)

Moved by Councillor Nicholson, Seconded by Councillor Marimpietri,
(317) That the question be now put.

CARRIED ON A 2/3rds VOTE

The first operative clause of the main motion (315) of Councillors Yamada and Leahy was then put to a vote and CARRIED.

The second operative clause of the main motion (315) of Councillors Yamada and Leahy was then put a vote and CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Ashe
Councillor Foster
Councillor Grant
Councillor Highet
Councillor Leahy
Councillor Marimpietri

No

Councillor Anderson
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford

Councillor John Neal
Councillor Nicholson
Councillor Pickles
Councillor Ryan
Councillor Smith
Councillor Wotten
Councillor Yamada

Councillor Dies
Councillor Drew
Councillor Kerr
Councillor Mitchell
Councillor Joe Neal
Regional Chair Henry

Members Absent: Councillor Lee
Councillor McLean
Councillor Mulcahy
Councillor Roy

Declarations of Interest: None

The remainder of the main motion (315) of Councillors Yamada and Leahy was then put to a vote and CARRIED.

11. Unfinished Business

There was no unfinished business to be considered.

12. Other Business

Moved by Councillor John Neal, Seconded by Councillor Crawford,
(318) That leave be granted to introduce a new motion with respect to Vision Zero and increased enforcement.

CARRIED ON A RECORDED VOTE (A
2/3rds VOTE WAS ATTAINED):

Yes
Councillor Anderson
Councillor Ashe
Councillor Barton
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Crawford
Councillor Dies
Councillor Drew
Councillor Grant
Councillor Highet
Councillor Kerr
Councillor Leahy
Councillor Marimpietri
Councillor Mitchell
Councillor John Neal

No
Councillor Foster

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

Members Absent: Councillor Lee
Councillor McLean
Councillor Mulcahy
Councillor Roy

Declarations of Interest: None

12.1 Vision Zero – Increased Enforcement
[CARRIED]

Moved by Councillor John Neal, Seconded by Councillor Crawford,
(319) Whereas speeding on Regional and Local Municipal roads continues to be a significant concern and impediment to the goal of Vision Zero;

And whereas the Region and the area Municipalities continue to review and expand the designations of Community Safety Zones, where warranted, as a Vision Zero Countermeasure, in order to mitigate speeding concerns;

Therefore be it resolved that the Vision Zero Task Force be requested to work collaboratively with Durham Region Police Services (DRPS) to increase enforcement levels in Community Safety Zones and other areas of concern, and to advance and emphasize a Zero Tolerance Policy for speed limit violations; and

That a copy of this motion be forwarded to all Durham Region area Municipalities, Durham Region Police Services Board, all Durham Region School Boards, and the Vision Zero Task Force.

CARRIED

13. Announcements

There were no announcements.

14. By-laws

42-2021 Being a by-law to authorize the Chair and Treasurer of The Regional Municipality of Durham to borrow from time to time by way of

promissory notes, such sum or sums at any one time not exceeding the total amount of \$500,000,000 to meet current expenditures including liabilities of The Regional Municipality of Durham for the year 2022.

This by-law implements the recommendations contained in Item #2 of the 10th Report of the Finance & Administration Committee presented to Regional Council on December 22, 2021

- 43-2021 Being a by-law to requisition, on an interim basis, from the lower-tier municipalities before the adoption of the 2022 Regional estimates, a sum equal to fifty percent of the taxes requisitioned for Regional purposes made by the Regional Council against the lower-tier municipalities for all property classes in the year 2021

This by-law implements the recommendations contained in Item #3 of the 10th Report of the Finance & Administration Committee presented to Regional Council on December 22, 2021

- 44-2021 Being a by-law to approve and adopt the 2022 Business Plans and Budgets for Water purposes in the amount of \$200,308,196.

This by-law implements the recommendations contained in Item #4 of the 10th Report of the Finance & Administration Committee presented to Regional Council on December 22, 2021

- 45-2021 Being a by-law to approve and adopt the 2022 Business Plans and Budgets for Sanitary Sewage purposes in the amount of \$273,570,155.

This by-law implements the recommendations contained in Item #4 of the 10th Report of the Finance & Administration Committee presented to Regional Council on December 22, 2021

- 46-2021 Being a by-law to amend the by-law respecting the Water Supply System in the Regional Municipality of Durham and the establishment of water rates and water charges and being By-law No. 89-2003 of The Regional Municipality of Durham.

This by-law implements the recommendations contained in Item #5 of the 10th Report of the Finance & Administration Committee presented to Regional Council on December 22, 2021

- 47-2021 Being a by-law to amend the by-law respecting the Water Pollution Control System and the Storm Sewer System in the Regional Municipality of Durham and the establishment of sewer surcharge rates and sewer charges and being By-law No. 90-2003 of The

Regional Municipality of Durham.

This by-law implements the recommendations contained in Item #5 of the 10th Report of the Finance & Administration Committee presented to Regional Council on December 22, 2021

- 49-2021 Being a by-law to adopt Amendment #186 to the Durham Regional Official Plan.

This by-law implements the recommendations contained in Item #2 of the 9th Report of the Planning & Economic Development Committee presented to Regional Council on December 22, 2021

- 50-2021 Being a by-law to establish a Municipal Services Corporation for the purposes of establishing, creating, and operating a Regional Telecommunications and Broadband Network in the Regional Municipality of Durham.

This by-law implements the recommendations contained in Item #2 of the 9th Report of the Committee of the Whole presented to Regional Council on December 22, 2021

- 51-2021 Being a by-law to authorize a Municipal Capital Facilities Agreement between The Regional Municipality of Durham and Durham OneNet Inc.

This by-law implements the recommendations contained in Item #2 of the 9th Report of the Committee of the Whole presented to Regional Council on December 22, 2021

- 52-2021 Being a by-law to amend By-law No. 38-2019 to address the changes to the Development Charges Act, 1997, as a result of Bill 108, Bill 138, Bill 197 and O.Reg 454/19.

This by-law implements the recommendations contained in Item #6 of the 10th Report of the Finance & Administration Committee presented to Regional Council on December 22, 2021

- 53-2021 Being a by-law to appoint a forester and designate as a municipal by-law enforcement officers for the Regional Municipality of Durham (the "Region") for the purpose of enforcing the Regional Woodland By-law #30-2020.

This by-law implements the recommendations contained in Item #1 of the 4th Report of the Planning & Economic Development Committee presented to Regional Council on July 27, 2020

Moved by Councillor Ashe, Seconded by Councillor Pickles,
(320) That By-law Numbers 42-2021, 43-2021, 44-2021 as amended, 45-2021
as amended, 46-2021, 47-2021, and 49-2021 to 53-2021, be passed.
CARRIED

15. Confirming By-law

54-2021 Being a by-law to confirm the proceedings of Regional Council at
their meeting held on December 22, 2021.

Moved by Councillor Ashe, Seconded by Councillor Pickles,
(321) That By-law Number 54-2021 being a by-law to confirm the proceedings
of the Council of the Regional Municipality of Durham at their meeting
held on December 22, 2021 be passed.
CARRIED

16. Adjournment

Moved by Councillor Collier, Seconded by Councillor Dies,
(322) That the meeting be adjourned.
CARRIED

The meeting adjourned at 9:36 PM

Respectfully submitted,

John Henry, Regional Chair & CEO

Ralph Walton, Regional Clerk

Communications

January 26, 2022

CC 01 Alexander McPherson, Solicitor, Legal Services writing to Ralph Walton, Regional Clerk advising that on September 29, 2021 Regional Council approved and authorized the initiation of expropriation proceedings for lands required for the Regional Road 3 Rehabilitation project that cannot be acquired through negotiations (Report #2021-W-28) (Our File: L00)

Recommendation: Motion to Adopt Recommendations A), B), C) and D) contained in CC 01

(See attached correspondence on pages 65-69)



Interoffice Memorandum

The Regional
Municipality of Durham
Corporate Services –
Legal Services

605 ROSSLAND RD. E.
LEVEL 1
PO BOX 623
WHITBY, ON L1N 6A3
CANADA

905-668-7711
1-800-372-1102

durham.ca

Don Beaton
BCom, M.P.A.
Commissioner of
Corporate Services

Date: January 17, 2022

To: Ralph Walton, Regional Clerk

From: Alexander McPherson, Solicitor

Re: Expropriation of lands required for Regional Road 3
Rehabilitation project (2021-W-28) (Our File: 2021-1950)

On September 29, 2021, Regional Council authorized staff to begin expropriation proceedings for lands required for the Regional Road 3 Rehabilitation project that cannot be acquired through negotiations (Report #2021-W-28).

IN THE MATTER OF an application by The Regional Municipality of Durham for approval to expropriate land being

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,

for the purposes of construction of Regional Road 3 in the Municipality of Clarington, in the Regional Municipality of Durham, and all related construction activities as ancillary to the construction.

An estate in fee simple in the lands described as follows:

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

Notices of Application for Approval to Expropriate have been served in accordance with the Expropriations Act. We are not aware of any persons having requested an inquiry relating to this property.

I enclose three documents:

1. Form of Resolution approving this expropriation;
2. Expropriation By-law; and
3. Certificate of Approval.

Please present these four recommendations to Regional Council for approval. If Regional Council gives approval to expropriate, please present the draft Expropriation By-law to Regional Council for approval.

- 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.
- D) That the necessary expropriation by-law be presented to Regional Council for adoption.

Alexander McPherson

Alexander McPherson
Solicitor

RESOLUTION

RE: Expropriation of lands required for Regional Road 3 Rehabilitation project

An estate in fee simple in the lands described as follows:

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,

- 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.
- D) That the necessary expropriation by-law be presented to Regional Council for adoption.

MOVED:

SECONDED:

As more than 30 days have passed after service and first publication of the notice of application for approval to expropriate the lands herein and since no owner or other party having interest in the lands has notified the approving authority of their desire to have a hearing, therefore, the Council of The Regional Municipality of Durham approves the proposed expropriation and grants a certificate of approval.

By-law Number *-2022**
of The Regional Municipality of Durham

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.

Whereas the Expropriations Act, R.S.O. 1990, c. E.26 requires an expropriating authority to seek approval from its approving body to expropriate property.

And whereas under the Expropriations Act, The Regional Municipality of Durham is the expropriating authority, and the approving body is Regional Council.

And whereas the authority for such approval to expropriate is obtained by Regional Council's passing of the required by-law.

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. That an estate in fee simple in the lands described as 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 is hereby taken and expropriated for the purposes of construction of Regional Road 3 in the Municipality of Clarington, in the Regional Municipality of Durham, and for all related construction activities as ancillary to the construction.
2. That Regional Council 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.
3. That Regional Council grants authority to the Regional Chair and Regional Clerk to prepare, execute and register any notices and forms as may be statutorily mandated by the Expropriations Act, R.S.O. 1990, c. E.26, to give effect to clause 1, 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.

This By-law Read and Passed on the 26th day of January, 2022.

J. Henry, Regional Chair and CEO

R. Walton, Regional Clerk

EXPROPRIATIONS ACT, R.S.O. 1990, c. E.26

CERTIFICATE OF APPROVAL

In the matter of an application by The Regional Municipality of Durham for approval to expropriate land being 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 for the purposes of construction of Regional Road 3 in the Municipality of Clarington, in the Regional Municipality of Durham, and all related construction activities as ancillary to the construction:

The Council of The Regional Municipality of Durham hereby certifies that approval was given to The Regional Municipality of Durham on the 26th day of January, 2022 to expropriate all estate, right, title and interest in the following lands:

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,

being the lands described in the application.

Dated at Whitby, this XXth day of XXXXX, 2022.

THE COUNCIL OF THE REGIONAL MUNICIPALITY OF DURHAM

Per: _____

Ralph Walton, Regional Clerk

Report #1 of the Finance & Administration Committee

For consideration by Regional Council

January 26, 2022

The Finance & Administration Committee recommends approval of the following:

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

 - 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)

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)

 - 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.

Respectfully submitted,

A. Foster, Chair, Finance & Administration Committee

Report #1 of the Planning & Economic Development Committee

For consideration by Regional Council

January 26, 2022

The Planning & Economic Development Committee recommends approval of the following:

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

- 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.

Respectfully submitted,

Joe Neal, Vice-Chair, Planning & Economic Development Committee

Report #1 of the Works Committee

For consideration by Regional Council

January 26, 2022

The Works Committee recommends approval of the following:

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)
 - 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.”
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)
 - 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)
-
- 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)
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- 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)

- 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)

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)

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

Respectfully submitted,

D. Mitchell, Chair, Works Committee

Report #1 of the Committee of the Whole

For consideration by Regional Council

January 26, 2022

The Committee of the Whole recommends approval of the following:

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

 - 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.

Respectfully submitted,

J. Henry, Regional Chair and CEO