

MINUTES

THE REGIONAL COUNCIL OF DURHAM

Wednesday, January 17, 2018

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

Councillor Ryan assumed the Chair in the absence of the Regional Chair.

Roll Call: All members of Council were present with the exception of Councillors McLean, Mitchell, Regional Chair Anderson
Councillor Grant left the meeting at 12:00 PM due to personal business
Councillor Mitchell attended the meeting at 9:32 AM
Councillor Rowett left the meeting at 11:03 AM on municipal business

Declarations of Interest

1. Councillor John Neal made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Item 5, of the First Report of the Committee of the Whole, Report 2018-COW-1, Durham Region Roundtable on Climate Change 2018 Workplan. He indicated that his spouse is employed by the Oshawa Public Utilities.
2. Councillor Drumm made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to the following three items:
 - i) Item 1 of the Tenth Report of the Committee of the Whole, as noted in the Council minutes of December 13, 2017, Report #2017-COW-268: Transportation Master Plan Update Study – Final Transportation Master Plan;
 - ii) Item 5 of the Tenth Report of the Committee of the Whole, as noted in the Council minutes of December 13, 2017, Report #2017-COW-262: Final Recommendations Regarding the New Regional Transit Development Charge By-law; and
 - iii) Item 11 of the First Report of the Committee of the Whole, Report #2018-COW-9: Confidential Report from the Commissioner of Works – Planning Acquisition/Disposition of Land and Litigation/Potential Litigation Matters before an Administrative Tribunal as Part of the Requirements for the Proposed Bus Rapid Transit Project and Property Acquired at the intersection of Durham Highway 2 Regional Road 2 and Whites Road, in the City of Pickering. He indicated that his son is employed by Durham Region Transit.

Announcements

Various announcements were made relating to the activities and events within the area municipalities including:

- A fundraising dinner and dance for the Second Marsh will be held at the Jubilee Pavilion in Oshawa on February 9, 2018.

Presentations

1. Mr. Randy Wilson, Durham Regional Police Services Board, and Chief Paul Martin, regarding the DRPS annual update

R. Wilson and Chief Martin provided a PowerPoint presentation on the Community Safety Update. A handout of their presentation was provided to Council prior the meeting.

Highlights of the presentation included:

- Overview
- 2017-19 Business Plan Goals
- 2017-19 Business Plan Measurements
- 2017 Overview & Highlights
- Calls for Service 2013-2017
- Durham Region Crime Trends
- 2017 vs. 2016: Going Down
- 2017 vs. 2016: Unchanged
- 2017 vs. 2016: Going Up
- Homicides 2008-2017
- Recent Successes - Good & Toy Drive a major success
- Future Challenges
 - The Safer Ontario Act (Bill 175) will result in significant changes to policing in Ontario
 - It has passed Second Reading and has been referred to the Standing Committee on Justice Policy
 - Public hearings are scheduled for the end of February and beginning of March
 - New marihuana law expected to begin in late summer 2018 – clock is ticking regarding time needed for training
 - Aging population and the challenges associated with our vulnerable sector
 - Traffic management, texting while driving, driving impaired by drug or alcohol.

Chief Martin responded to questions from Council.

Adoption of Minutes

Moved by Councillor Henry, Seconded by Councillor Sanders,

- (1) That the minutes of the meeting of Council held on December 13, 2017 be adopted.

CARRIED

Moved by Councillor Henry, Seconded by Councillor Sanders,

- (2) That the minutes of the meeting of the Committee of the Whole held on January 10, 2018 be adopted.

CARRIED

Correspondence Requiring Motion for Direction

CC 01 Association of Municipalities of Ontario (AMO), emailing Corporate Services – Legislative Services Division, advising of the upcoming 2018 AMO Annual Conference being held from August 19 – 22, 2018 in Ottawa, Ontario. Further details on the conference are available on AMO’s website at amo.on.ca. (Our File: A10)

Moved by Councillor Henry, Seconded by Councillor Chapman,

(3) That the following be appointed as the voting Regional delegates for the 2018 AMO Conference being held August 19 – 22, 2018:

Ajax	No Delegates
Brock	Councillor Smith
Clarington	Councillor Woo
Oshawa	Councillor Pidwerbecki
Pickering	Councillor Pickles
Scugog	Councillor Drew
Uxbridge	Councillor O’Connor
Whitby	Councillor Roy

CARRIED

Correspondence Received for Information

There was no correspondence.

Delegations

1. Ms. Linda Gasser, Whitby resident, regarding the Solid Waste Management Servicing & Financing Study (2018-COW-11)

L. Gasser appeared before Council with respect to the 2018 Solid Waste Management Servicing & Financing Study. With the aid of a PowerPoint presentation, she stated the following are her main concerns:

- Organics information session - L. Gasser stated the organics information session should be held before Spring 2018 and that it should be open to the public. She added that staff did not provide Council with a preliminary business case document with Report #2017-COW-180 and she suggested that Council ask for the staff submissions from July 2017 and January 2018 to the Provincial Organics Discussion Paper and Framework, to be provided prior to the information session.

- Mixed Waste Processing Pilot - L. Gasser referenced the waste characterization study to be conducted by Canada Fibers Ltd. She raised concerns with respect to the level of detail contained in the study, the timing and if the waste processing pilot will differentiate by source of wastes.
- Food and Organic Waste Framework - L. Gasser referenced page 20 of the Report, and page 2 of the GHD preliminary business case executive summary and stated that staff's preference for a mixed waste pre-sort should not supplant efforts to provide source separated organics collection to, and improve capture rates from, all housing types.
- Future Growth in Multi-Residential – L. Gasser stated there will be significant growth in the multi-residential sector and not offering source separated organics collection to high density areas is inconsistent with the food and organic waste framework. She stated that Durham and lower tier municipalities must prepare and ensure applications for new buildings include infrastructure that facilitates source separation including organics.
- Start Long Term Waste Management Plan Review and Consultations – L. Gasser stated public consultation should begin on Durham's current and proposed programs, objectives and targets, given the major changes in Provincial policy. She noted that waste quantity, composition patterns and trends will change.
- Provincial Frameworks and Policies should guide the review of the Regional Long-Term Waste Program objectives and targets – L. Gasser stated that the public should be consulted on all organics options notwithstanding staff preferences expressed in Report #2017-COW-180. She added that the organics preliminary business case documents should be posted on Durham's website.
- Request report on potential impacts arising from China materials ban and new contamination standard – L. Gasser stated there could be a potential for increased processing costs related to the re-processing or cleaning of paper products shipped to China. She questioned where this is done, and what are the costs? She also questioned the material types and tonnage currently stored at the Material Recycling Facility and the capacity of the facility. She questioned what are Durham's options if material exceeds storage capacity?

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

- (4) That L. Gasser be granted a one-time two minute extension in order to finish her delegation.

CARRIED

- Request report on garbage tonnages – L. Gasser stated Council should request a report on garbage tonnages as it would also impact Anaerobic Digestion assumptions. She requested that Council ask for a report including details and breakdowns for Figure 34.6 in Attachment 2 to the Report, as well as 2017 actual tonnages collected and processed, and the basis for 2018 assumptions. She also questioned when the semi-annual incinerator cost updates would be available.

Ms. Gasser responded to questions of Regional Council.

Motions

1. EFW-WMAC Meetings be Live Streamed [CARRIED ON A RECORDED VOTE]

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

- (5) Be it resolved that Council adopt the resolution from the EFW-WMAC that their meetings be live streamed.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Aker
Councillor Ballinger
Councillor Carter
Councillor Chapman
Councillor Collier
Councillor Drew
Councillor Drumm
Councillor Foster
Councillor Gleed
Councillor Grant
Councillor Henry
Councillor Jordan
Councillor McQuaid-England
Councillor Mitchell
Councillor Joe Neal
Councillor John Neal
Councillor O'Connor
Councillor Parish
Councillor Pickles
Councillor Pidwerbecki
Councillor Roy
Councillor Sanders
Councillor Smith
Councillor Woo
Acting Chair Ryan

No

Councillor Ashe

Members Absent: Councillor McLean
Councillor Rowett
Regional Chair Anderson

Declarations of Interest: None

2. Indigenous Land

Whereas it is important to recognize Indigenous land and acknowledge the traditional inhabitants of the land we occupy in our region, and is a small step toward reconciliation.

Therefore let it be resolved the procedural by-law be changed to add a line to officially recognize Indigenous land, and that item be placed directly after the call to order in the agenda.

Moved by Councillor McQuaid-England, Seconded by Councillor Jordan,

- (6) That the foregoing Notice of Motion of Councillors McQuaid-England and Jordan be referred to staff in order for staff to consult with the indigenous community with a report back to Council through Committee of the Whole.

CARRIED

Committee Reports

First Report of the Committee of the Whole

Works

1. Sole Source Architectural and Engineering Services for Design, Tender and Contract Administration Work Required for the Relocation of Edna Thomson Early Learning and Child Care Centre to Knox Christian School, in the Municipality of Clarington (2018-COW-3)
 - A) That a sole source agreement for architectural and engineering services for the design, tender and contract administration work required for the relocation of Edna Thomson Early Learning and Child Care Centre to Knox Christian School in the Municipality of Clarington (Bowmanville) be negotiated and awarded to Nick Swerdfeger Architects Inc. at an estimated upset limit not to exceed \$99,750* to be funded from the Best Start unconditional grant funding; and
 - B) That the Commissioner of Finance be authorized to execute the sole source architectural and engineering services agreement.
(*) including disbursements and before applicable taxes.

2. Award of Request for Proposal #1090-2017 for Engineering Services to Facilitate the Construction of Two Bulk Water Filling Stations at Regional Properties: Ajax/Pickering Works Depot (2020 Salem Road, Ajax, ON) and Whitby/Oshawa Works Depot (825 Conlin Road, Whitby, Ontario) [\(2018-COW-4\)](#)
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- A) That Request for Proposal #1090-2017 be awarded to Associated Engineering (Ont.) Ltd. to provide engineering services for facilitating the construction of two bulk water filling stations at Regional Works Depots in the Town of Ajax and Town of Whitby to replace existing Bulk Water Filling Stations at other locations in these area municipalities, at an upset limit not to exceed \$186,344* to be funded from the approved project budget of \$600,000; and
- B) That the Commissioner of Finance be authorized to execute the engineering services agreement.
(*) including disbursements and before applicable taxes.
3. Status Update on the Duffin Creek Water Pollution Control Plant Outfall Class Environmental Assessment, the Minister of Environment and Climate Change's Order to Undertake a Phosphorous Reduction Action Plan Study and Relevant Environmental Policy Directions in Ontario [\(2018-COW-5\)](#)
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- A) That Report #2018-COW-5 be received for information; and
- B) That a copy of Report #2018-COW-5 be forwarded to the Ontario Minister of Environment and Climate Change, The Regional Municipality of York, the Town of Ajax and the City of Pickering.

Moved by Councillor Henry, Seconded by Councillor Parish,
(7) That the recommendations contained in Items 1 and 2 of the Works Section of the First Report of the Committee of the Whole be adopted.

CARRIED

Moved by Councillor Henry, Seconded by Councillor Parish,
(8) That the recommendations contained in Item 3 of the Works Section of the First Report of the Committee of the Whole be adopted.

CARRIED

Finance & Administration

4. 2018 Solid Waste Management Servicing and Financing Study
[\(2018-COW-11\)](#)
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- A) That, subject to 2018 Budget approval, Regional staff be authorized to conduct a mixed waste processing pilot in 2018 in preparation for the implementation of the new provincial organics management framework (Environmental Bill of Rights (EBR) Registry Posting #013-1814), under the *Waste Free Ontario Act, 2016* and the provincial “Strategy for a Waste-Free Ontario: Building the Circular Economy”:
- i) To divert up to 10,000 metric tonnes of mixed waste from single family and multi-residential households from the Durham York Energy Centre (DYEC) which is anticipated to exceed its Environmental Compliance Approval (ECA) regulated capacity in 2018 and result in waste bypass requirements; and
 - ii) To enter into a sole source contract for the processing of diverted mixed waste from the pilot with Canada Fibers Ltd. in order to process mixed waste at Canada Fibers’ mixed waste pre-sort facility at an increased processing/disposal and haulage cost of up to \$0.5 million, to be included in the 2018 Solid Waste Management Operations Budget;
- B) That Regional Council endorse the submission of the following comments on Environmental Bill of Rights (EBR) Registry Posting #013-1814, the Ministry of the Environment and Climate Change “Proposed Food and Organic Waste Framework”, (November 2017), as previously forwarded to the Ministry by Regional staff in order to meet the January 15, 2018 EBR deadline, including:
- i) Support for the province’s principles for the proposed new food and organic waste framework, including the reduction and recovery of resources from food and organic wastes; the promotion of beneficial uses of food and organic wastes; and, provincial support for resource recovery infrastructure through collaboration and fostering of timely regulatory approvals;
 - ii) Senior government funding support should be provided where municipal property tax payers could be negatively affected by organics regulations/measures, including a potential disposal ban and related investment requirements, stranded existing assets and other municipal capital requirements;
 - iii) Request that provincial support also include funding for municipal infrastructure and promotion and education programs necessary for the development and implementation of organics processing infrastructure and programs needed for transition to the new framework;

- iv) Any costs to address organics management in the ICI sector must be borne entirely by the ICI sector;
- v) Understanding that the Province intends to implement an organics disposal ban as early as 2022, it is imperative that the implementation of the organics ban be timed such that it encourages increased organics processing in Ontario;
- vi) Continue to engage in extensive consultations with municipal stakeholders as the new framework is implemented; and

C) That Durham Region recommend to the Province:

- i) That the ICI sector be required to increase its diversion of recyclables and organics to match the performance of the residential sector and, that the Province expand and enforce source separation for recycling and organics to ensure the ICI sector meets strict diversion obligations;
- ii) That the Province establish diversion incentives, or a waste tax (to support enforcement), to discourage the ICI sector from shipping waste to the cheapest disposal solution such as out of Province landfilling; and
- iii) That the ICI sector be required to develop its own solutions and not rely solely on existing municipal infrastructure.

5. Durham Region Roundtable on Climate Change 2018 Workplan
(2018-COW-1)

That the 2018 Workplan for the Durham Region Roundtable on Climate Change be approved.

Moved by Councillor Henry, Seconded by Councillor Chapman,

- (9) That the recommendation contained in Item 5 of the Finance & Administration Section of the First Report of the Committee of the Whole be adopted.

CARRIED

Moved by Councillor Henry, Seconded by Councillor Chapman,

- (10) That the recommendations contained in Item 4 of the Finance & Administration Section of the First Report of the Committee of the Whole be adopted.

CARRIED

Planning & Economic Development

6. Durham Environmental Advisory Committee Natural Areas as Neighbours Guide
(2018-COW-2)

- A) That the updated and redesigned Durham Environmental Advisory Committee Natural Areas as Neighbours Guide be approved for publishing and distribution; and
 - B) That a copy of Report #2018-COW-2 and attachment be forwarded to all area municipalities, all conservation authorities in Durham Region, Ministry of Natural Resources and Forestry, and Ministry of Municipal Affairs.
7. Durham Environmental Advisory Committee 2017 Annual Report and 2018 Workplan (2018-COW-6)
- A) That Commissioner's Report #2018-COW-6 be received as the Durham Environmental Advisory Committee's 2017 Annual Report;
 - B) That the Durham Environmental Advisory Committee's 2018 Workplan be approved, as outlined in Attachment #1 to Commissioner's Report #2018-COW-6;
 - C) That the revisions to the Terms of Reference for the Durham Environmental Advisory Committee be approved, as outlined in Attachment #2 to Commissioner's Report #2018-COW-6; and
 - D) That a copy of Commissioner's Report #2018-COW-6 be forwarded to the Durham Environmental Advisory Committee and the Area Municipalities; and
8. Durham Agricultural Advisory Committee 2017 Annual Report and 2018 Workplan (2018-COW-7)
- A) That Commissioner's Report #2018-COW-7 be received as the Durham Agricultural Advisory Committee's 2017 Annual Report;
 - B) That the Durham Agricultural Advisory Committee's 2018 Workplan be approved, as outlined in Attachment #1 to Commissioner's Report #2018-COW-7; and
 - C) That a copy of Commissioner's Report #2018-COW-7 be forwarded to the Durham Agricultural Advisory Committee, the Durham Federation of Agriculture, the Golden Horseshoe Food and Farming Alliance and the Area Municipalities.
9. Durham Trail Coordinating Committee (DTCC) 2017 Annual Report, Revised Terms of Reference and 2018 Workplan (2018-COW-8)
- A) That Commissioner's Report #2018-COW-8 be received as the Durham Trail Coordinating Committee's 2017 Annual Report;

- B) That the Terms of Reference for the Durham Trail Co-ordinating Committee be approved, as outlined in Attachment 1 to Commissioner's Report #2018-COW-8;
 - C) That the Durham Trail Coordinating Committee's 2018 Workplan be approved, as outlined in Attachment #3 to Commissioner's Report #2018-COW-8; and
 - D) That a copy of Commissioner's Report #2018-COW-8 be forwarded to the Area Municipalities, Conservation Authorities and other primary trail providers.
10. Bill 139, Building Better Communities and Conserving Watersheds Act, 2017 (2018-COW-10)
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- A) That Report #2018-COW-10 be endorsed and submitted to the Ministries of Municipal Affairs and the Attorney General as Durham Region's response to:
 - i) Environmental Bill of Rights Registry #013-1788 regarding amendments to the Planning Act regarding Ontario Municipal Board Transitional Provisions;
 - ii) Environmental Bill of Rights Registry #013-1790 regarding amendments to matters included in existing regulations under the Planning Act relating to the Building Better Communities and Conserving Watersheds Act, 2017 (Bill 139); and
 - iii) Ontario Regulatory Registry Posting 17-MAG011 regarding proposed regulations under the Proposed Local Planning Appeal Tribunal Act, 2017;
 - B) That the Ministries of Municipal Affairs and the Attorney General be notified that, in general, the Region supports the descriptions of the regulatory proposals for Bill 139 as it relates to the land use planning appeals system. However, there are several components that remain unclear at this time due to insufficient detail provided in the postings. Further detailed comments will only be possible upon receipt of a comprehensive suite of draft regulations, policies and/or clarification on:
 - i) Whether provincial plans and policies contain enough specificity or detail (i.e. by way of policy or guidelines) to allow municipal councils to achieve and demonstrate conformity. Likewise, whether the Local Planning Appeal Tribunal will be able to find guidance in the policy framework for the resolution of specific issues under appeal;

- ii) Further details on the implementation and adequate resourcing/funding for the proposed Local Planning Appeal Support Centre; and
 - iii) Further details on the functions and operations of the Local Planning Appeal Tribunal (e.g. how written appeals will be considered); and
- C) That a copy of Report #2018-COW-10 be forwarded to Durham's area municipalities.

Moved by Councillor Henry, Seconded by Councillor Smith,

- (11) That the recommendations contained in Items 6 to 10 inclusive of the Planning & Economic Development Section of the First Report of the Committee of the Whole be adopted.

CARRIED

Confidential Matters

11. Confidential Report from Commissioner of Works – Pending Acquisition/Disposition of Land and Litigation/Potential Litigation Matters before an Administrative Tribunal as Part of the Requirements for the Proposed Bus Rapid Transit Project and Property Acquired at the intersection of Durham Highway 2 Regional Road 2 and Whites Road, in the City of Pickering (2018-COW-9)

That the recommendations contained in Confidential Report #2018-COW-9 of the Commissioner of Works be adopted.

Moved by Councillor Henry, Seconded by Councillor Chapman,

- (12) That the recommendations contained in Item 11 of the Confidential Section of the First Report of the Committee of the Whole be adopted.

CARRIED

Other Business

There was no other business to be considered.

By-laws

There were no By-laws.

Confirming By-law

- 01-2018** Being a by-law to confirm the proceedings of Regional Council at their meeting held on January 17, 2018.

Moved by Councillor Aker, Seconded by Councillor Ashe,
(13) That By-law Number 01-2018 being a by-law to confirm the proceedings of the Council of the Regional Municipality of Durham at their meeting held on January 17, 2018 be passed.

CARRIED

Adjournment

Moved by Councillor Pidwerbecki, Seconded by Councillor Drumm,
(14) That the meeting be adjourned.

CARRIED

The meeting adjourned at 12:20 PM.

Dave Ryan, Acting Regional Chair

Ralph Walton, Regional Clerk