



## Official Notice

### Meeting of Regional Council

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

**Wednesday, February 14, 2018**

**9:30 AM**

---

#### ORDER OF BUSINESS

Call to Order

Roll Call

Declarations of Interest

Announcements

Presentations

#### Adoption of Minutes

##### Section 1

- Regular Regional Council Meeting ([January 17, 2018](#)) Pages 101 – 113
- Regular Committee of the Whole Meeting ([February 6, 2018](#)) Pages 114 – 160

#### Communications

##### Section 2

- [Correspondence](#) Pages 201 – 215

#### Delegations, Notice of Motions

##### Section 3

Pages 301 – 302

- [Delegations](#)
- [Notice of Motions](#)

#### Report of the Committee of the Whole

##### Section 4

- [Second Report of the Committee of the Whole](#) Pages 401 – 422

**Confirming By-Law**

- By-law to confirm the Proceedings of Council

**Adjournment**

## SECTION 1

### 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](http://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)

---

  - 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)

---

  - 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)

---

- 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)

---

- 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

**By-law Number 01-2018**  
**of The Regional Municipality of Durham**

Being a by-law to confirm the proceedings of the Council of The Regional Municipality of Durham at its meeting on the 17<sup>th</sup> day of January, 2018.

Whereas Subsection 3 of Section 5 of the Municipal Act provides that municipal powers, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise.

And Whereas it is deemed expedient and desirable that the proceedings of the Council of The Regional Municipality of Durham at this meeting be confirmed and adopted by by-law.

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

1. That the action of the Regional Council at its meeting held on the 17<sup>th</sup> day of January, 2018, in respect of each recommendation contained in Report No. 1 of the Committee of The Whole, and in respect of each motion, resolution and other action passed, and taken by the Regional Council at its meeting, is, except where the prior approval of Ontario Municipal Board is required, hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this By-law.
2. That the Chair of the Council and the proper officers of the Regional Municipality of Durham are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and, except where otherwise provided, the Chair and the Clerk are hereby directed to execute all documents necessary in that behalf, and to affix the Corporate Seal of the Regional Municipality of Durham to all such documents.

This By-law Read and Passed on the 17<sup>th</sup> day of January, 2018.

---

R. Anderson, Regional Chair and CEO

---

R. Walton, Regional Clerk



## SECTION 1

### The Regional Municipality of Durham

#### MINUTES

#### COMMITTEE OF THE WHOLE

**Tuesday, February 6, 2018**

A meeting of the Committee of the Whole was held on Tuesday, February 6, 2018 in the Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:00 AM.

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

Present: Morning Session 9:00 AM to 12:45 PM

All members of the Committee of the Whole were present with the exception of Councillors O'Connor, Parish, Pickles and Regional Chair Anderson

Councillor O'Connor attended the meeting at 9:14 AM

Councillor Pickles attended the meeting at 9:16 PM

Councillor Jordan left the meeting at 10:00 AM on personal business and returned at 12:43 PM

Afternoon Session 1:30 PM to 3:57 PM

All members of the Committee of the Whole were present with the exception of Councillors Parish and Regional Chair Anderson

Councillor Carter left the meeting at 3:45 PM

Collier Collier left the meeting at 2:48 PM

Councillor McQuaid-England left the meeting at 3:54 PM

Councillor Woo left the meeting at 3:54 PM

Staff

Present: G.H. Cubitt, C. Bandel, D. Barry, D. Beaton, H. Benson, B. Bridgeman, K. Chakravarthy, R.J. Clapp, B. Clancy, J. Connolly, J. Demanuele, D. Howes, H. Drouin, A. Gibson, B. Goodwin, D. Holmes, J. Hunt, R. Jagannathan, R.J. Kyle, R. Lambert, T. Lavery, W. Leonard, G. LeRiche, L. MacDermaid, S. MacLellen, Chief Martin, G. Muller, S. Munns, L. O'Dell, V. Patterson, S. Penak, N. Pincombe, N. Prasad, J. Presta, S. Rashad, K. Ryan, M. Seppala, M. Simpson, C. Tennesco, R. Walton, and K. Weiss

#### 1. Declarations of Interest

Councillor Drew made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to the following items:

- i) Item 5.2 A) Report #2018-COW-21: Amendment to Vehicle Advance and Casual Travel Reimbursement Rates; and
- ii) Item 5.3 C) Report #2018-COW-19: The 2018 Regional Business Plans and Budgets for Property Tax Purposes, including General Purpose, Solid Waste Management and Durham Region Transit, as it pertains to Regional Operations.

She indicated that her son is employed in the Works Department.

Councillor O'Connor made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to the following items:

- i) Item 5.2 A) Report #2018-COW-21: Amendment to Vehicle Advance and Casual Travel Reimbursement Rates; and
- ii) Item 5.3 C) Report #2018-COW-19: The 2018 Regional Business Plans and Budgets for Property Tax Purposes, including General Purpose, Solid Waste Management and Durham Region Transit, as it pertains to Regional Operations.

She indicated that her son is employed in the Works Department.

Councillor John Neal made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Item 5.3 C) Report #2018-COW-19: The 2018 Regional Business Plans and Budgets for Property Tax Purposes, including General Purpose, Solid Waste Management and Durham Region Transit, as it pertains to climate change. He indicated that his spouse is employed by the Oshawa Public Utilities Commission.

Councillor Roy made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to the following items:

- i) Item 3.1 A) Delegation from Mr. Greg Milosh, re: Information Report #2017-INFO-150 Employee Benefits and Post-Employment Liabilities;
- ii) Item 5.2 A) Report #2018-COW-21: Amendment to Vehicle Advance and Casual Travel Reimbursement Rates; and
- iii) Item 5.3 C) Report #2018-COW-19: The 2018 Regional Business Plans and Budgets for Property Tax Purposes, including General Purpose, Solid Waste Management and Durham Region Transit, as it pertains to Regional Operations.

She indicated that her husband is employed in the Works Department.

Councillor Drumm made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to the following items:

- i) Item 5.2 D) Report #2018-COW-30: Transit Shelter Advertising Contract Award;
- ii) Item 5.2 F) Report #2018-COW-31: Durham Region Transit (DRT) Servicing and Financing Study; and

- iii) Item 5.3 C) Report #2018-COW-19: The 2018 Regional Business Plans and Budgets for Property Tax Purposes, including General Purpose, Solid Waste Management and Durham Region Transit, as it pertains to Durham Region Transit.

He indicated that his son is employed by Durham Region Transit.

Later in the meeting, Councillor Mitchell made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Item 5.2 E) Report #2018-COW-32: 2018 Strategic Property Tax Study. He indicated that he owns vacant property in Durham Region.

Later in the meeting, Councillor Woo made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Item 5.3 B) 5. – Social Services 2018 Business Plans and Budgets and Report #2018-COW-19, respectively. He indicated that a family member is employed by the Region of Durham in the Social Services, Children Services Division.

## **2. Statutory Public Meetings**

There were no Statutory Public meetings required.

## **3. Delegations**

Moved by Councillor Henry, Seconded by Councillor Chapman,  
That the Rules of Procedure be suspended in order to hear Mr.  
Milosh and Mr. Wilson as a delegation.

CARRIED on a 2/3rds vote

### **3.1 Greg Milosh, re: Information Report 2017-INFO-150: Employee Benefits and Post-Employment Liabilities**

---

G. Milosh appeared before the Committee with regards to Information Report #2017-INFO-50: Employee Benefits and Post-Employment Liabilities. He stated that when he attended the Committee of the Whole meeting in September, he requested that staff prepare a report to provide information regarding the unused sick leave benefit extended to Regional employees. He stated that he is disappointed with the contents of Report #2017-INFO-150 as he feels the report is brief and devoid of information that allows a comparison with other public sectors regarding the payment of unused sick leave; and, the financial information understates and misrepresents the scale and cost of the benefit.

G. Milosh further stated that the Region should either retain the benefit; restrict it to existing employees and deny it to new; or completely eliminate it. He stated that a decision cannot be made without considering more relevant information and requested that the Committee ask staff to prepare a further report that is comprehensive and thorough. He also suggested

that the Commissioner of Finance provide a presentation on the financial calculation and inclusion of the benefit with the Region's budget.

G. Milosh responded to questions from the Committee.

3.2 Scott Wilson, on behalf of Jones Pumping, Tim Byers Septic Services and Coulter Pumping, re: New Policy charged to Septic Haulers for access to Water Pollution Control Plants

---

S. Wilson appeared before the Committee on behalf of Jones Pumping with regards to Durham Region's 2018 Disposal Fee Structure. S. Wilson stated that the disposal fee structure was changed on January 1, 2018 to a new flat rate fee based on 85% of individual tanker truck manufactured rated capacity. He stated that licensed haulers are under strict regulations from the Ministry of the Environment for managing septic waste transport but that these rules do not align with managing hauled waste to Regional disposal sites, especially under a flat rate fee structure. He also stated that with regards to servicing, transportation and disposal related to septic/holding tanks, a flat fee does not allow for any cost savings or efficiency.

S. Wilson further stated that the larger the tanker, the larger the disadvantage will be particularly in the winter months as the Ministry of the Environment, and the winter weather, does not allow trucks to sit overnight with waste in them. With regards to managing disposal fees in half load season, he stated that haulers have been advised that the flat rate fee of 85% capacity would prevail regardless. S. Wilson questioned why a metering system is not used.

S. Wilson responded to questions from the Committee.

[This matter was considered later in the meeting. Refer to Item 9.B) on page 44 to 45 of these minutes.]

#### 4. Presentations

4.1 Jim Clapp, Commissioner of Finance, re: 2018 Strategic Property Tax Study ([2018-COW-32](#))

---

R.J. Clapp provided a PowerPoint Presentation with regards to the 2018 Strategic Property Tax Study. A copy of the presentation was provided as a handout.

Highlights from the presentation included:

- Reassessment – 2018 Impacts
- Assessment Base Trends
- Residential Comparison

- 2017 Municipal Tax Ratios
- Non-Residential Comparisons
- Vacant & Excess Land Subclasses
- 2017 Vacant Land
- 2017 Excess Land
- 2018 Subclass Elimination Impacts
- Subclass Discount Recommendation
- Vacant Unit Rebates
- Vacant Unit Recommendation
- Conclusion

R.J. Clapp responded to questions with respect to concerns over the industrial base erosion; challenges with serviceable lands and acquiring the lands from the province; the pros and cons of phasing out vacant and excess land subclass discounts over three years instead of one; the brick and mortar commercial base and the effects of online shopping on this tax base; availability of serviced or near serviced land; and, smaller retailers taking up the larger majority of the property tax impact.

Moved by Councillor Foster, Seconded by Councillor Pickles,  
That the Committee of the Whole recess for 15 minutes.  
CARRIED

The Committee recessed at 10:30 AM and resumed the meeting at 10:45 AM.

## 5. Finance & Administration

Councillor Chapman assumed the chair for the Finance & Administration section of the Committee of the Whole.

### Finance

#### 5.1 Communications

- A) Mr. Mark Majchrowski, Chief Administrative Officer, Kawartha Conservation, providing the Kawartha Conservation 2018 Preliminary Levy
- 

Moved by Councillor Henry, Seconded by Councillor Carter,  
That the correspondence from Mr. Mark Majchrowski, Chief Administrative Officer, Kawartha Conservation, regarding the Kawartha Conservation 2018 Preliminary Levy, be referred to consideration of Report #2018-COW-19.  
CARRIED

- B) Bruce MacDonald, Executive Director of the Durham Region Cycling Coalition, providing public comments by the Coalition referencing various regional reports, and certain aspects of the Regional Cycling Plan and Road Projects for inclusion on the February 6 and 7, 2018 Committee of the Whole agenda for discussion during the 2018 Regional Business Plans and Budgets for Property Tax Purposes.

Moved by Councillor Henry, Seconded by Councillor Carter,  
That the correspondence from Bruce MacDonald, Executive Director of the Durham Region Cycling Coalition, regarding public comments by the Coalition regarding agenda items, be referred to consideration of Report #2018-COW-19.  
CARRIED

## 5.2 Reports

- A) Amendment to Vehicle Advance and Casual Travel Reimbursement Rates (2018-COW-21)

Moved by Councillor Henry, Seconded by Councillor Drumm,  
That we recommend to Council:

That the rates for reimbursement for the use of a personal vehicle while on Regional business be as set out in Attachment #1 to Report #2018-COW-21, effective January 1, 2018.

CARRIED

- B) Confirmation of the Region's Triple "A" Credit Rating by Moody's Investors Service (2018-COW-23)

Moved by Councillor Henry, Seconded by Councillor Drumm,  
That we recommend to Council:

That Report #2018-COW-23 of the Commissioner of Finance be received for information.

CARRIED

- C) Public Process for the Proposed Regional and Carruthers Creek Area Specific Development Charge By-laws (2018-COW-24)

Moved by Councillor Henry, Seconded by Councillor Drumm,  
That we recommend to Council:

- A) That Statutory Public Meetings of Regional Council, as required by the Development Charges Act, 1997 (DCA, 1997) be held on April 11, 2018 in the Regional Council Chambers at the beginning of the regular Regional Council meeting to consider the following:

- i) The proposed Regional Development Charge By-law and Background Study;
  - ii) The proposed Area Specific Development Charge By-law and Background Study for water supply services in the Carruthers Creek area; and
  - iii) The proposed Area Specific Development Charge by-law and Background Study for sanitary sewerage services in the Carruthers Creek area;
- B) That the proposed Regional Development Charge By-law and Background Study as well as the Carruthers Creek Water Supply and Sanitary Sewerage Area Specific By-laws and Background Studies, as required by the DCA, 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 March 27, 2018; and
- C) That staff be authorized to place appropriate notification in newspapers of sufficiently general circulation in Durham Region and the Regional web-site setting forth the date, time, location and purpose of the Statutory Public Meetings and the date and contact for the release of the proposed Regional Development Charge By-laws and Background studies no later than March 21, 2018.

CARRIED

D) Transit Shelter Advertising Contract Award (2018-COW-30)

V. Patterson responded to questions regarding the agreement for the cleaning services of the transit shelters being the Region's responsibility and how it will impact the pickup of waste at the transit bus stops; and the guaranteed payment by Pattison Outdoor Advertising to the Region for the extension of the current contract.

Moved by Councillor Henry, Seconded by Councillor Foster,  
That we recommend to Council:

- A) That the negotiated agreement with Pattison Outdoor Advertising for advertising on DRT bus shelters for a term of three years to March 31, 2021, with an option to extend for up to two years; with the following provisions, be approved:
- i) A guaranteed fixed monthly payment of \$51,520, from Pattison Outdoor Advertising to the Region;

- ii) Annual payments of 50 per cent of Pattison Outdoor Advertising's annual cumulative net sales less the annual total of guaranteed fixed payments; and
  - iii) Cleaning shelters to be the responsibility of the Region; and
- B) That the Commissioner of Finance be authorized to execute the agreement, including any amendments.

CARRIED

E) 2018 Strategic Property Tax Study ([2018-COW-32](#))

A revised page 17, and a revised page 9 of Attachment #2 to Report #2018-COW-32 were provided as handouts.

Discussion ensued regarding the advantages and disadvantages of the discounts applied to municipal property taxes on parcels in the vacant and excess land subclasses of the broad Commercial and Industrial property tax classes; and the rational for a three year phase-out of the program.

R.J. Clapp responded to questions regarding the number of Commercial and Industrial properties impacted if this discount is eliminated; the consultation that took place with the Region's local business communities; future opportunities available for staff of Economic Development to work with, and encourage, vacant Commercial and Industrial landowners to develop or sell these lands; and the need for serviced or near serviced vacant lands.

Discussion also ensued regarding the options available to host municipalities of a nuclear generating facility to pressure the Province to reassess the facility proxy property tax payments and to request that these payments be redirected to the host municipalities and the Region.

At this point in the meeting, Councillor Mitchell made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Item 5.2 E), Report #2018-COW-32, as he owns vacant land in the Region of Durham.

Moved by Councillor Henry, Seconded by Councillor Drumm,  
That we recommend to Council:



- A) That the discount applied to municipal property taxes on parcels in the vacant and excess land subclasses of the broad Commercial (30 percent discount) and broad Industrial (35 per cent discount) property tax classes be phased-out evenly over the property taxation years 2018 to 2020, according to the following parameters:
- i) for the property tax year 2018, the discount in the municipal property taxes be set at 20.00 per cent for vacant and excess land parcels in the broad Commercial property tax classes and 23.33 per cent for vacant and excess land parcels in the broad Industrial property tax classes;
  - ii) for the property taxation year 2019, the discount in municipal property taxes be set at 10.00 per cent for vacant and excess land parcels in the broad Commercial property tax classes and 11.67 per cent for vacant and excess land parcels in the broad Industrial property tax classes;
  - iii) for the property taxation year 2020, the discount in municipal property taxes be eliminated for vacant and excess land parcels in both the Commercial and Industrial broad property tax classes and the program be discontinued; and
  - iv) increased municipal property taxation from the phase-out and elimination of the vacant and excess land subclass discounts in the Commercial and Industrial broad property tax classes be offset by a corresponding reduction in the Industrial broad class municipal property taxes collected through a reduction in the Industrial broad property tax class municipal tax ratio;
- B) That the vacant unit property tax rebate program, available to eligible units in the broad Commercial (30 per cent rebate) and broad Industrial (35 per cent rebate) property tax classes, be phased-out evenly over the property taxation years 2018 to 2019 according to the following parameters:
- i) for the property tax year 2018, rebates be set at 15.00 per cent for eligible units in the broad Commercial property tax class and 17.50 per cent for eligible units in the broad Industrial property tax classes; and

- ii) the rebate program for both the Commercial and Industrial broad property tax classes be eliminated for the 2019 property tax year;
- C) That as mandated by the Province, the Commissioner of Finance undertake the necessary steps to request that Durham Region Council's decision to phase-out the vacant unit rebate program and the discounts applied to the vacant and excess land subclasses in the broad Commercial and Industrial property tax classes be implemented through regulation by the Province of Ontario;
- D) That the Province be requested to lower both the broad Commercial and broad Industrial education property tax rates as a result of the Region of Durham's phasing-out of the vacant and excess land subclass discounts for the broad Commercial and Industrial tax classes in Recommendation A);
- E) That for the 2018 property taxation year, the municipal property tax ratios for the following property classes for the Regional Municipality of Durham be set as follows:

Multi-Residential	1.8665
New Multi-Residential	1.1000
Landfill	1.1000
Pipelines	1.2294
Farmland	0.2000
Managed Forests	0.2500

**Commercial Broad Class**

(including Residual, Shopping Centres, Office Buildings and Parking Lots)

Occupied	1.4500
Vacant Land	1.1600
Excess Land	1.1600

**Industrial Broad Class**

(including Residual and Large Industrial)

Occupied	2.1850
Vacant Land	1.6752
Excess Land	1.6752

and the requisite by-law be prepared and approval be granted;

- F) That the Region of Durham requests that the Province continue with the intended Business Education Tax (BET) broad Industrial class reductions, that were deferred until the Provincial budget was balanced, in order to reduce Durham Region's broad Industrial property tax class education tax rate down to the Provincial average;
- G) That to achieve greater fairness and equity in the Current Value Assessment (CVA) system and property taxation policy, the Province again, be requested to:
  - i) Remove the special policy consideration for assessment decreases prior to the next reassessment cycle (2020 CVA for taxation years 2021 to 2024) so that all increases and decreases are phased-in evenly over the four-year cycle;
  - ii) Undertake a stakeholder review of the Provincial statutory rates (Heads & Beds, Hydro Linears and Nuclear Generating Facilities) similar to the recent Railway Linear review;
  - iii) Update the following Provincial statutory rates and institute a process by which these rates are updated annually in order to avoid the shifting of municipal funding to the residential property homeowner:
    - 1. Hospitals, Prisons and Post-Secondary Education Institutions ("Heads & Beds", last updated in 1987);
    - 2. Railway/Hydro Right of Ways ("Linear Properties", last major update in 1998 with a one per cent increase in Railway Right of Ways in Durham Region in 2017); and
    - 3. Nuclear Generating Facilities (last updated in 1968);
  - iv) Redirect proxy property tax payments currently paid by the Region's two nuclear generating facilities to the Ontario Electricity Financial Corporation (OEFC) for the Ontario Hydro stranded debt to the host municipalities and the Region following retirement of the stranded debt; and

- v) Amend Section 110 of the Municipal Act, 2001 in order to permit a municipality in a two tiered municipal structure the option to exempt a municipal capital facility from full or partial portion of its share of municipal property taxes only as it pertains to such a facility.

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

Moved by Councillor McQuaid-England, Seconded by Councillor John Neal,  
That the main motion of Councillors Henry and Drumm be amended as follows:

That for the property tax year of 2018, the discount for municipal property taxes be eliminated for vacant and excess land parcels in both the Commercial and Industrial broad property tax classes and the program be discontinued.

MOTION DEFEATED ON THE  
FOLLOWING RECORDED VOTE

Yes

Councillor McLean  
Councillor McQuaid-England  
Councillor John Neal  
Councillor Sanders

No

Councillor Aker  
Councillor Ashe  
Councillor Ballinger  
Councillor Carter  
Councillor Chapman  
Councillor Collier  
Councillor Drew  
Councillor Drumm  
Councillor Foster  
Councillor Gleed  
Councillor Grant  
Councillor Henry  
Councillor Joe Neal  
Councillor O'Connor  
Councillor Pickles  
Councillor Pidwerbecki  
Councillor Rowett  
Councillor Roy  
Councillor Smith  
Councillor Woo  
Councillor Ryan, Acting Chair

Members Absent: Councillor Jordan  
Councillor Parish  
Regional Chair Anderson

Declarations of Interest: Councillor Mitchell

The main motion of Councillors Henry and Drumm was then put to a vote and CARRIED.

F) 2018 Durham Region Transit (DRT) Servicing and Financing Study (2018-COW-31)

Discussion ensued regarding the capital investment for a new bus replacement plan and mid-life bus refurbishments; financing of a new indoor bus storage and service facility; the new Transit Development Charge By-law to meet the demand of future growth; the disconnect between transit capital costs and ridership; and, the increase in the U-Pass ridership

V. Patterson responded to questions regarding the increase in operational and maintenance overtime; the 2014 DRT Fare rates; and the DRT fare revenue shortfall of approximately \$700,000 in 2017. It was also questioned whether DRT has an analysis on the market impact of “Uber” service, or the role of these services as ride sharing to bring people to the main transit corridors.

Further discussion ensued regarding opportunities to lower the youth fares; transit initiatives to meet the target needs of low-income travellers; and the initiatives for a Family Weekend Pass for summer and a Youth Summer 2 for 1 promotion.

Moved by Councillor Henry, Seconded by Councillor Foster,  
That we recommend to Council:

- A) That the proposed 2018 DRT service improvements, and efficiencies be approved for implementation in April and July 2018 at a net cost of \$499,651 in 2018, or \$1,047,489 million annualized as follows:

**Table 1: 2018 Service Changes**

	2018		Annualized	
	Revenue Hours of Service	Net Cost	Revenue Hours of Service	Net Cost
Service Improvements	10,523	\$989,223	20,465	\$1,931,320
Service Efficiencies	(5,220)	(\$489,571)	(9,532)	(\$883,831)
<b>Net Change in Service</b>	<b>5,303</b>	<b>\$499,651</b>	<b>10,933</b>	<b>\$1,047,489</b>

- B) That in accordance with Regional Council approved service standards, the list of currently underperforming routes, and the recommended actions for the underperforming routes, be received for information, as follows:

**Table 2: Actions for Underperforming Routes**

Route (Municipality)	Minimum Boarding Per Hour Standard	2017 Boardings per Hour	2018 Revenue Hours of Service	Estimated 2018 Operating Cost	Recommended 2018 Action
<b>Local Routes</b>					
420 – Britannia West (Oshawa)	7	6.6	1,266	\$115,301	Service recently introduced in September 2017. The 2018 Service Plan includes a route and trip enhancement.
318 – Garden-West Lynde (Whitby)	7	6.1	828	\$73,946	In 2018, DRT plans to replace the route with the introduction of expanded service on Routes 301 and 303.
603 - Pickering – Uxbridge (Pickering/Uxbridge)	7	2.4	1,512	\$151,076	Continue service and monitor performance.
601 – Brock – Uxbridge (Brock/Uxbridge)	7	2.2	2,255	\$240,220	Continue service and monitor performance.
960 – Newmarket- Uxbridge (Newmarket/Uxbridge)	7	1.8	1,025	\$113,702	Continue service and monitor performance.
<b>Community Routes</b>					
199 – Claremont	4	3.0	0	0	No further actions. In September 2017, service was replaced with Route 603, providing service between Uxbridge and Pickering via Claremont every weekday
<b>Total</b>			<b>6,886</b>	<b>\$694,245</b>	

- C) That in order to establish the service level that forms DRT's proposed 2018 Business Plan and Budget, the following be approved:
- i) DRT's transit service level at 526,627 revenue hours of service (a 3.2 per cent increase from 510,070 hours in 2017), which includes annualization of the 2017 service enhancements and the proposed service enhancements and efficiencies to be implemented in April and July 2018;
  - ii) The specific routes that comprise the 526,627 revenue hours of service; and
  - iii) Regional Council approval of any service adjustments to routing beyond the approved revenue hours of service continue to be required, given the impact on Regional transit property taxes;
- D) That effective May 1, 2018, the Adult PRESTO/Ticket fare be increased from \$3.10 to \$3.15 which is estimated to generate approximately \$106,000 in new fare revenue based on DRT's 2018 ridership forecast of 10.48 million riders, unchanged from 2017 budgeted levels;
- E) That Durham Region Transit's Nine Year Capital Forecast (2019-2027) in the amount of \$297.4 million be received for information;

- F) That as requested by the Transit Executive Committee, the performance results of the North Service Strategy be received for information;
- G) That the response to Council's request for information on Access Pass holders' use of Specialized Services as noted in Report #2018-COW-31 be received for information.

CARRIED

### 5.3 Business Plan and Budget Review

#### A) Presentations

1. Jim Clapp, Commissioner of Finance, re: 2018 Regional Business Plans and Budgets for Property Tax Purposes

R.J. Clapp provided a detailed PowerPoint presentation on the 2018 Regional Business Plans and Budgets. A copy of his presentation was provided as a handout.

Highlights from the presentation included:

- Broader Economic Conditions
- Risk and Mitigation Strategies
- Business Planning Process
- Guideline
- 2018 Gross Property Tax Budget
- Budget & Assessment Growth 2015-2018
- 2018 Budget Highlights
- 2018 Guideline Achieved
- Budget Highlights:
  - Police
  - Police Capital Program (\$m)
  - Transit
  - Transit Capital Program (\$m)
  - Works, Roads & Bridges
  - Solid Waste Management
  - Public Health and Paramedic Services
  - Social Services
  - Other Departments
- Special Contributions
- Conservation Authorities
- Federal Gas Tax Strategy
- Property Tax Supported Capital Forecast (\$m)
- Capital Forecast Financing (\$m)
- Debt Forecast

- Seaton Strategy
- 2018 Regional Property Tax Impact
- Average Monthly Household Regional Tax Impact
- Fiscal Sustainability
- Budget Summary

R. J. Clapp noted that the average Regional property tax increase is 1.9% for an average residential tax increase of \$50. He added that the Regional residential property tax impact varies by municipality.

Councillor Foster requested additional information on the amount of debt that was internally financed. R. J. Clapp advised he will follow up with Councillor Foster directly.

R. J. Clapp responded to questions with respect to the inclusion of hospices in the 2018 budget; the Federal Gas Tax Funding Strategy timelines; the amount of the Ontario Works upload; and, clarification regarding the support for Toronto Region Conservation Authority's funding application for Pickering and Ajax Dyke Remediation Environmental Assessment, Floodplain mapping Duffins Creek and Hydrology update Petticoat Creek watershed.

Moved by Councillor Aker, Seconded by Councillor Henry,  
That the Committee of the Whole recess for 45 minutes.  
CARRIED

The Committee recessed at 12:45 PM and resumed the meeting at 1:30 PM.

B) Business Plans and Budgets

1. Durham Regional Police Service 2018 Business Plans and Budgets

Moved by Councillor Collier, Seconded by Councillor Henry,  
That the Durham Regional Police Service 2018 Business Plans and Budgets be referred to consideration of Report #2018-COW-19 of the Commissioner of Finance.  
CARRIED

[Refer to Item 5.3 C) on pages 22 to 34 of these minutes.]

2. Conservation Authorities 2018 Business Plans and Budgets
  - Central Lake Ontario
  - Ganaraska Region
  - Kawartha Region
  - Lake Simcoe Region



- Toronto Region

Moved by Councillor Henry, Seconded by Councillor Jordan,  
That the Conservation Authorities 2018 Business  
Plans and Budgets be referred to consideration of  
Report #2018-COW-19 of the Commissioner of  
Finance.

CARRIED

[Refer to Item 5.3 C) on pages 22 to 34 of these minutes.]

3. Durham Region Transit 2018 Business Plans and Budgets

V. Patterson responded to questions how the new positions  
and reclassifications of staff will assist DRT; and whether the  
DRT operators, when in training, are paid a minimum wage.

Moved by Councillor Henry, Seconded by Councillor Woo,  
That the Durham Region Transit 2018 Business  
Plans and Budgets be referred to consideration of  
Report #2018-COW-19 of the Commissioner of  
Finance.

CARRIED

[Refer to Item 5.3 C) on pages 22 to 34 of these minutes.]

4. Health 2018 Business Plans and Budgets

- Public Health
- Paramedic Services

In response to a question, Dr. Kyle clarified the duties of the  
new Navigation and By-law Enforcement Officer positions.

Discussion ensued regarding the proposed facility expansions  
for Paramedic Services; and the allotted new Healthy Smiles  
Ontario staffing position.

Dr. Kyle also responded to questions regarding the required  
capital funds to purchase a mobile health unit in 2018; and the  
potential to utilize a decommissioned ambulance as a mobile  
health unit.

Moved by Councillor Pickles, Seconded by Councillor Smith,  
That the Health 2018 Business Plans and Budgets be  
referred to consideration of Report #2018-COW-19 of  
the Commissioner of Finance.

CARRIED

[Refer to Item 5.3 C) on pages 22 to 34 of these minutes.]

At this point in the meeting, Councillor Woo made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to the Children's Services portion of the Social Services 2018 Business Plans and Budgets of Report #2018-COW-19. He indicated that a family member is employed by the Region of Durham in the Social Services, Children Services Division.

5. Social Services 2018 Business Plans and Budgets

- Emergency Management and Program Support Services
- Social Assistance
- Children's Services
- Family Services
- Housing Services
- Services for Seniors and Long Term Care

Discussion ensued regarding the decrease in the wait times to access subsidized child care and potential capacity pressures.

R. Lambert responded to questions regarding the new Behavioural Consultant position. Dr. Drouin responded to questions regarding the Provincial funding provided to the Region for the 2018 Social Services operational costs.

Discussion followed on the budgeted monies dedicated to move forward the Housing Services Strategy initiatives

Moved by Councillor Pickles, Seconded by Councillor Pidwerbecki,  
That the Social Services 2018 Business Plans and  
Budgets be referred to consideration of Report  
#2018-COW-19 of the Commissioner of Finance.  
CARRIED

[Refer to Item 5.3 C) on pages 22 to 34 of these minutes.]

6. Planning & Economic Development 2018 Business Plans and Budgets

- Planning
- Economic Development

Discussion ensued regarding the Region's return, in terms of marketing, on its financial investment into Toronto Global. K. Weiss advised that staff will report back at the Committee of

the Whole meeting in April with an update on the Region's current international marketing opportunities.

Councillor John Neal questioned whether the municipalities receive provincial reimbursement for reviewing and commenting on the Provincial Plans. B. Bridgeman advised he would check with the various agencies and follow-up with Councillor John Neal directly.

Moved by Councillor O'Connor, Seconded by Councillor Sanders,  
That the Planning & Economic Development 2018  
Business Plans and Budgets be referred to  
consideration of Report #2018-COW-19 of the  
Commissioner of Finance.

CARRIED

[Refer to Item 5.3 C) on pages 22 to 34 of these minutes.]

7. Works General Tax 2018 Business Plans and Budgets

- Roads/Operations/Capital
- Solid Waste Management

J. Presta responded to questions regarding the operating cost for communication changes; and the reallocation of the GIS Specialist to Payroll Clearing in Traffic operations.

Discussion ensued regarding the budget allocated for the business case on the management of organics.

Councillor Joe Neal requested the details on the removal of the one-time items for the Major Repairs & Renovations and Tangible Capital Assets identified on page 101 of the Works – Solid Waste Management 2018 Business Plan. R.J. Clapp advised he will provide this information to Councillor Joe Neal directly.

Moved by Councillor Pidwerbecki, Seconded by Councillor Henry,  
That the Works General Tax 2018 Business Plans  
and Budgets be referred to consideration of Report  
#2018-COW-19 of the Commissioner of Finance.

CARRIED

[Refer to Item 5.3 C) on pages 22 to 34 of these minutes.]

8. Finance & Administration 2018 Business Plans and Budgets

- Regional Council

- Regional Chair's Office
- Chief Administrative Officer
- Corporate Services
- Legal – Provincial Offences Act
- Durham Emergency Management Office
- Emergency 9-1-1 Telephone System
- Finance
- Non Departmental
- Special Contributions
- Provincial Download Service Costs
- Durham Region Local Housing Corporation

D. Beaton responded to questions regarding the timeline for the rollout of an electronic agenda (E- Agenda).

Discussion ensued regarding the strategy for the Pickering Airport lands; and, the non-departmental working capital contingencies. Councillor Joe Neal questioned what is included in the budget for Seaton Project Management. J. Clapp advised he would look into this and report back to Councillor Joe Neal directly.

K. Weiss responded to questions regarding the merits of Toronto Global with respect to the marketing of Durham Region. Discussion followed on whether to continue moving forward using the marketing services provided by Toronto Global.

Moved by Councillor Joe Neal, Seconded by Councillor Collier,  
That Toronto Global be deleted from the Non-  
Departmental, budget in the amount of \$206,000, as  
detailed in Item 24, Program Summary, of the  
Finance & Administration 2018 Business Plan.

MOTION DEFEATED ON THE  
FOLLOWING RECORDED VOTE

Yes

Councillor Collier  
Councillor McQuaid-England  
Councillor Joe Neal  
Councillor John Neal

No

Councillor Aker  
Councillor Ashe  
Councillor Ballinger  
Councillor Carter  
Councillor Chapman

Councillor Drew  
Councillor Drumm  
Councillor Foster  
Councillor Gleed  
Councillor Grant  
Councillor Henry  
Councillor Jordan  
Councillor McLean  
Councillor Mitchell  
Councillor O'Connor  
Councillor Pickles  
Councillor Pidwerbecki  
Councillor Rowett  
Councillor Roy  
Councillor Sanders  
Councillor Smith  
Councillor Woo  
Councillor Ryan, Acting Chair

Members Absent: Councillor Parish  
Regional Chair Anderson

Declarations of Interest: None

Further discussion ensued on the following Non-Departmental items as outlined in the Finance & Administration 2018 Business Plans: the Official Plan Review, the Regional Asset Management Audit and Software, Business Continuity, the Financial Information Management System, and a Development Tracking System.

J. Hunt responded to questions on how Legal Services determine who will represent the Region on matters before the Ontario Small Claims Court; and if the Region utilizes the services of an outside attorney.

Moved by Councillor Henry, Seconded by Councillor Smith,  
That the Finance & Administration 2018 Business Plans  
and Budgets be referred to consideration of Report  
#2018-COW-19 of the Commissioner of Finance.  
CARRIED

[Refer to Item 5.3 C) on pages 22 to 34 of these minutes.]

- C) The 2018 Regional Business Plans and Budgets for Property Tax Purposes, including General Purpose, Solid Waste Management and Durham Region Transit (2018-COW-19)

A revised page 1 and page 10 to Report #2018-COW-19 of the Commissioner of Finance were provided as a handout.

Moved by Councillor Sanders, Seconded by Councillor Carter,  
That we recommend to Council:

**2018 General Purpose Property Tax Business Plans and Budgets**

- A) That the **2018 Business Plans and Property Tax Budgets for General Purposes (excluding Durham Region Transit and Solid Waste Management)** be approved, at a total net property tax requirement of \$545,926,000, as detailed within the 2018 Regional Business Plans and Budgets, which are highlighted in this report and summarized as follows:

	<b>2018 Tax Requirements (\$000s)</b>
<b>i) Regional Operations</b>	
Departmental Operations	239,644
Regional Roads Reserve – Growth	12,549
Regional Roads – Rehabilitation Reserve Fund	26,050
Regional Bridges – Rehabilitation Reserve Fund	5,525
<b>Total Regional Operations</b>	<b>283,768</b>
<b>ii) Police Service</b>	<b>198,916</b>
<b>iii) Provincial Download Service Costs</b>	<b>48,153</b>
<b>iv) Conservation Authorities</b>	<b>8,032</b>
<b>v) Special Contributions</b>	
Regional Land Acquisition Reserve Fund	570
Special Contribution - Hospitals	4,060
- Durham College	350
<b>Total Special Contributions</b>	<b>4,980</b>
<b>SUBTOTAL</b>	<b>543,849</b>
Seaton Assessment Growth	621
Adjustment to 2018 Assessment Base (re: Assessment under appeal)	1,457
<b>TOTAL GENERAL PROPERTY TAX PURPOSES</b>	<b>545,927</b>

Note: Excludes Durham Region Transit and Solid Waste Management which are included separately as Recommendations T) through X).

- B) That the **2018 Net Major Tangible Capital Asset Program for General Property Tax Purposes** (excluding Solid Waste, Durham Region Transit and Conservation Authorities' requirements) in the amount of \$91,555,000 be approved, and the 2019 to 2027 Capital Forecast in the amount of \$1,487,837,000 as detailed in the following table be received for information purposes only and subject to future approvals:

GENERAL PURPOSES TANGIBLE CAPITAL ASSET REQUIREMENTS (\$000's)							
	Recommended	Forecast					
	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023-2027</u>	<u>Total 2019-2027</u>
<b>Police Service</b>							
Operations Training Centre - Phase 2	-	-	2,000	23,000	-	-	25,000
Facility Repairs & Renovations	515	1,000	1,000	1,000	1,000	5,000	9,000
Clarington Police Complex Phase 2 - Regional Support Centre and Centre for Investigative Excellence	-	-	55,000	-	-	-	55,000
Durham North West Seaton	-	-	-	-	2,500	27,500	30,000
North Division Expansion	-	-	-	-	-	3,400	3,400
Central East Division	-	-	-	-	-	50,000	50,000
<b>Police Service sub-total</b>	<b>515</b>	<b>1,000</b>	<b>58,000</b>	<b>24,000</b>	<b>3,500</b>	<b>85,900</b>	<b>172,400</b>
<b>Paramedic Service</b>							
Ambulance Stations - Seaton	1,000	2,500	-	-	-	-	2,500
- Clarington	1,100	2,700	-	-	-	-	2,700
- Uxbridge	-	1,250	-	4,500	-	-	5,750
Ambulances & Equipment - Growth Related	-	525	-	525	-	1,575	2,625
Ambulances & Equipment Replacement	3,306	2,285	2,328	2,691	2,437	17,406	27,147
<b>Paramedic Service sub-total</b>	<b>5,406</b>	<b>9,260</b>	<b>2,328</b>	<b>7,716</b>	<b>2,437</b>	<b>18,981</b>	<b>40,722</b>
<b>Health &amp; Social Services</b>							
New Ontario Works Delivery Location	-	-	-	20,000	-	-	20,000
Sunderland Relocation and Expansion - Child Care	-	1,000	-	-	-	-	1,000
Seaton Facility	-	8,300	-	-	-	-	8,300
<b>Social Services sub-total</b>	<b>-</b>	<b>9,300</b>	<b>-</b>	<b>20,000</b>	<b>-</b>	<b>-</b>	<b>29,300</b>
<b>Headquarters Expansion</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>120,000</b>	<b>-</b>	<b>-</b>	<b>120,000</b>
<b>Works Operations</b>							
Regional Roads Program	85,634	101,570	120,170	115,285	121,970	666,420	1,125,415
<b>Works Operations sub-total</b>	<b>85,634</b>	<b>101,570</b>	<b>120,170</b>	<b>115,285</b>	<b>121,970</b>	<b>666,420</b>	<b>1,125,415</b>
<b>TOTAL TCA REQUIREMENTS</b>	<b>91,555</b>	<b>121,130</b>	<b>180,498</b>	<b>287,001</b>	<b>127,907</b>	<b>771,301</b>	<b>1,487,837</b>

- C) That financing for the 2018 Net Major Tangible Capital Asset Program for General Property Tax Purposes in the net amount of \$91,555,000 be approved as follows:

<b>GENERAL PURPOSES 2018 CAPITAL FINANCING (\$000's)</b>				
	<b><u>Police</u></b>	<b><u>Paramedic</u></b>	<b><u>Roads</u></b>	<b><u>Total</u></b>
Property Taxes	515	4,888	6,204	<b>11,607</b>
Development Charges	-	-	36,251	<b>36,251</b>
Rehabilitation / Special Road/Bridges Reserve Funds	-	-	41,779	<b>41,779</b>
Debentures	-	518	-	<b>518</b>
Other <sup>1.</sup>	-	-	1,400	<b>1,400</b>
<b>Total Financing</b>	<b>515</b>	<b>5,406</b>	<b>85,634</b>	<b>91,555</b>

Note:

1. Contribution from Simcoe County

**Contributions for Regional Roads and Bridges**

- D) That a 2018 contribution of \$12,549,000 to the **Regional Roads Reserve – Growth** be authorized to allow for financing of Road Capital Construction Projects;
- E) That a 2018 contribution of \$26,050,000 to the **Regional Roads Rehabilitation Reserve Fund** be authorized to assist with roads rehabilitation requirements;
- F) That a 2018 contribution of \$5,525,000 to the **Regional Bridges Rehabilitation Reserve Fund** be authorized to assist with bridge rehabilitation requirements;
- G) That a financing plan to advance the use of a portion of the Federal gas tax funds in order to address the most critical road rehabilitation be approved as follows:
- i) The outstanding debt servicing payments related to the Durham York Energy Centre continue to be financed from Federal gas tax revenue until the internal loan obligations are met in 2020 with the 2018, 2019 and 2020 payments to be phased in order to provide \$4.8 million Federal gas tax revenue to be dedicated in 2018 to critical road rehabilitation needs; and



- ii) The following additional critical road rehabilitation capital projects be approved with financing from the Federal gas tax (\$4.8 million) and the balance of \$2.4 million from the 2018 budgeted increase in the Regional Road Rehabilitation Reserve:
- Liberty Street (Regional Road 14) from north of Concession 3 to Concession 4 in the Municipality of Clarington, at an estimated cost of \$1,900,000 (current pavement condition index rating of 15)
  - Regional Road 21 from Marsh Hill (approximately 3.5 km east of Lake Ridge Road) to Highway 12 in the Township of Scugog at an estimated cost of \$3,000,000 (current pavement condition index rating of 13)
  - Regional Road 38 Whites Road from north of Kingston Road to Finch Avenue in the City of Pickering at an estimated cost of \$1,300,000 (current pavement condition index of between 24 and 30 for the various segments); and
  - Regional Road 8 from Mill Run Gate to 0.4 km west of 4th Concession Road in the Township of Uxbridge at an estimated cost of \$1,000,000 (current pavement condition index of between 9 and 15 for the various segments)
- H) That given the funding allocation of \$2,216,952 for Durham Region through the Ontario Municipal Commuter Cycling Program (OMCC) which covers 80 per cent of eligible design, engineering and capital costs to build commuter cycling facilities, the Region's 20 per cent funding contribution of \$554,238 be included in the 2018 Regional Business Plans and Budgets (total OMCC cycling program \$2,771,190);

**Provincial Download Services Costs**

- I) That the **2018 Provincial Download Services Costs Budget** be approved as part of the 2018 Regional General Purposes property tax requirement in the total amount of \$48,153,000, including a provision of \$5,991,000 for the 2018 Durham Regional Local Housing Corporation Business Plan and Budget;

**Conservation Authorities**

- J) That funding totaling \$5,815,856 for operations and \$1,653,229 for 2018 Special Projects be approved for the **Region's five Conservation Authorities** with Special Projects funding provided as summarized below:

Kawartha Region Conservation Authority	\$140,890
Ganaraska Region Conservation Authority	228,232
Toronto and Region Conservation Authority	812,971
<u>Lake Simcoe Region Conservation Authority</u>	<u>471,136</u>

**Total Conservation Authority Special Projects \$1,653,229**

- K) That additional funding totaling \$200,000 be provided from the Regional Land Acquisition Reserve Fund to the five Conservation Authorities for 2018 land management expenditures for properties within Durham Region as outlined below and that the Region continue to work with the Conservation Authorities to review the funding of land management activities, including financial reporting on the funding spent annually and associated outcomes as part of the Conservation Authorities annual accountability reporting:

Central Lake Ontario Conservation Authority	\$85,000
Kawartha Region Conservation Authority	15,000
Ganaraska Region Conservation Authority	37,000
Toronto and Region Conservation Authority	41,000
<u>Lake Simcoe Region Conservation Authority</u>	<u>22,000</u>

**Total Conservation Authority Special Projects \$200,000**

- L) That the **York/Peel/Durham/Toronto Groundwater Management Initiatives** be continued in 2018 at a funding level of \$175,000 for ongoing groundwater protection initiatives jointly funded with the City of Toronto and York and Peel Regions;
- M) That the special funding request from Central Lake Ontario Conservation Authority (CLOCA) in the amount of \$100,000 for Phase One of Two of the Update to the CLOCA Watershed Plans be approved subject to the accountability of project costs incurred and project completion, with funding to be provided from the Regional Land Acquisition Reserve Fund;

- N) That the special funding requests from Central Lake Ontario Conservation Authority in the amount of \$50,000 and from Ganaraska Conservation Authority in the amount of \$25,000 for the joint Lake Ontario Shoreline Management Plan Update project be approved with funding to be provided from the Regional Land Acquisition Reserve Fund subject to:
  - i) Central Lake Ontario Conservation Authority and Ganaraska Conservation Authority securing the remainder of the project funding from the National Disaster Mitigation Program and Lower Trent Region Conservation Authority;
  - ii) project completion; and
  - iii) accountability of project costs;
- O) That the special funding request from Ganaraska Conservation Authority in the amount of \$50,000 for their Watershed Plan update be approved subject to the accountability of project costs incurred and project completion, with funding to be provided from the Regional Land Acquisition Reserve Fund;
- P) That the Region of Durham support the Toronto and Region Conservation Authority's 2018 application to the National Disaster Mitigation Program for \$400,000 in funding towards the Pickering and Ajax Dyke Remediation Environmental Assessment, Floodplain mapping update of the Duffins Creek watershed, and Hydrology update for the Petticoat Creek watershed;
- Q) That the special funding request from Lake Simcoe Conservation Authority in the amount of \$39,162 for the Scanlon Creek Operations Centre Renovation Project be approved subject to the accountability of project costs incurred and completion of the project, with funding to be provided from the Regional Land Acquisition Reserve Fund;
- R) That a contribution of \$569,838 to the **Regional Land Acquisition Reserve Fund** be authorized to assist in financing requests for funding received from the five Conservation Authorities to acquire environmentally sensitive lands within the Region, based on eligibility criteria per the approved Regional Land Acquisition Reserve Fund Policy;

### **Special Contributions**

- S) That the Oak Ridges Hospice of Durham Ltd. request for \$350,000 of capital funding for the construction of a residential hospice facility in Port Perry be approved, with the required financing from the Region's Hospital Reserve Fund; and further, that funds be released to the Oak Ridges Hospice of Durham Ltd. at the discretion of the Commissioner of Finance for the approved capital project as noted in the hospice request subject to the accountability of final capital costs reported upon completion;

### **Solid Waste Management 2018 Business Plan and Budget**

- T) That the **2018 Business Plan and Budget for Solid Waste Management** at a net property tax requirement of \$42,733,000 be approved as detailed in the 2018 Solid Waste Management Business Plan and Budget;
- U) That the **Solid Waste Management Capital Forecast for the period 2019 to 2027** in the amount of \$184,819,000 as detailed below be received for information purposes only and subject to additional future approvals:

SOLID WASTE MANAGEMENT TANGIBLE CAPITAL ASSET REQUIREMENTS (\$000's)							
	Recommended	Forecast					Total 2019- 2027
		2019	2020	2021	2022	2023- 2027	
Landfill Remediation / Reclamation	-	3,269	700	550	150	2,150	6,819
Organics Management Plan	-	169,500	-	-	-	-	169,500
Seaton Waste Management Facility - Pickering	-	-	-	8,500	-	-	8,500
<b>TOTAL TCA REQUIREMENTS</b>	<b>-</b>	<b>172,769</b>	<b>700</b>	<b>9,050</b>	<b>150</b>	<b>2,150</b>	<b>184,819</b>

### **Durham Region Transit 2018 Business Plan and Budget**

- V) That the **2018 Business Plan and Budget for Durham Region Transit** be approved at a total net property tax requirement of \$55,800,000, as detailed in the 2018 Durham Region Transit Business Plan and Budget;
- W) That the **2018 Major Tangible Capital Assets Expenditure Program for Durham Region Transit** be approved in the gross amount of \$16,968,000 and the Capital Forecast for the period 2019 to 2027, (totalling \$297,421,000) as summarized below be received for information purposes only and subject to future approvals:

DURHAM REGION TRANSIT			TANGIBLE CAPITAL ASSET REQUIREMENTS (\$000's)											
			Recommended				Forecast							
			#	2018	#	2019	#	2020	#	2021	#	2022	#	2023- 2027
Growth Related Vehicles	5	2,307	17	9,288	19	10,424	17	9,288	19	10,424	76	42,256	148	81,680
Replacement Vehicles	23	9,114	17	7,158	18	7,193	16	7,083	18	7,173	87	35,820	156	64,427
Bus Refurbishments	-	-	9	900	9	900	9	900	9	900	45	4,500	81	8,100
Facilities														
Indoor Bus Facility		4,250		-		50,500		-		-		37,300		87,800
Seaton		-		-		-		-		-		25,000		25,000
Raleigh		-		-		-		1,030		-		-		1,030
Other		34		203		-		12		-		25		240
sub-total - facilities		4,284		203		50,500		1,042		-		62,325		114,070
System Improvements		1,263		6,307		3,033		2,897		3,033		13,874		29,144
TOTAL TCA REQUIREMENTS	28	16,968	43	23,856	46	72,050	42	21,210	46	21,530	208	158,775	385	297,421

- X) That financing for the 2018 Capital Expenditure Program for Durham Region Transit in the gross amount of \$16,968,000 be approved as follows:

SOURCE OF FINANCING	2018 \$ (000's)
Property Taxes	1,184
Ontario Gas Tax Revenue	6,665
Development Charges	4,787
Public Transit Infrastructure Fund	3,045
Debentures	1,288
<b>Total Financing</b>	<b>16,968</b>

\* Table may not add due to rounding

### **Financial Management and Accountability**

- Y) That the **Listing of 2018 Regional Fees and Charges**, as set forth in the 2018 Regional Business Plans and Budgets be approved and made available to the public and all applicable By-laws be amended accordingly;

- Z) That based upon the 2018 Regional Business Plans and Budgets as recommended herein, the Commissioner of Finance be authorized to set **2018 Regional Property Tax Rates for General Purpose, Solid Waste Management and Durham Region Transit** and approval be granted for the requisite By-laws;
- AA) That **capital project approval** be granted for expenditures and financing per the 2018 Capital Project Detail Forms within the 2018 Regional Business Plans and Budgets where contract awards are consistent with the Regional Budget Management Policy;
- BB) That for any Regional program change or capital expenditure included within the 2018 Regional Business Plans and Budgets which is proposed to be financed in whole, or in part, from **Provincial/Federal subsidies or related revenues**, neither staffing, capital nor other related Regional expenditures be committed until such time as adequate written confirmation is received from the respective provincial/federal ministry to commit to the subsidy or related revenues (Committee of the Whole and Regional Council will be advised accordingly, consistent with the Regional Budget Management Policy);
- CC) That all business case applications for subsidy or other related funding from senior levels of government or external organizations with respect to Region-operated programs be coordinated with the Region's Finance Department to ensure corporate financial accountability and requirements in expenditure management and financial reporting are met;
- DD) That funding totaling \$85,300 be approved within the 2018 Risk Management program of the Finance Department's 2018 Business Plan and Budget for **COMRA** (up to \$41,900) and the **Pickering Auxiliary Rescue Association** (up to \$43,400) to be administered by the Finance Department in consultation with the Durham Regional Police Service based upon services rendered;
- EE) That the reporting of the '**Impact of Excluded Expenses**' for tangible capital asset amortization, post-employment benefits and solid waste landfill closure/post-closure expenses be adopted, per requirements under Ontario Regulation 284/09 of the Municipal Act 2001 and the Public Sector Accounting Board (PSAB):

**ESTIMATED IMPACT OF EXCLUDED EXPENSES  
ON ACCUMULATED SURPLUS  
FOR THE 2018 BUSINESS PLANS AND BUDGETS  
(\$000's)**

	<u><b>2017</b></u>	<u><b>2018</b></u>
	<u><b>\$</b></u>	<u><b>\$</b></u>
<b><u>PSAB Additions to Budget</u></b>		
Tangible Capital Asset Amortization	120,601	139,000
Post-Employment Benefit Expense	8,087	9,051
Landfill Closure/Post Closure - Increase in Liability	2,127	-
Liability for Contaminated Inactive Sites	-	-
Total PSAB Additions	<u>130,815</u>	<u>148,051</u>
<b><u>PSAB Reductions to Budget</u></b>		
Tangible Capital Asset Acquisition	(291,822)	(318,588)
Debt Principal Payments	(56,921)	(21,260)
Landfill Closure Costs - Decrease in Liability	-	(1)
Total PSAB Reductions	<u>(348,743)</u>	<u>(339,849)</u>
<b><u>Net Impact - (Increase) to Accumulated Surplus</u></b>	<u>(217,928)</u>	<u>(191,798)</u>

FF) That in the event that the Restricted Acts after Nomination Day (as defined in the Municipal Act, 2001) should apply to the Region for the 2018 Municipal Election, Regional Council delegates authority to the Chief Administrative Officer and Treasurer, in consultation with the applicable Department Head to take action to make any expenditures or incur any liability that is deemed necessary but not included in the Region's 2018 Budget, and provided expenditures or liabilities are required to fulfil the obligations of maintaining and ensuring the appropriate continuity of the Regional operations, including Durham Region Transit and the Durham Regional Local Housing Corporation, and that any such actions taken shall subsequently be reported upon to Regional Council.

Such delegation shall be in addition to and notwithstanding the provisions of the Region's Purchasing By-law (By-law No. 68-2000, as amended) and the Region's Budget Management Policy. In addition, the provisions of Section 16.3 to 16.10 of the Budget Management Policy (Delegation of Authority during Recess of Regional Council) shall be extended to apply in the event that the provisions of the Municipal Act, 2001 with respect to Restricted Acts after Nomination Day apply to the Region in the 2018 Municipal Election as if such period were a recess of Regional Council;

- GG) That as required by Provincial Legislation for asset management planning purposes including reporting requirements for the Federal gas tax, development charge background studies, Provincial grant funding applications and long term financial plans, the Commissioner of Finance be the designated executive lead; and
- HH) That in order to ensure the continued financial sustainability in the delivery of municipal services across the Region and given that there may be a timing difference in the matching of taxable assessment growth and the related property tax revenue from the Seaton community with the budgeted Regional operating costs to service this community, it is recommended that:
- i) The estimated increase in assessment growth for Seaton in 2018, generating an estimated \$0.6 million in property taxes, be deferred (Reserve Fund) for consideration in 2019 in order to align taxation revenue with anticipated increases in Regional operating costs related to Seaton; and
  - ii) A review to compare the anticipated Seaton-specific operating cost requirements with taxable assessment growth be undertaken annually as part of the Business Planning and Budget process to ensure the Seaton assessment growth is aligned with the related budgetary expenditures of Regional service requirements.

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

Moved by Councillor Sanders, Seconded by Councillor Carter,  
That the foregoing motion of Councillors Sanders and Carter be divided in order to allow voting on Part A) i) Regional Operations separately from the remainder.

CARRIED

Part A) i) was then put to a vote and CARRIED ON THE FOLLOWING  
RECORDED VOTE:

Yes

Councillor Aker  
Councillor Ashe  
Councillor Ballinger  
Councillor Carter  
Councillor Chapman  
Councillor Drumm  
Councillor Foster

No

Councillor Joe Neal  
Councillor John Neal



Councillor Gleed  
Councillor Grant  
Councillor Henry  
Councillor Jordan  
Councillor McLean  
Councillor Mitchell  
Councillor Pickles  
Councillor Pidwerbecki  
Councillor Rowett  
Councillor Sanders  
Councillor Smith  
Councillor Ryan, Acting Chair

Members Absent: Councillor Collier  
Councillor McQuaid-England  
Councillor Parish  
Regional Chair Anderson

Declarations of Interest: Councillor Drew  
Councillor O'Connor  
Councillor Roy  
Councillor Woo

Moved by Councillor Sanders, Seconded by Councillor Carter,  
That the foregoing motion of Councillors Sanders and Carter  
be divided in order to allow voting on Parts V), W) and X)  
separately from the remainder.

CARRIED

Parts V), W) and X) were then put to a vote and CARRIED ON THE  
FOLLOWING RECORDED VOTE:

Yes  
Councillor Aker  
Councillor Ashe  
Councillor Ballinger  
Councillor Carter  
Councillor Chapman  
Councillor Drew  
Councillor Foster  
Councillor Gleed  
Councillor Grant  
Councillor Henry  
Councillor Jordan  
Councillor McLean  
Councillor Mitchell  
Councillor O'Connor  
Councillor Pickles

No  
Councillor McQuaid-England  
Councillor Joe Neal  
Councillor John Neal

Councillor Pidwerbecki  
Councillor Rowett  
Councillors Roy  
Councillor Sanders  
Councillor Smith  
Councillor Woo  
Councillor Ryan, Acting Chair

Members Absent: Councillor Collier  
Councillor Parish  
Regional Chair Anderson

Declarations of Interest: Councillor Drumm

The main motion of Councillor Sanders and Councillor Carter [with the exception of Parts A) i), V), W) and X)] was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Aker  
Councillor Ballinger  
Councillor Carter  
Councillor Chapman  
Councillor Drew  
Councillor Drumm  
Councillor Foster  
Councillor Gleed  
Councillor Grant  
Councillor Henry  
Councillor Jordan  
Councillor McLean  
Councillor Mitchell  
Councillor O'Connor  
Councillor Pickles  
Councillor Pidwerbecki  
Councillor Rowett  
Councillors Roy  
Councillor Sanders  
Councillor Smith  
Councillor Woo  
Councillor Ryan, Acting Chair

No

Councillor Joe Neal  
Councillor John Neal

Members Absent: Councillor Ashe  
Councillor Collier  
Councillor McQuaid-England  
Councillor Parish  
Regional Chair Anderson

Declarations of Interest: None

Administration

5.4 Communications

There were no communications to consider.

5.5 Reports

- A) The Regional Municipality of Durham's Accessibility Advisory Committee's (AAC) 2018 Workplan ([2018-COW-14](#))

Moved by Councillor Henry, Seconded by Councillor McLean,  
That we recommend to Council:

That the 2018 Accessibility Advisory Committee's workplan as outlined in Attachment #1 to Report #2018-COW-14 of the Chief Administrative Officer, be approved.

CARRIED

- B) The Regional Municipality of Durham's Accessibility Advisory Committee's 2017 Annual Report ([2018-COW-15](#))

Moved by Councillor Henry, Seconded by Councillor McLean,  
That we recommend to Council:

That Report #2018-COW-15 of the Chief Administrative Officer be received for information.

CARRIED

- C) 2018 Municipal Elections Compliance Audit Committee ([2018-COW-22](#))

Moved by Councillor Henry, Seconded by Councillor McLean,  
That we recommend to Council:

- A) That the Regional Clerk be granted delegated authority for the following four duties:
- i) Establish and approve the 2018 Compliance Audit Committee's terms of reference and administrative practices and procedures;
  - ii) Establish membership criteria and qualifications required to ensure a competent Compliance Audit Committee can be formed, consistent with the *Municipal Elections Act, 1996*;
  - iii) Recruit and appoint a roster of individuals eligible to be Compliance Audit Committee members;

- iv) Call and constitute a Compliance Audit Committee among the roster of appointed eligible members, in keeping with the Committee's terms of reference, and administrative practices and procedures; and

- B) That the 2018 Compliance Audit Committee shall be deemed to be established as required under Section 88.37 of the Municipal Elections Act, 1996, once the Regional Clerk approves the Committee's Terms of Reference and the roster of eligible members to sit on the Compliance Audit Committee.

CARRIED

- D) Extension of NEXTGEN Communications Interoperability and Radio System User Agreement to Ontario Power Generation  
[\(2018-COW-27\)](#)
- 

Moved by Councillor Henry, Seconded by Councillor McLean,  
That we recommend to Council:

- A) That the NextGen Communications Interoperability and Radio System User Agreement be modified and extended to permit Ontario Power Generation to become a user; and
- B) That the Regional Chair and Clerk be authorized to execute any documents which are necessary to include Ontario Power Generation as a user in the NextGen Communications Interoperability and Radio System User Agreement on terms and conditions necessary to include them as a user, subject to the approval of Legal Services.

CARRIED

- E) Proposed negotiated settlement pertaining to litigation regarding the U-Pak Court Action being under Court File #CV-11-4271137  
[\(2018-COW-29\)](#)
- 

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,  
That Report #2018-COW-29 of the Commissioner of Works and Director of Legal Services be tabled to the end of the meeting.

CARRIED

[This item was considered later in the meeting. Refer to Item 5.5 E) on pages 45 to 46 of these minutes.]

Moved by Councillor John Neal, Seconded by Councillor Carter,  
That the Committee of the Whole recess for 10 minutes.

CARRIED

The Committee recessed at 3:16 PM and reconvened at 3:30 PM.  
Acting Chair Ryan assumed the Chair for the remainder of the meeting.

## **6. Planning & Economic Development**

### Planning

#### **6.1 Communications**

There were no communications to consider.

#### **6.2 Reports**

##### **A) Renaming of Regional Road 57 in the Municipality of Clarington ([2018-COW-13](#))**

---

Moved by Councillor Henry, Seconded by Councillor O'Connor,  
That we recommend to Council:

- A) That Regional Road 57 within the limits of the Municipality of Clarington be renamed to Bowmanville Avenue;
- B) That the street renaming by-law in Attachment #2 to Report #2018-COW-13 of the Commissioner of Planning and Economic Development be passed; and
- C) That a copy of the adopted by-law and Report #2018-COW-13 of the Commissioner of Planning and Economic Development be forwarded to the Municipality of Clarington, Township of Scugog, Ministry of Transportation, Durham Region Police Services, Region of Durham Paramedic Services, and all other stakeholders, for information.

CARRIED AS AMENDED (SEE FOLLOWING  
MOTION)

Moved by Councillor Woo, Seconded by Councillor Foster,  
That the main motion of Councillors Henry and O'Connor be amended by deleting Part B) in its entirety and replacing it with the following new Part B):

- B) That an appropriate street renaming By-law be brought forward and passed by Council at a later date when the timing of the Ministry of Transportation's overhead sign replacement program is known, so that the effective date of the Bowmanville Avenue street renaming generally coincides with the installation of the Ministry of Transportation's new signs at this Highway 401 interchange.

CARRIED

The main motion of Councillors Henry and O'Connor was then put to a vote and CARRIED AS AMENDED.

- B) Proposed regulations under the Planning Act related to inclusionary zoning, 2017 – Environmental Bill of Rights Registry #013-1977 [\(2018-COW-18\)](#)
- 

A revised page 2 to Report #2018-COW-18 was provided as a handout.

Moved by Councillor Henry, Seconded by Councillor O'Connor,  
That we recommend to Council:

- A) That Report #2018-COW-18 of the Commissioner of Planning and Economic Development, Commissioner of Finance, and Commissioner of Social Services, be endorsed and submitted to the Ministry of Municipal Affairs as Durham Region's response to Environmental Bill of Rights Registry #013-1977 regarding proposed regulations related to inclusionary zoning under the Promoting Affordable Housing Act, 2016;
- B) That the following comments be addressed by the Province when finalizing the proposed regulations:
- i) Allow municipalities greater flexibility to address local housing needs, including affordable rental housing;
  - ii) Remove the mandatory offering of financial contributions by municipalities in order to implement inclusionary zoning;
  - iii) Allow municipal discretion to include or exempt purpose-built rental developments from the application of an inclusionary zoning by-law;
  - iv) Provide the ability for municipalities to establish the maximums for "unit set aside" and "offsite units" to serve the needs of their local housing markets;

- v) Clarify if both upper and lower tier municipalities will be required to update their Official Plans with enabling policies related to inclusionary zoning;
  - vi) Participation by an upper tier municipality not be required in a two-tiered municipal structure, if a lower-tier municipality chooses to implement inclusionary zoning in their Official Plans;
  - vii) if an upper tier municipality chooses to participate in inclusionary zoning, clarification regarding the following be provided:
    - Whether the upper and/or lower tier municipality is expected to prepare the requisite municipal assessment report prior to embarking on Official Plan and Zoning By-law amendments to implement inclusionary zoning;
    - The flexibility for upper and/or lower tier municipalities to mutually agree who is responsible for paying the 40% difference between average market price and affordable price for all affordable housing units;
    - How inclusionary zoning agreements would be structured between upper and lower tier municipalities, and how the proceeds related to the equity of an affordable housing unit could be shared among the parties; and
    - Whether the upper and/or lower tier municipality bears the burden of administration responsibilities over the life of the program, which can be upwards of 20+ years;
  - viii) Provide background information and a rationale regarding the prescribed formula that requires municipalities to contribute 40% of the difference between the sum of the average market price for all the affordable housing units and the sum of the affordable price for all affordable housing units; and
- C) That a copy of Report #2018-COW-18 of the Commissioner of Planning and Economic Development, Commissioner of Finance, and Commissioner of Social Services, be forwarded to Durham's area municipalities.

CARRIED

Economic Development

6.3 Communications

There were no communications to consider.

6.4 Reports

- A) Pegasus Project – Establishing An Economic Development Partnership with Nuremberg, Germany ([2018-COW-26](#))

Moved by Councillor Henry, Seconded by Councillor O'Connor,  
That we recommend to Council:

That Regional Council approve-in-principle that staff from the Planning and Economic Development Department initiate an Economic Development Partnership with the Nuremberg Metropolitan Region, Germany, to work together to promote investment and trade between Durham Region and Nuremberg, and build foreign direct investment prospects.

CARRIED

**7. Works**

Waste

7.1 Communications

- A) Stewardship Ontario – re: Industry funding for Municipal Blue Box Recycling for the third quarter of the 2017 Program Year

Moved by Councillor Henry, Seconded by Councillor O'Connor,  
That the correspondence dated December 31, 2017 from Stewardship Ontario regarding Industry funding for Municipal Blue Box Recycling for the third quarter of the 2017 Program Year, be received for information.

CARRIED

7.2 Reports

- A) Energy from Waste – Waste Management Advisory Committee Membership Extension (2018) ([2018-COW-20](#))

Moved by Councillor Henry, Seconded by Councillor O'Connor,  
That we recommend to Council:



- A) That the membership to the Energy from Waste – Waste Management Advisory Committee be extended by one year to the end of 2018; and
- B) That the Municipality of Clarington staff and Energy from Waste – Waste Management Committee members be advised of Regional Council's decision.

CARRIED

## Works

### 7.3 Communications

- A) Lead Water Service Connections ([2018-INFO-13](#))

Staff responded to questions with regards to when staff would be contacting A. Rose, a delegate from the January 10, 2018 Committee of the Whole meeting, with regards to her questions and concerns; when the notifications regarding lead pipes was sent out; how to better determine where lead pipes are on residential properties; whether other municipalities are subsidizing replacement of lead pipes; and whether there are health concerns related to lead in drinking water. Councillor Jordan requested that Health and Works staff provide a detailed report with more information regarding this issue.

Moved by Councillor Henry, Seconded by Councillor O'Connor,  
That Report #2018-INFO-13 of the Commissioner of Works  
be received for information.

CARRIED

### 7.4 Reports

- A) Declaration of Lands as Surplus and Approval to Exchange Lands with the City of Pickering and The Regional Municipality of York at 1250 Barnwood Square and Liverpool Road at Finch Avenue, in the City of Pickering ([2018-COW-12](#))

A revised page 1 to Report #2018-COW-12 was provided as a handout.

Staff responded to questions with regards to the restoration of the garage structure at 1250 Barnwood Square. J. Presta advised he would follow up on this matter and provide further details to Councillor McLean directly.

Moved by Councillor Henry, Seconded by Councillor O'Connor,  
That we recommend to Council:

- A) That property, being Parts 3 and 4 on 40R-29193 and Part 6 on 40R-29446 in the City of Pickering be declared surplus;
- B) That Part 4 on 40R-29193 be conveyed to the Regional Municipality of York for a nominal sum;
- C) That Part 3 on 40R-29193 and Part 6 on 40R-29446 be conveyed to the City of Pickering for a nominal sum; and
- D) That Regional staff take all steps required to complete the transfers as detailed in Recommendations B and C, and that the Regional Chair and Regional Clerk be authorized to execute any documents required to complete the conveyances.

CARRIED

- B) Award of Request for Proposals #416-2017 for Vacuum Excavation Services Registry for Work at Various Locations within the Regional Municipality of Durham ([2018-COW-16](#))

Discussion ensued regarding vacuum excavation trucks dumping in prohibited areas in the Town of Whitby. Staff was asked to advise Councillor Mitchell whether a clause can be added to the contracts to ensure that the trucks dump in appropriate areas. Staff was also asked to provide details to Councillor Gleed regarding the environmentally licensed site in Innisfil and details around the licensing process.

Moved by Councillor Henry, Seconded by Councillor O'Connor,  
That we recommend to Council:

- A) That Request for Proposals #416-2017 be awarded to the five (5) selected contractors listed below to form the registry for the provision of vacuum excavation services having an estimated value of less than \$125,000 per project, for the period of three years from the date of award:
  - Spring Grove Enterprises Ltd.
  - Badger Daylighting LP
  - Multi Vac Services Ltd.
  - Sewer Technologies Inc.
  - Wessuc Inc.; and
- B) That the Commissioner of Finance be authorized to execute the necessary agreements.

CARRIED

- C) Approval of Request for Pre-Qualification #1145-2017 for General Contractors for Recoating of All Levels of the Parking Garage at Regional Headquarters in the Town of Whitby (2018-COW-17)

Moved by Councillor Henry, Seconded by Councillor O'Connor,  
That we recommend to Council:

- A) That in accordance with Request for Pre-Qualification #1145-2017, the following contractors be pre-qualified for the tendering of the Recoating of all levels of the parking garage at Regional Headquarters in the Town of Whitby (Regional Tender T-1001-2018):

- Can Mar Contracting Limited
- Complete Concrete Restoration Limited
- Delbridge Contracting Limited
- Eagle Restoration Inc.
- Palmark Construction Limited
- Structural Contracting Limited; and

- B) That the tender documents for the recoating of all levels of the parking garage at Regional Headquarters be issued and awarded only to the above noted contractors.

CARRIED

- D) Approval for the Award of Contract in Excess of Allowable Limits for Registry Work for the Removal and Disposal of Surplus Fill at the Ajax/Pickering Works Depot Located at 2020 Salem Road (2018-COW-25)

Moved by Councillor Henry, Seconded by Councillor O'Connor,  
That we recommend to Council:

- A) That Contract Q347-2014 (A-110) – Remove and Dispose of Surplus Fill at 2020 Salem Road, at the Ajax/Pickering Works Depot be awarded to Eagleson Construction for the quoted lump sum price of \$137,500\*; and
- B) That financing for this work be provided from within the Works Department's 2018 Approved Water Supply and Sanitary Sewerage Operating Budgets for Maintenance Operations and the Approved Capital Budget for the Replacement of Polybutylene Connections.  
(\* ) before applicable taxes

CARRIED

## **8. Health & Social Services**

### Health

#### 8.1 Communications

There were no communications to consider.

#### 8.2 Reports

- A) Mobile Health Unit for At-Risk Populations, Including Those Using Opioids (2018-COW-28)

Moved by Councillor Henry, Seconded by Councillor Chapman,  
That Report #2018-COW-28 of the Commissioner and  
Medical Officer of Health be tabled to the Regional Council  
meeting scheduled for February 14, 2018.

CARRIED

### Social Services

#### 8.3 Communications

There were no communications to consider.

#### 8.4 Reports

There were no Social Services reports to consider.

## **9. Other Business**

- A) Update on Legal Fees with regards to Durham Region Transit legal matter with the City of Oshawa

Councillor John Neal inquired whether Legal Department staff were able to provide an update on the amount of legal fees spent to date with regards to the legal matter between Durham Region Transit and The City of Oshawa. J. Hunt advised he would look into this and follow-up with Councillor John Neal directly.

- B) Reduction of Fees for Unloading Septage at Water Pollution Control Plants

Moved by Councillor Smith, Seconded by Councillor Drew,  
That the rules of procedure be suspended in order to introduce a  
motion regarding the reduction of fees for unloading septage at  
Water Pollution Control Plants.

CARRIED on a 2/3rds vote

Moved by Councillor Smith, Seconded by Councillor Woo,  
That we recommend to Council:

- A) That the fees for unloading septage at the Water Pollution Control Plants be reduced by 50% from January 1<sup>st</sup> of each year until the end of half-load season;
- B) That staff review the current efficiencies in the speed of unloading the septage carriers; and
- C) That staff explore the implementation of a metering system for the unloading of septage.

CARRIED

## 5. Finance & Administration

### Administration

#### 5.5 Reports

- E) Proposed negotiated settlement pertaining to litigation regarding the U-Pak Court Action being under Court File #CV-11-4271137 ([2018-COW-29](#))
- 

Moved by Councillor Chapman, Seconded by Councillor Ballinger,  
That Report #2018-COW-29 of the Commissioner of Works  
and the Director of Legal Services be lifted from the table.

CARRIED

Moved by Councillor Chapman, Seconded by Councillor Joe Neal,  
That we recommend to Council:

- A) That the proposed negotiated settlement with the Plaintiff, U-Pak, in Court File #CV-11-4271137 be approved as detailed in Confidential Attachment #1 to Report #2018-COW-29 of the Commissioner of Works and Director of Legal Services;
- B) That subject to approval of Recommendation A), payment of funds related to the settlement be subject to the execution of a Minutes of Settlement by the parties and a full and final release of the Region subject to the satisfaction of the Director of Legal Services, as detailed in Confidential Attachment #1 to Report #2018-COW-29 of the Commissioner of Works and Director of Legal Services; and
- C) That the Commissioner of Works be authorized to sign Minutes of Settlement, and such other documents as may be required to carry out the terms of the settlement.

CARRIED ON THE FOLLOWING  
RECORDED VOTE

Yes

Councillor Aker  
Councillor Ashe  
Councillor Ballinger  
Councillor Chapman  
Councillor Drew  
Councillor Drumm  
Councillor Foster  
Councillor Gleed  
Councillor Grant  
Councillor Henry  
Councillor Jordan  
Councillor Mitchell  
Councillor Joe Neal  
Councillor John Neal  
Councillor O'Connor  
Councillor Pickles  
Councillor Pidwerbecki  
Councillor Rowett  
Councillor Roy  
Councillor Sanders  
Councillor Smith  
Councillor Ryan, Acting Chair

No

Councillor McLean

Members Absent: Councillor Carter  
Councillor Collier  
Councillor McQuaid-England  
Councillor Parish  
Councillor Woo  
Regional Chair Anderson

Declarations of Interest: None

**10. Confidential Matters**

There were no Confidential Matters to consider.

**11. Date of Next Meeting**

The next regularly scheduled Committee of the Whole meeting will be held on Wednesday, March 7, 2018 at 9:00 AM in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

**12. Adjournment**

Moved by Councillor Henry, Seconded by Councillor Chapman,  
That the meeting be adjourned.

CARRIED

The meeting adjourned at 3:57 PM

Respectfully submitted,

---

D. Ryan, Acting Chair

---

D. Pickles, Chair, Health & Social Services

---

G. O'Connor, Chair, Planning & Economic Development

---

N. Pidwerbecki, Chair, Works

---

B. Chapman, Chair, Finance & Administration

---

Committee Clerk

## SECTION 2

### SUMMARY OF CORRESPONDENCE

February 14, 2018

#### Motion for Direction

CC 02      Report from the Integrity Commissioner - File 2017-02. (A copy of this report is included in Section 2, Pages 202-205). (Our File: C24)

Recommendation: Refer to staff with respect to the Integrity Commissioner's recommendations regarding changes to the Council Code of Conduct

CC 03      Mr. Andrew McKee, President and Chairman of the Board, Royal Agricultural Winter Fair Association, advising that the Annual General Meeting of the Royal Agricultural Winter Fair Association will be held on Thursday, April 12, 2018 and seeking the appointment of a representative to the Royal's Board of Governors. (Our File: C14)

Recommendation: Motion to Appoint

#### Receive for Information

CC 04      Report from the Integrity Commissioner - File 2017-01. (A copy of this report is included in Section 2, Pages 206-215). (Our File: C24)



Regional Municipality of Durham Integrity Commissioner File 2017-02

**REPORT ON COMPLAINT**

**The Complaint**

An individual (the Complainant) alleged that a Council Member (the Respondent) had contravened sections 7.1, 7.2 and 11 of the Region's Council Code of Conduct. Many of the facts provided by the Complainant related to the Respondent's activities as a councillor of a local municipality<sup>1</sup> but the Complainant alleged that the conduct also included conduct in the Respondent's capacity as a *Regional* Councillor that was contrary to the *Region's* Code.

**Summary**

After commencing an investigation and receiving representations from both parties I have decided to conclude the investigation because there are insufficient grounds to continue.

The Code of Conduct and Complaint Procedure do not permit me to conclude an investigation without reporting to Council. I am recommending an amendment that would give the Integrity Commissioner increased flexibility to discontinue an investigation at any point that it becomes clear there are insufficient grounds to continue.

**Process Followed**

In operating under the Code, I follow a process that ensures fairness to both the Complainant and the Respondent. The process is governed by the Council Code of Conduct Complaint Procedure.

This fair and balanced process includes the following elements:

- The Respondent receives notice of the Complaint and is given an opportunity to respond.
- The Complainant receives the Respondent's response and is given an opportunity to reply.
- More generally, the process is transparent in that the Respondent and Complainant get to see each other's communications with me.

<sup>1</sup> This investigation report does not relate to whether the Respondent contravened the local municipality's code. Were I to investigate a complaint under a local municipality's code (in this case, I did not), that would be the matter of a separate report to the council of the local municipality.

- The Respondent is made aware of the Complainant's name. I do, however, redact personal information such as phone numbers and email addresses.
- As a further safeguard to ensure fairness, I will not help to draft a Complaint and will not help to draft a response or reply.
- Where appropriate I will, however, invite a Complainant to clarify a Complaint. When a Complaint has been clarified the Respondent is provided with the original document and all communications between the Complainant and me related to clarification.
- When a Complaint has been clarified I deem the date of final clarification to be the official date the Complaint was made.

The Complaint Procedure provides that the Integrity Commissioner must review each Complaint to determine whether is related to non-compliance with the Code, whether it is frivolous, vexatious or not made in good faith, and whether there are sufficient grounds for an investigation.

- If the Complaint does not relate to non-compliance with the Code, it is deemed not to be a Complaint (Complaint Procedure, section 3.1).
- If the Integrity Commissioner is of the opinion that the Complaint is frivolous, vexatious or not made in good faith then the Integrity Commissioner shall not conduct an investigation (Complaint Procedure, section 4.1).
- If the Integrity Commissioner is of the opinion that there are no or insufficient grounds for an investigation then the Integrity Commissioner shall not conduct an investigation (Complaint Procedure, section 4.1).

In each of these cases there is no investigation and no report to Council.

It is often the case, however, that on a preliminary review the Integrity Commissioner is unable to form the opinion that a Complaint is frivolous, vexatious or not made in good faith or that there are no or insufficient grounds for an investigation. Often such a determination cannot be made until after an investigation has commenced and the Integrity Commissioner has heard from both parties.

In this case, I gave the Respondent notice of the Complaint and an opportunity to respond, I reviewed the Respondent's response and shared it with the Complainant, I reviewed and considered the Complainant's reply, and I gave that reply to the Respondent. At this point in the investigation, I am of the opinion that there are insufficient grounds to continue. I am not satisfied that there is alleged conduct as a Regional Council Member that could be contrary to the Region's Code that justifies further investigation.



The Code (as opposed to the Complaint Procedure)<sup>2</sup> provides broad authority to dismiss a Complaint on the basis that it constitutes an abuse of process or is frivolous or vexatious. Section 16.3 of the Code provides as follows:

Without limiting the generality of Section 16.1, the Integrity Commissioner may determine, on a case-by-case basis, whether to undertake an investigation or not to undertake an investigation. The Integrity Commissioner shall be entitled to summarily dismiss a complaint filed in accordance with the Complaint Procedure on the basis that it constitutes in his or her opinion, an abuse of process or is frivolous or vexatious.

I interpret the Code as providing authority to dismiss a frivolous, vexatious or abusive Complaint at any time, even partway through an investigation. On the other hand, the Code does not address the situation of *insufficient grounds* to investigate or to continue to investigate.

The Complaint Procedure addresses the situation of insufficient grounds, but only before the investigation commences. The Complaint Procedure does not contemplate the scenario in which the Integrity Commissioner determines, partway through an investigation, that there are insufficient grounds to continue:

- It addresses what happens if the Complainant abandons or withdraws the Complaint (sections 8.1 A and 9.2).
- It addresses what happens if the parties reach a settlement (section 9.2).
- It addresses what happens if the investigation is suspended to defer to a law enforcement proceeding (section 8.1 B).
- It does not contemplate that the Integrity Commissioner may reach a point in the investigation where there are insufficient grounds to continue.

The Complaint Procedure only provides for the Integrity Commissioner to conclude the investigation and to report to Council.

I am, therefore, concluding the investigation and reporting to Council.

The *Municipal Act* provides that the Commissioner *may* disclose in a report such matters as in the Commissioner's opinion are necessary for the purposes of the report. The Complaint Procedure provides that I *shall only* disclose such information as in my opinion is required. The detail in this report is what in my opinion is required.

### **Recommendation**

In my experience, it is not always obvious upon initial review of a Complaint that there are insufficient grounds for an investigation. Sometimes this becomes apparent only

<sup>2</sup> Technically the Code and the Complaint Procedure are part of the same document. The Complaint Procedure is Appendix "A" to the Code. The ease of understanding and ease of reference I refer to the Code and the Complaint Procedure as if they were two different documents.

after an investigation has commenced and the Integrity Commissioner has the opportunity to consider not just the Complaint but also the Response and the Complainant's Reply.

I recommend that the Complaint Procedure be amended to confirm that the Integrity Commissioner has the discretion to discontinue an investigation at any point.

Specifically, I recommend that the Complaint Procedure be amended by replacing section 4 in its entirety:

Current:

**4. Refusal to Conduct an Investigation**

- 4.1 If upon review of a Complaint, the Integrity Commissioner is of the opinion that the Complaint is frivolous, vexatious or not made in good faith, or that there are no or insufficient grounds for an investigation, the Integrity Commissioner will not conduct an investigation and shall communicate this position in writing to the Complainant and the member identified in the Complaint Form/Affidavit. The Integrity Commissioner is under no obligation to prepare a report for any matters that he or she summarily dismisses or determines not to investigate.

Recommended:

**4. Refusal to Conduct an Investigation / Discontinuance of Investigation**

- 4.1 If upon review of a Complaint, **or at any time during an investigation**, the Integrity Commissioner is of the opinion that the Complaint is frivolous, vexatious or not made in good faith, or that there are no or insufficient grounds for an investigation, the Integrity Commissioner **shall** not conduct an investigation **or shall discontinue the investigation** and shall communicate this position in writing to the Complainant and the member identified in the Complaint Form/Affidavit. The Integrity Commissioner is under no obligation to prepare a report for any matters that he or she summarily dismisses or determines not to investigate **or after an investigation is discontinued**.

Respectfully submitted,



Guy Giorno  
Integrity Commissioner  
Regional Municipality of Durham

January 26, 2018



Regional Municipality of Durham Integrity Commissioner File 2017-01

**REPORT ON COMPLAINT**

**The Complaint**

The Complainant is a constituent of the Respondent. Under the Council Code of Conduct, the Complainant submitted a Complaint alleging that the Respondent had contravened the Code.

The Complaint was indirectly related to a financial claim made by the Complainant against the Region. During 2015 and 2016, Council and Council committees were considering the claim and what position to take on the claim. At a meeting in 2015, the Respondent made comments that were generally supportive of the Complainant's position. Subsequently, at a meeting in 2016, the Respondent voted for a recommendation that fell short of what the Complainant felt was owed. The Complainant was displeased with Council's and the Region's handling of his claim, including how the Respondent voted.

While these events form the background to the Complaint, they are not the conduct that is alleged to have contravened the Code. The actual conduct giving rise to the Complaint occurred in 2017, when the Respondent and Complainant were engaged in further communication about the claim. According to the Complainant, in the course of this communication the Respondent did not accurately describe what had happened at the 2015 and 2016 meetings. In particular, the Complainant felt that the Respondent did not fairly represent the Respondent's voting record.

The Complainant alleged that:

- The Respondent "lied" about voting against a recommendation when the Respondent had in fact voted for the recommendation.
- The Respondent claimed to have been unable to move a motion or amendment that would have been favourable to the Complainant.
- The Respondent failed to answer the Complainant's many questions about why a motion or amendment favourable to the Complainant was never moved.
- The Respondent wrongly criticized the Complainant for drawing news media attention to the claim against the Region.

According to the Complainant, these acts and omissions were contrary to three provisions of the Code: paragraphs 1.2(A), 1.2(C) and 1.2(D). Consequently, the following specific allegations became the basis of my investigation:

- A. Allegation that the Respondent had failed to serve and to be seen to serve constituents in a conscientious and diligent manner, as provided in paragraph 1.2(A).
- B. Allegation that the Respondent had failed to perform the duties of office in a manner that promotes public confidence and will bear close public scrutiny, as provided in paragraph 1.2(C).
- C. Allegation that the Respondent had not recognized and acted upon the principle that democracy is best achieved when the operation of government is made as transparent and accountable to members of the public as possible, as provided in paragraph 1.2(D).

Because paragraphs 1.2(A), (C) and (D) appear in the "Principles" section of the Code, I also asked the Complainant and Respondent to address whether it was even possible to bring a Complaint that alleged a contravention of a statement of principle:

- D. Issue of whether section 1.2 of the Code, which refers to, "Key statements of principles that underline this Code of Conduct," is a provision that is capable of being breached.

### **Subsequent Allegation**

By the time of filing this Complaint under the Code, the Complainant had commenced a lawsuit against the Region on the financial claim. I determined that the present Complaint was not based on the same issues as the lawsuit. The lawsuit related to a financial claim originating many years ago and the present Complaint related to what the Respondent had allegedly said and done relatively recently.

The lawsuit between the Complainant and the Region eventually settled, but this did not resolve the Complaint under the Code.

Subsequently the Complainant raised an additional allegation, which I determined should be considered alongside the original Complaint. The Respondent had declined to provide a response to a separate inquiry and assistance request from the Complainant who was, as has been noted, a constituent of the Respondent. This led to the following allegation by the Complainant:

- E. Allegation that by declining to reply to the Complainant's assistance request the Respondent had undertaken an act of reprisal against the Complainant contrary to section 14.2 of the Code.



### **Summary**

I find that the Code's Section 1 (Principles) cannot give rise to a Complaint. A Complaint must allege contravention of one or more of the Code's substantive rules. I could find no violation of paragraphs 1.2(A), 1.2(C) and 1.2(D) because these are statements of principle that are incapable of forming the basis of a Complaint.

I find that the Respondent was under a legitimate misunderstanding that caused the Respondent to write an email declining to reply to a separate inquiry from the Complainant, who is a constituent. Nonetheless, going forward, it is important for all Council Members to know that they cannot decline to provide constituent services (that otherwise they would provide) on the basis that a constituent has previously filed a Complaint to the Integrity Commissioner or exercised rights under the Code.

### **Process Followed**

In operating under the Code, I follow a process that ensures fairness to both the individual bringing a Complaint (Complainant) and the Council Member responding to the Complaint (Respondent). The process is governed by the Council Code of Conduct Complaint Procedure.

This fair and balanced process includes the following elements:

- The Respondent receives notice of the Complaint and is given an opportunity to respond.
- The Complainant receives the Respondent's response and is given an opportunity to reply.
- More generally, the process is transparent in that the Respondent and Complainant get to see each other's communications with me.<sup>1</sup>
- The Respondent is made aware of the Complainant's name. I do, however, redact personal information such as phone numbers and email addresses.
- As a further safeguard to ensure fairness, I will not help to draft a Complaint and will not help to draft a response or reply.
- Where appropriate I will, however, invite a Complainant to clarify a Complaint. When a Complaint has been clarified the Respondent is provided with the original document and all communications between the Complainant and me related to clarification.

---

<sup>1</sup> Occasionally, in my discretion, I may decline to share a communication when the communication is irrelevant to the investigation or I will not consider the communication and (in either case) the other party is not prejudiced by the lack of sharing.



- When a Complaint has been clarified I deem the date of final clarification to be the official date the Complaint was made.

In this case, the Complaint was submitted to the Clerk on April 4. There was a delay because I was on medical leave when the Complaint arrived, and then followed several exchanges of correspondence related to clarifying the Complaint. I received clarification on May 22, which I deem to be the date the Complaint was officially received by me.

From May 28-30, I sought and obtained further clarification from the Complainant. The Respondent received notice of the Complaint (and all the Complaint materials, including a large MP4 (video) file), June 14. The Respondent submitted a voluminous written response, which was shared with the Complainant, and the Complainant subsequently provided a reply, that was shared with the Respondent. The parties then made further representations to me. I also separately interviewed the Complainant and the Respondent.

On July 24, I issued an interim report informing the parties that I would need more time to complete my report.<sup>2</sup> I also asked for any further representations in response to the interim report by August, but received none.

In September I learned that the lawsuit between the Complainant and the Region had been settled. I was also informed of a new issue. The Complainant was attempting to communicate with the Respondent about a similar but separate matter and the Respondent expressed an unwillingness to assist because this Code proceeding was outstanding. This led to the further allegation of a Code violation that I rolled into the investigation.

Section 5.1 of the Complaint Procedure provides for settlement discussions:

If at any time, following the receipt of a Complaint or during the investigation process, the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the Complainant and the member agree, efforts may be made to achieve an informal resolution. The formal Complaint will be held in abeyance during such time.

I felt that there was an opportunity for settlement. Both the Complainant and Respondent agreed to explore a resolution. I suspended the process while I spoke to the parties. Ultimately, a settlement could not be reached. I am therefore presenting this report.

During this process, the Complainant and the Respondent each had full opportunity to provide information and to make representations. I have taken each party's submissions and communications with me into account.

---

<sup>2</sup> According to section 9.1 of the Complaint Procedure this type of interim report goes only to the parties.



### **Questions Raised In the Investigation**

My investigation considered five questions:

- A. Did the Respondent contravene paragraph 1.2(A), which states as a principle that Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner?
- B. Did the Respondent contravene paragraph 1.2(C), which states as a principle that Members of Council shall perform their duties in office in a manner that promotes public confidence and will bear close public scrutiny?
- C. Did the Respondent contravene paragraph 1.2(D), which states as a principle that Members of Council shall recognize and act upon the principle that democracy is best achieved when the operation of government is made as transparent and accountable to members of the public as possible?
- D. Is it even possible for a Council Member to contravene a statement of principle in Section 1 (Principles) of the Code or for Section 1 (Principles) to give rise to a Complaint under the Code?
- E. Did the Respondent contravene section 14.2 of the Code by declining to assist the Complainant (who is also a constituent) with a similar but separate inquiry while this Code proceeding was ongoing?

### **Analysis and Findings**

#### **(A) Did the Respondent contravene paragraph 1.2(A)?**

No.

For the reasons detailed under sub-heading (D), below, I find that a statement of principle cannot be contravened and a statement of principle cannot give rise to a Complaint under the Code. As paragraph 1.2(A) of the Code is a statement of principle, I cannot find a contravention of it.

#### **(B) Did the Respondent contravene paragraph 1.2(C)?**

No.

For the reasons detailed under sub-heading (D), below, I find that a statement of principle cannot be contravened and a statement of principle cannot give rise to a Complaint under the Code. As paragraph 1.2(C) of the Code is a statement of principle, I cannot find a contravention of it.

**(C) Did the Respondent contravene paragraph 1.2(D)?**

No.

For the reasons detailed in under sub-heading (D), below, I find that a statement of principle cannot be contravened and a statement of principle cannot give rise to a Complaint under the Code. As paragraph 1.2(D) of the Code is a statement of principle, I cannot find a contravention of it.

**(D) Is it even possible to contravene a statement of principle?**

No.

Early on in the proceeding I told each party, in writing, that an issue under consideration was whether the statements of principle in section 1.2 could give rise to a Complaint under the Code. I expressly invited their submissions on this point and I have taken their representations into consideration.

In other municipalities I have had to consider whether the "principles" section of a code of conduct can be the subject of a complaint: see Township of Scugog Investigation Report 2017-01, and Town of Orangeville Investigation Report 2017-01.

In this case, the Complaint was based on paragraphs 1.2(A), 1.2(C) and 1.2 (D) of the Code.<sup>3</sup> These paragraphs appear in Section 1 of the Code, "Principles." As the name indicates, Section 1 does not contain rules. It states principles.

As a general matter, a statement of principle does not create an obligation. It merely states the principle(s) that may be used to interpret obligations created elsewhere in the law.<sup>4</sup>

The Council Code of Conduct was enacted by by-law.<sup>5</sup> Principles of statutory interpretation apply. As explained in *Sullivan on the Construction of Statutes*, 6<sup>th</sup> ed.:

Purpose statements may reveal the purpose of legislation either by describing the goals to be achieved or by setting out the governing principles, norms or policies. ... However, like definitions and application provisions, purpose statements do not apply directly to facts but rather give direction on how the substantive provisions of the legislation – that do apply to facts – are to be interpreted.<sup>6</sup> [emphasis added]

<sup>3</sup> As already mentioned, an allegation under section 14.2 arose later. I consider it under sub-heading (E).

<sup>4</sup> *Greater Vancouver Regional District v. British Columbia (Attorney General)*, 309 BCAC 124, 2011 BCCA 345 (CanLII), at para. 45: "Section 3(c) purports only to state a principle ... It is plain and obvious that s. 3(c) creates no legally enforceable obligation ..."

<sup>5</sup> By-law Number 46-2016 confirms the proceedings of Regional Council at its September 14, 2016, meeting. These proceedings included approval of the Code.

<sup>6</sup> Sullivan, R., *Sullivan on the Construction of Statutes*, 6<sup>th</sup> ed. (2014), at 454, §14.39.



I find that Section 1 (Principles) provides interpretive direction only, and it does not create rules or obligations on Council Members that can be the subject of a Complaint. Thus, even though section 1.2 declares, "Key statements of principles that underline this Code of Conduct," these are only statements of principle. Statements of principle are not enforceable rules.

Another reason that I am not prepared to treat the content of the Principles section as binding rules is that its content is too general and unspecific to be treated as clear, enforceable obligations. Council Members are subject to penalties if they contravene the rules in the Code; it necessarily follows that the rules must be clear, certain and unambiguous. Council Members must be able to understand clearly the conduct that is required. In this respect I refer to the observations of Integrity Commissioner Swayze in City of Brampton Report L05 IN (May 12, 2015):

In my experience members of councils in Ontario are busy people serving their community and want certainty in the interpretation of the many rules that apply to them. A code, by definition, is a set of rules of behaviour and should not be interpreted by each councillor according to subjective values. The rules need to be clear and where possible, capable of only one meaning. [emphasis added]

While I do not agree that being busy is relevant to interpretation of the Code, I accept and adopt Integrity Commissioner Swayze's comments about the need for clarity, certainty and lack of ambiguity in the rules.

I find that Section 1 of the Code, the "Principles" section, provides interpretive guidance but is not itself a provision that can be contravened.

Going forward, I will not consider the "Principles" section as capable of giving rise to a contravention or forming the basis for a Complaint. This section may, however, be considered in the course of interpreting other sections of the Code.

#### **(E) Did the Respondent contravene section 14.2?**

The Respondent should not have let a Code proceeding stand in the way of communicating with a constituent. Nonetheless, in this case, the Respondent *did* provide constituent service by forwarding the Complainant's inquiry to the Region's staff. Consequently, I do not make a finding of breach.

As result of this report, the meaning and impact of section 14.2 should now be clear to all of Council. The fact that a Complaint under the Code cannot interrupt constituent services should now be understood by everyone. No Council Member should decline to provide constituent services to an individual because that individual has made a Complaint under the Council Code of Conduct.

Section 14 as a whole is intended to protect people who seek remedies under the Code and who participate in Code proceedings. Its title is clear: "NO REPRISAL OR OBSTRUCTION IN THE APPLICATION OR ENFORCEMENT OF THIS CODE."



The specific provision at issue in this case is the second sentence of section 14.2:

No member shall undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person under the Code of Conduct.

"Reprisal" means retaliation; for section 14.2 to apply, the reprisal (retaliation) or threat of reprisal must be intended as a response to the making of a Complaint or to the giving of information to the Integrity Commissioner.<sup>7</sup>

The facts leading up to the Complainant's allegation of a reprisal are as follows:

- September 14, the Complainant, as a constituent of the Respondent, sent the Respondent an email asking for assistance in relation to a similar but separate matter. The email was also addressed to another Member of Regional Council and to a local councillor. It was copied to the Complainant's neighbour, who was another constituent of the Respondent.
- September 16, the Respondent emailed back to state: "[Name of Complainant] you filed a Complaint about me with the Integrity Commissioner challenging my honesty and integrity – until such time as this matter has been dealt with I will not take part in any questions, comments, conversations or concerns that involves you or your property."
- Despite making this comment, the Respondent did forward the Complainant's September 14 email to the appropriate staff members of the Region.

The Complainant doubted that there was any rule that prevented the Respondent from helping the Complainant and the Complainant's neighbour with an issue until the Integrity Commissioner proceeding was resolved. The Complainant felt that the Respondent's email was a violation of section 14.2.

The Respondent maintained that this was standard practice: "I have for the past [number deleted] years worked on the basis that if there is a Complaint or a court case [in] which a councillor is involved they should refrain from any further dialogue with that person until the case has been addressed. Hence my response ..."

The Respondent also noted that the Complainant's email had, in fact, been forwarded to the Regional staff for follow up, so the constituent received service.

The Code does not specify how a Councillor should provide service to constituents. There is no *explicit* requirement to reply to emails, to forward issues to the Region's staff or to answer questions. Whether any of these might be *implicitly* required by the Code does not need to be addressed in this case, which focuses on reprisal. For present purposes, it is sufficient to find that if a Councillor would otherwise provide service to a constituent, but refuses to do so *because* the individual previously made a

<sup>7</sup> For a discussion of the elements of a reprisal and how it is identified, see *Noble v. York University*, 2010 HRTO 878 (CanLII) at paras. 31-35.

Complaint under the Code, then that constitutes a reprisal and section 14.2 is contravened.

In general, a Council Member should not decline to help a constituent – in a situation where the Council Member otherwise would assist – simply because the constituent has previously complained under the Council Code of Conduct. Had the Respondent known this at the time, I expect that the September 16 email would not have been sent, or would have been significantly different.

The Complainant's reaction to the Respondent's September 16 email was understandable. Given the wording, it was reasonable for the Complainant to wonder whether the September 16 email was a form of reprisal. With the clarity provided by this report, presumably a similar exchange between a Council Member and a constituent will not occur in future.

Despite the wording of the September 16 email, the Respondent did, in fact, act on the Complainant's inquiry by forwarding the matter to the staff. There was, therefore, no denial of constituent service. For that reason I do not make a finding of a breach.

#### **Concluding Observation**

Because I make no finding of a contravention of the Code, I am not naming the Respondent.

#### **Recommendation**

I recommend that the findings of this report be received for information.

Respectfully submitted,



Guy Giorno  
Integrity Commissioner  
Regional Municipality of Durham

January 11, 2018



## **APPENDIX: RELEVANT PROVISIONS OF COUNCIL CODE OF CONDUCT**

### **1. PRINCIPLES**

- 1.1 Improving the equality of Regional administration and governance can best be achieved by encouraging high standards of conduct on the part of all municipal officials. In particular, the public is entitled to expect the highest standards of conduct from the members that it elects to local government. In turn, adherence to these standards will protect and maintain the Region's and the Council members' reputation and integrity.
- 1.2 Key statements of principles that underline this Code of Conduct are as follows, members shall:
- A) Serve and be seen to serve their constituents in a conscientious and diligent manner;
  - B) be committed to performing their functions with integrity, avoiding the improper use of the influence of their office, and conflicts of interest, under the *Municipal Conflict of Interest Act*;
  - C) perform their duties in office in a manner that promotes public confidence and will bear close public scrutiny;
  - D) recognize and act upon the principle that democracy is best achieved when the operation of government is made as transparent and accountable to members of the public as possible; and
  - E) seek to serve the public interest by upholding both the letter and spirit of the laws of Parliament and the Ontario Legislature, as well as the by-laws and policies adopted by the Council.

...

### **14. NO REPRISAL OR OBSTRUCTION IN THE APPLICATION OR ENFORCEMENT OF THIS CODE**

- 14.1 Every member must respect the integrity of the Code of Conduct and inquiries and investigations conducted under it, and shall cooperate in every way possible in securing compliance with its application and enforcement.
- 14.2 No member shall obstruct the Integrity Commissioner, his or her designate, or any other Regional official involved in applying or furthering the objectives or requirements of the Code of Conduct, in the carrying out of such responsibilities, or pursuing any such objective. No member shall undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person under the Code of Conduct.

**DELEGATIONS, MOTIONS, NOTICE OF MOTIONS**

**February 14, 2018**

Delegations

1. Delegation(s) further to Public Notice regarding the 2018 Regional Business Plans and Budgets

Motions

1. Sale of Aecon Group Inc.

Councillors John Neal and Joe Neal gave Notice that at the February 14, 2018 meeting or subsequent meeting of Regional Council, they will present the following Motion:

Whereas Aecon Group Inc. ("Aecon") has been buying up paving and construction firms over the last few years;

Whereas it is possible that there are other indirect relationships as well;

Whereas the Region of Durham has, and could let out contracts to Aecon and its subsidiaries;

Whereas the sale of Aecon to CCCI, a company owned by the People's Republic of China, is being reviewed by Investment Canada;

Whereas all construction, engineering, and consulting agreements are integral to the residents of the Region of Durham as well as its eight lower tier municipalities;

Be it resolved that Durham Regional staff investigate the ramifications for Durham Region of the sale of Aecon to CCCI, with input and feedback from its eight local municipalities, and report back to Regional Council as soon as possible, and treat this resolution as time sensitive.

2. Support of the Newspaper Industry

Councillors John Neal and Joe Neal gave Notice that at the February 14, 2018 meeting or subsequent meeting of Regional Council, they will present the following Motion:

Whereas a free press and newspapers are fundamental to democracy;

Whereas the newspaper industry, especially local newspapers are facing difficult economic conditions, as a result of which have been closing, which is a loss for local democracy;

Whereas the rules under the *Waste Free Ontario Act* propose to charge newspapers for recycling costs;

Be it resolved that Durham Region support the newspaper industry and local newspapers by (i) adopting as a policy that newspapers should not be charged for recycling; and (ii) forwarding this motion to Stewardship Ontario, the MOECC, and the Premier of Ontario.



**The Regional Municipality of Durham**  
**Report #2 of the Committee of the Whole**

for consideration by Regional Council

February 14, 2018

The Committee of the Whole recommends approval of the following:

**Finance & Administration**

1. Amendment to Vehicle Advance and Casual Travel Reimbursement Rates (2018-COW-21)

That the rates for reimbursement for the use of a personal vehicle while on Regional business be as set out in Attachment #1 to Report #2018-COW-21, effective January 1, 2018.

2. Confirmation of the Region's Triple "A" Credit Rating by Moody's Investors Service (2018-COW-23)

That Report #2018-COW-23 of the Commissioner of Finance be received for information.

3. Public Process for the Proposed Regional and Carruthers Creek Area Specific Development Charge By-laws (2018-COW-24)

A) That Statutory Public Meetings of Regional Council, as required by the Development Charges Act, 1997 (DCA, 1997) be held on April 11, 2018 in the Regional Council Chambers at the beginning of the regular Regional Council meeting to consider the following:

- i) The proposed Regional Development Charge By-law and Background Study;
- ii) The proposed Area Specific Development Charge By-law and Background Study for water supply services in the Carruthers Creek area; and
- iii) The proposed Area Specific Development Charge by-law and Background Study for sanitary sewerage services in the Carruthers Creek area;

B) That the proposed Regional Development Charge By-law and Background Study as well as the Carruthers Creek Water Supply and Sanitary Sewerage Area Specific By-laws and Background Studies, as required by the DCA, 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 March 27, 2018; and

- C) That staff be authorized to place appropriate notification in newspapers of sufficiently general circulation in Durham Region and the Regional web-site setting forth the date, time, location and purpose of the Statutory Public Meetings and the date and contact for the release of the proposed Regional Development Charge By-laws and Background studies no later than March 21, 2018.

4. Transit Shelter Advertising Contract Award (2018-COW-30)

---

- A) That the negotiated agreement with Pattison Outdoor Advertising for advertising on DRT bus shelters for a term of three years to March 31, 2021, with an option to extend for up to two years; with the following provisions, be approved:
  - i) A guaranteed fixed monthly payment of \$51,520, from Pattison Outdoor Advertising to the Region;
  - ii) Annual payments of 50 per cent of Pattison Outdoor Advertising's annual cumulative net sales less the annual total of guaranteed fixed payments; and
  - iii) Cleaning shelters to be the responsibility of the Region; and
- B) That the Commissioner of Finance be authorized to execute the agreement, including any amendments.

5. 2018 Strategic Property Tax Study (2018-COW-32)

---

- A) That the discount applied to municipal property taxes on parcels in the vacant and excess land subclasses of the broad Commercial (30 percent discount) and broad Industrial (35 per cent discount) property tax classes be phased-out evenly over the property taxation years 2018 to 2020, according to the following parameters:
  - i) for the property tax year 2018, the discount in the municipal property taxes be set at 20.00 per cent for vacant and excess land parcels in the broad Commercial property tax classes and 23.33 per cent for vacant and excess land parcels in the broad Industrial property tax classes;
  - ii) for the property taxation year 2019, the discount in municipal property taxes be set at 10.00 per cent for vacant and excess land parcels in the broad Commercial property tax classes and 11.67 per cent for vacant and excess land parcels in the broad Industrial property tax classes;

- iii) for the property taxation year 2020, the discount in municipal property taxes be eliminated for vacant and excess land parcels in both the Commercial and Industrial broad property tax classes and the program be discontinued; and
  - iv) increased municipal property taxation from the phase-out and elimination of the vacant and excess land subclass discounts in the Commercial and Industrial broad property tax classes be offset by a corresponding reduction in the Industrial broad class municipal property taxes collected through a reduction in the Industrial broad property tax class municipal tax ratio;
- B) That the vacant unit property tax rebate program, available to eligible units in the broad Commercial (30 per cent rebate) and broad Industrial (35 per cent rebate) property tax classes, be phased-out evenly over the property taxation years 2018 to 2019 according to the following parameters:
  - i) for the property tax year 2018, rebates be set at 15.00 per cent for eligible units in the broad Commercial property tax class and 17.50 per cent for eligible units in the broad Industrial property tax classes; and
  - ii) the rebate program for both the Commercial and Industrial broad property tax classes be eliminated for the 2019 property tax year;
- C) That as mandated by the Province, the Commissioner of Finance undertake the necessary steps to request that Durham Region Council's decision to phase-out the vacant unit rebate program and the discounts applied to the vacant and excess land subclasses in the broad Commercial and Industrial property tax classes be implemented through regulation by the Province of Ontario;
- D) That the Province be requested to lower both the broad Commercial and broad Industrial education property tax rates as a result of the Region of Durham's phasing-out of the vacant and excess land subclass discounts for the broad Commercial and Industrial tax classes in Recommendation A);
- E) That for the 2018 property taxation year, the municipal property tax ratios for the following property classes for the Regional Municipality of Durham be set as follows:

Multi-Residential	1.8665
New Multi-Residential	1.1000
Landfill	1.1000
Pipelines	1.2294
Farmland	0.2000
Managed Forests	0.2500

**Commercial Broad Class**

(including Residual, Shopping Centres, Office Buildings and Parking Lots)

Occupied	1.4500
Vacant Land	1.1600
Excess Land	1.1600

**Industrial Broad Class**

(including Residual and Large Industrial)

Occupied	2.1850
Vacant Land	1.6752
Excess Land	1.6752

and the requisite by-law be prepared and approval be granted;

- F) That the Region of Durham requests that the Province continue with the intended Business Education Tax (BET) broad Industrial class reductions, that were deferred until the Provincial budget was balanced, in order to reduce Durham Region's broad Industrial property tax class education tax rate down to the Provincial average;
- G) That to achieve greater fairness and equity in the Current Value Assessment (CVA) system and property taxation policy, the Province again, be requested to:
  - i) Remove the special policy consideration for assessment decreases prior to the next reassessment cycle (2020 CVA for taxation years 2021 to 2024) so that all increases and decreases are phased-in evenly over the four-year cycle;
  - ii) Undertake a stakeholder review of the Provincial statutory rates (Heads & Beds, Hydro Linears and Nuclear Generating Facilities) similar to the recent Railway Linear review;
  - iii) Update the following Provincial statutory rates and institute a process by which these rates are updated annually in order to avoid the shifting of municipal funding to the residential property homeowner:
    - 1. Hospitals, Prisons and Post-Secondary Education Institutions ("Heads & Beds", last updated in 1987);

2. Railway/Hydro Right of Ways (“Linear Properties”, last major update in 1998 with a one per cent increase in Railway Right of Ways in Durham Region in 2017); and
  3. Nuclear Generating Facilities (last updated in 1968);
  - iv) Redirect proxy property tax payments currently paid by the Region’s two nuclear generating facilities to the Ontario Electricity Financial Corporation (OEFC) for the Ontario Hydro stranded debt to the host municipalities and the Region following retirement of the stranded debt; and
  - v) Amend Section 110 of the Municipal Act, 2001 in order to permit a municipality in a two tiered municipal structure the option to exempt a municipal capital facility from full or partial portion of its share of municipal property taxes only as it pertains to such a facility.
6. 2018 Durham Region Transit (DRT) Servicing and Financing Study  
([2018-COW-31](#))

- A) That the proposed 2018 DRT service improvements, and efficiencies be approved for implementation in April and July 2018 at a net cost of \$499,651 in 2018, or \$1,047,489 million annualized as follows:

**Table 1: 2018 Service Changes**

	2018		Annualized	
	Revenue Hours of Service	Net Cost	Revenue Hours of Service	Net Cost
Service Improvements	10,523	\$989,223	20,465	\$1,931,320
Service Efficiencies	(5,220)	(\$489,571)	(9,532)	(\$883,831)
<b>Net Change in Service</b>	<b>5,303</b>	<b>\$499,651</b>	<b>10,933</b>	<b>\$1,047,489</b>

- B) That in accordance with Regional Council approved service standards, the list of currently underperforming routes, and the recommended actions for the underperforming routes, be received for information, as follows:

**Table 2: Actions for Underperforming Routes**

Route (Municipality)	Minimum Boarding Per Hour Standard	2017 Boardings per Hour	2018 Revenue Hours of Service	Estimated 2018 Operating Cost	Recommended 2018 Action
<b>Local Routes</b>					
420 – Britannia West (Oshawa)	7	6.6	1,266	\$115,301	Service recently introduced in September 2017. The 2018 Service Plan includes a route and trip enhancement.

Route (Municipality)	Minimum Boarding Per Hour Standard	2017 Boardings per Hour	2018 Revenue Hours of Service	Estimated 2018 Operating Cost	Recommended 2018 Action
318 – Garden-West Lynde (Whitby)	7	6.1	828	\$73,946	In 2018, DRT plans to replace the route with the introduction of expanded service on Routes 301 and 303.
603 - Pickering – Uxbridge (Pickering/Uxbridge)	7	2.4	1,512	\$151,076	Continue service and monitor performance.
601 – Brock – Uxbridge (Brock/Uxbridge)	7	2.2	2,255	\$240,220	Continue service and monitor performance.
960 – Newmarket- Uxbridge (Newmarket/Uxbridge)	7	1.8	1,025	\$113,702	Continue service and monitor performance.
<b>Community Routes</b>					
199 – Claremont	4	3.0	0	0	No further actions. In September 2017, service was replaced with Route 603, providing service between Uxbridge and Pickering via Claremont every weekday
<b>Total</b>			<b>6,886</b>	<b>\$694,245</b>	

- C) That in order to establish the service level that forms DRT's proposed 2018 Business Plan and Budget, the following be approved:
- i) DRT's transit service level at 526,627 revenue hours of service (a 3.2 per cent increase from 510,070 hours in 2017), which includes annualization of the 2017 service enhancements and the proposed service enhancements and efficiencies to be implemented in April and July 2018;
  - ii) The specific routes that comprise the 526,627 revenue hours of service; and
  - iii) Regional Council approval of any service adjustments to routing beyond the approved revenue hours of service continue to be required, given the impact on Regional transit property taxes;
- D) That effective May 1, 2018, the Adult PRESTO/Ticket fare be increased from \$3.10 to \$3.15 which is estimated to generate approximately \$106,000 in new fare revenue based on DRT's 2018 ridership forecast of 10.48 million riders, unchanged from 2017 budgeted levels;
- E) That Durham Region Transit's Nine Year Capital Forecast (2019-2027) in the amount of \$297.4 million be received for information;
- F) That as requested by the Transit Executive Committee, the performance results of the North Service Strategy be received for information;

- G) That the response to Council's request for information on Access Pass holders' use of Specialized Services as noted in Report #2018-COW-31 be received for information.

7. The 2018 Regional Business Plans and Budgets for Property Tax Purposes, including General Purpose, Solid Waste Management and Durham Region Transit ([2018-COW-19](#))

**2018 General Purpose Property Tax Business Plans and Budgets**

- A) That the **2018 Business Plans and Property Tax Budgets for General Purposes (excluding Durham Region Transit and Solid Waste Management)** be approved, at a total net property tax requirement of \$545,926,000, as detailed within the 2018 Regional Business Plans and Budgets, which are highlighted in this report and summarized as follows:

	<b>2018 Tax Requirements (\$000s)</b>
<b>i) Regional Operations</b>	
Departmental Operations	239,644
Regional Roads Reserve – Growth	12,549
Regional Roads – Rehabilitation Reserve Fund	26,050
Regional Bridges – Rehabilitation Reserve Fund	5,525
<b>Total Regional Operations</b>	<b>283,768</b>
<b>ii) Police Service</b>	<b>198,916</b>
<b>iii) Provincial Download Service Costs</b>	<b>48,153</b>
<b>iv) Conservation Authorities</b>	<b>8,032</b>
<b>v) Special Contributions</b>	
Regional Land Acquisition Reserve Fund	570
Special Contribution - Hospitals	4,060
- Durham College	350
<b>Total Special Contributions</b>	<b>4,980</b>
<b>SUBTOTAL</b>	<b>543,849</b>
Seaton Assessment Growth	621
Adjustment to 2018 Assessment Base (re: Assessment under appeal)	1,457
<b>TOTAL GENERAL PROPERTY TAX PURPOSES</b>	<b>545,927</b>

Note: Excludes Durham Region Transit and Solid Waste Management which are included separately as Recommendations T) through X).

- B) That the **2018 Net Major Tangible Capital Asset Program for General Property Tax Purposes** (excluding Solid Waste, Durham Region Transit and Conservation Authorities' requirements) in the amount of \$91,555,000 be approved, and the 2019 to 2027 Capital Forecast in the amount of \$1,487,837,000 as detailed in the following table be received for information purposes only and subject to future approvals:

GENERAL PURPOSES TANGIBLE CAPITAL ASSET REQUIREMENTS (\$000's)							
	Recommended	Forecast					Total 2019- 2027
		2019	2020	2021	2022	2023- 2027	
<b>Police Service</b>							
Operations Training Centre - Phase 2	-	-	2,000	23,000	-	-	25,000
Facility Repairs & Renovations	515	1,000	1,000	1,000	1,000	5,000	9,000
Clarington Police Complex Phase 2 - Regional Support Centre and Centre for Investigative Excellence	-	-	55,000	-	-	-	55,000
Durham North West Seaton	-	-	-	-	2,500	27,500	30,000
North Division Expansion	-	-	-	-	-	3,400	3,400
Central East Division	-	-	-	-	-	50,000	50,000
<b>Police Service sub-total</b>	<b>515</b>	<b>1,000</b>	<b>58,000</b>	<b>24,000</b>	<b>3,500</b>	<b>85,900</b>	<b>172,400</b>
<b>Paramedic Service</b>							
Ambulance Stations - Seaton	1,000	2,500	-	-	-	-	2,500
- Clarington	1,100	2,700	-	-	-	-	2,700
- Uxbridge	-	1,250	-	4,500	-	-	5,750
Ambulances & Equipment - Growth Related	-	525	-	525	-	1,575	2,625
Ambulances & Equipment Replacement	3,306	2,285	2,328	2,691	2,437	17,406	27,147
<b>Paramedic Service sub-total</b>	<b>5,406</b>	<b>9,260</b>	<b>2,328</b>	<b>7,716</b>	<b>2,437</b>	<b>18,981</b>	<b>40,722</b>
<b>Health &amp; Social Services</b>							
New Ontario Works Delivery Location	-	-	-	20,000	-	-	20,000
Sunderland Relocation and Expansion - Child Care	-	1,000	-	-	-	-	1,000
Seaton Facility	-	8,300	-	-	-	-	8,300
<b>Social Services sub-total</b>	<b>-</b>	<b>9,300</b>	<b>-</b>	<b>20,000</b>	<b>-</b>	<b>-</b>	<b>29,300</b>
<b>Headquarters Expansion</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>120,000</b>	<b>-</b>	<b>-</b>	<b>120,000</b>
<b>Works Operations</b>							
Regional Roads Program	85,634	101,570	120,170	115,285	121,970	666,420	1,125,415
<b>Works Operations sub-total</b>	<b>85,634</b>	<b>101,570</b>	<b>120,170</b>	<b>115,285</b>	<b>121,970</b>	<b>666,420</b>	<b>1,125,415</b>
<b>TOTAL TCA REQUIREMENTS</b>	<b>91,555</b>	<b>121,130</b>	<b>180,498</b>	<b>287,001</b>	<b>127,907</b>	<b>771,301</b>	<b>1,487,837</b>

- C) That financing for the 2018 Net Major Tangible Capital Asset Program for General Property Tax Purposes in the net amount of \$91,555,000 be approved as follows:



**GENERAL PURPOSES  
2018 CAPITAL FINANCING (\$000's)**

	<u>Police</u>	<u>Paramedic</u>	<u>Roads</u>	<u>Total</u>
Property Taxes	515	4,888	6,204	<b>11,607</b>
Development Charges	-	-	36,251	<b>36,251</b>
Rehabilitation / Special Road/Bridges Reserve Funds	-	-	41,779	<b>41,779</b>
Debentures	-	518	-	<b>518</b>
Other <sup>1.</sup>	-	-	1,400	<b>1,400</b>
<b>Total Financing</b>	<b>515</b>	<b>5,406</b>	<b>85,634</b>	<b>91,555</b>

Note:

1. Contribution from Simcoe County

**Contributions for Regional Roads and Bridges**

- D) That a 2018 contribution of \$12,549,000 to the **Regional Roads Reserve – Growth** be authorized to allow for financing of Road Capital Construction Projects;
- E) That a 2018 contribution of \$26,050,000 to the **Regional Roads Rehabilitation Reserve Fund** be authorized to assist with roads rehabilitation requirements;
- F) That a 2018 contribution of \$5,525,000 to the **Regional Bridges Rehabilitation Reserve Fund** be authorized to assist with bridge rehabilitation requirements;
- G) That a financing plan to advance the use of a portion of the Federal gas tax funds in order to address the most critical road rehabilitation be approved as follows:
  - i) The outstanding debt servicing payments related to the Durham York Energy Centre continue to be financed from Federal gas tax revenue until the internal loan obligations are met in 2020 with the 2018, 2019 and 2020 payments to be phased in order to provide \$4.8 million Federal gas tax revenue to be dedicated in 2018 to critical road rehabilitation needs; and
  - ii) The following additional critical road rehabilitation capital projects be approved with financing from the Federal gas tax (\$4.8 million) and the balance of \$2.4 million from the 2018 budgeted increase in the Regional Road Rehabilitation Reserve:

- Liberty Street (Regional Road 14) from north of Concession 3 to Concession 4 in the Municipality of Clarington, at an estimated cost of \$1,900,000 (current pavement condition index rating of 15)
  - Regional Road 21 from Marsh Hill (approximately 3.5 km east of Lake Ridge Road) to Highway 12 in the Township of Scugog at an estimated cost of \$3,000,000 (current pavement condition index rating of 13)
  - Regional Road 38 Whites Road from north of Kingston Road to Finch Avenue in the City of Pickering at an estimated cost of \$1,300,000 (current pavement condition index of between 24 and 30 for the various segments); and
  - Regional Road 8 from Mill Run Gate to 0.4 km west of 4th Concession Road in the Township of Uxbridge at an estimated cost of \$1,000,000 (current pavement condition index of between 9 and 15 for the various segments)
- H) That given the funding allocation of \$2,216,952 for Durham Region through the Ontario Municipal Commuter Cycling Program (OMCC) which covers 80 per cent of eligible design, engineering and capital costs to build commuter cycling facilities, the Region's 20 per cent funding contribution of \$554,238 be included in the 2018 Regional Business Plans and Budgets (total OMCC cycling program \$2,771,190);

#### **Provincial Download Services Costs**

- I) That the **2018 Provincial Download Services Costs Budget** be approved as part of the 2018 Regional General Purposes property tax requirement in the total amount of \$48,153,000, including a provision of \$5,991,000 for the 2018 Durham Regional Local Housing Corporation Business Plan and Budget;

#### **Conservation Authorities**

- J) That funding totaling \$5,815,856 for operations and \$1,653,229 for 2018 Special Projects be approved for the **Region's five Conservation Authorities** with Special Projects funding provided as summarized below:

Kawartha Region Conservation Authority	\$140,890
Ganaraska Region Conservation Authority	228,232
Toronto and Region Conservation Authority	812,971
<u>Lake Simcoe Region Conservation Authority</u>	<u>471,136</u>

**Total Conservation Authority Special Projects** **\$1,653,229**

- K) That additional funding totaling \$200,000 be provided from the Regional Land Acquisition Reserve Fund to the five Conservation Authorities for 2018 land management expenditures for properties within Durham Region as outlined below and that the Region continue to work with the Conservation Authorities to review the funding of land management activities, including financial reporting on the funding spent annually and associated outcomes as part of the Conservation Authorities annual accountability reporting:

Central Lake Ontario Conservation Authority	\$85,000
Kawartha Region Conservation Authority	15,000
Ganaraska Region Conservation Authority	37,000
Toronto and Region Conservation Authority	41,000
Lake Simcoe Region Conservation Authority	22,000

**Total Conservation Authority Special Projects** **\$200,000**

- L) That the **York/Peel/Durham/Toronto Groundwater Management Initiatives** be continued in 2018 at a funding level of \$175,000 for ongoing groundwater protection initiatives jointly funded with the City of Toronto and York and Peel Regions;
- M) That the special funding request from Central Lake Ontario Conservation Authority (CLOCA) in the amount of \$100,000 for Phase One of Two of the Update to the CLOCA Watershed Plans be approved subject to the accountability of project costs incurred and project completion, with funding to be provided from the Regional Land Acquisition Reserve Fund;
- N) That the special funding requests from Central Lake Ontario Conservation Authority in the amount of \$50,000 and from Ganaraska Conservation Authority in the amount of \$25,000 for the joint Lake Ontario Shoreline Management Plan Update project be approved with funding to be provided from the Regional Land Acquisition Reserve Fund subject to:
- i) Central Lake Ontario Conservation Authority and Ganaraska Conservation Authority securing the remainder of the project funding from the National Disaster Mitigation Program and Lower Trent Region Conservation Authority;
  - ii) project completion; and
  - iii) accountability of project costs;

- O) That the special funding request from Ganaraska Conservation Authority in the amount of \$50,000 for their Watershed Plan update be approved subject to the accountability of project costs incurred and project completion, with funding to be provided from the Regional Land Acquisition Reserve Fund;
- P) That the Region of Durham support the Toronto and Region Conservation Authority's 2018 application to the National Disaster Mitigation Program for \$400,000 in funding towards the Pickering and Ajax Dyke Remediation Environmental Assessment, Floodplain mapping update of the Duffins Creek watershed, and Hydrology update for the Petticoat Creek watershed;
- Q) That the special funding request from Lake Simcoe Conservation Authority in the amount of \$39,162 for the Scanlon Creek Operations Centre Renovation Project be approved subject to the accountability of project costs incurred and completion of the project, with funding to be provided from the Regional Land Acquisition Reserve Fund;
- R) That a contribution of \$569,838 to the **Regional Land Acquisition Reserve Fund** be authorized to assist in financing requests for funding received from the five Conservation Authorities to acquire environmentally sensitive lands within the Region, based on eligibility criteria per the approved Regional Land Acquisition Reserve Fund Policy;

#### **Special Contributions**

- S) That the Oak Ridges Hospice of Durham Ltd. request for \$350,000 of capital funding for the construction of a residential hospice facility in Port Perry be approved, with the required financing from the Region's Hospital Reserve Fund; and further, that funds be released to the Oak Ridges Hospice of Durham Ltd. at the discretion of the Commissioner of Finance for the approved capital project as noted in the hospice request subject to the accountability of final capital costs reported upon completion;

#### **Solid Waste Management 2018 Business Plan and Budget**

- T) That the **2018 Business Plan and Budget for Solid Waste Management** at a net property tax requirement of \$42,733,000 be approved as detailed in the 2018 Solid Waste Management Business Plan and Budget;
- U) That the **Solid Waste Management Capital Forecast for the period 2019 to 2027** in the amount of \$184,819,000 as detailed below be received for information purposes only and subject to additional future approvals:

SOLID WASTE MANAGEMENT TANGIBLE CAPITAL ASSET REQUIREMENTS (\$000's)							
	<u>Recommended</u>	<u>Forecast</u>					
	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023- 2027</u>	<u>Total 2019- 2027</u>
Landfill Remediation / Reclamation	-	3,269	700	550	150	2,150	6,819
Organics Management Plan	-	169,500	-	-	-	-	169,500
Seaton Waste Management Facility - Pickering	-	-	-	8,500	-	-	8,500
<b>TOTAL TCA REQUIREMENTS</b>	-	<b>172,769</b>	<b>700</b>	<b>9,050</b>	<b>150</b>	<b>2,150</b>	<b>184,819</b>

### Durham Region Transit 2018 Business Plan and Budget

- V) That the **2018 Business Plan and Budget for Durham Region Transit** be approved at a total net property tax requirement of \$55,800,000, as detailed in the 2018 Durham Region Transit Business Plan and Budget;
- W) That the **2018 Major Tangible Capital Assets Expenditure Program for Durham Region Transit** be approved in the gross amount of \$16,968,000 and the Capital Forecast for the period 2019 to 2027, (totalling \$297,421,000) as summarized below be received for information purposes only and subject to future approvals:

DURHAM REGION TRANSIT			TANGIBLE CAPITAL ASSET REQUIREMENTS (\$000's)											
Recommended			Forecast											
	#	2018	#	2019	#	2020	#	2021	#	2022	#	2023- 2027	#	2019- 2027
Growth Related Vehicles	5	2,307	17	9,288	19	10,424	17	9,288	19	10,424	76	42,256	148	81,680
Replacement Vehicles	23	9,114	17	7,158	18	7,193	16	7,083	18	7,173	87	35,820	156	64,427
Bus Refurbishments	-	-	9	900	9	900	9	900	9	900	45	4,500	81	8,100
Facilities														
Indoor Bus Facility		4,250		-		50,500		-		-		37,300		87,800
Seaton		-		-		-		-		-		25,000		25,000
Raleigh		-		-		-		1,030		-		-		1,030
Other		34		203		-		12		-		25		240
sub-total - facilities		4,284		203		50,500		1,042		-		62,325		114,070
System Improvements		1,263		6,307		3,033		2,897		3,033		13,874		29,144
TOTAL TCA REQUIREMENTS	28	16,968	43	23,856	46	72,050	42	21,210	46	21,530	208	158,775	385	297,421

- X) That financing for the 2018 Capital Expenditure Program for Durham Region Transit in the gross amount of \$16,968,000 be approved as follows:

<b>SOURCE OF FINANCING</b>	<b>2018 \$ (000's)</b>
Property Taxes	1,184
Ontario Gas Tax Revenue	6,665
Development Charges	4,787
Public Transit Infrastructure Fund	3,045
Debentures	1,288
<b>Total Financing</b>	<b>16,968</b>

\* Table may not add due to rounding

### **Financial Management and Accountability**

- Y) That the **Listing of 2018 Regional Fees and Charges**, as set forth in the 2018 Regional Business Plans and Budgets be approved and made available to the public and all applicable By-laws be amended accordingly;
- Z) That based upon the 2018 Regional Business Plans and Budgets as recommended herein, the Commissioner of Finance be authorized to set **2018 Regional Property Tax Rates for General Purpose, Solid Waste Management and Durham Region Transit** and approval be granted for the requisite By-laws;
- AA) That **capital project approval** be granted for expenditures and financing per the 2018 Capital Project Detail Forms within the 2018 Regional Business Plans and Budgets where contract awards are consistent with the Regional Budget Management Policy;
- BB) That for any Regional program change or capital expenditure included within the 2018 Regional Business Plans and Budgets which is proposed to be financed in whole, or in part, from **Provincial/Federal subsidies or related revenues**, neither staffing, capital nor other related Regional expenditures be committed until such time as adequate written confirmation is received from the respective provincial/federal ministry to commit to the subsidy or related revenues (Committee of the Whole and Regional Council will be advised accordingly, consistent with the Regional Budget Management Policy);

- CC) That all business case applications for subsidy or other related funding from senior levels of government or external organizations with respect to Region-operated programs be coordinated with the Region's Finance Department to ensure corporate financial accountability and requirements in expenditure management and financial reporting are met;
- DD) That funding totaling \$85,300 be approved within the 2018 Risk Management program of the Finance Department's 2018 Business Plan and Budget for **COMRA** (up to \$41,900) and the **Pickering Auxiliary Rescue Association** (up to \$43,400) to be administered by the Finance Department in consultation with the Durham Regional Police Service based upon services rendered;
- EE) That the reporting of the '**Impact of Excluded Expenses**' for tangible capital asset amortization, post-employment benefits and solid waste landfill closure/post-closure expenses be adopted, per requirements under Ontario Regulation 284/09 of the Municipal Act 2001 and the Public Sector Accounting Board (PSAB):

**ESTIMATED IMPACT OF EXCLUDED EXPENSES  
ON ACCUMULATED SURPLUS  
FOR THE 2018 BUSINESS PLANS AND BUDGETS  
(\$000's)**

	<u>2017</u>	<u>2018</u>
	\$	\$
<b><u>PSAB Additions to Budget</u></b>		
Tangible Capital Asset Amortization	120,601	139,000
Post-Employment Benefit Expense	8,087	9,051
Landfill Closure/Post Closure - Increase in Liability	2,127	-
Liability for Contaminated Inactive Sites	-	-
Total PSAB Additions	<u>130,815</u>	<u>148,051</u>
<b><u>PSAB Reductions to Budget</u></b>		
Tangible Capital Asset Acquisition	(291,822)	(318,588)
Debt Principal Payments	(56,921)	(21,260)
Landfill Closure Costs - Decrease in Liability	-	(1)
Total PSAB Reductions	<u>(348,743)</u>	<u>(339,849)</u>
<b><u>Net Impact - (Increase) to Accumulated Surplus</u></b>	<u>(217,928)</u>	<u>(191,798)</u>

- FF) That in the event that the Restricted Acts after Nomination Day (as defined in the Municipal Act, 2001) should apply to the Region for the 2018 Municipal Election, Regional Council delegates authority to the Chief Administrative Officer and Treasurer, in consultation with the applicable Department Head to take action to make any expenditures or incur any liability that is deemed necessary but not included in the Region's 2018 Budget, and provided expenditures or liabilities are required to fulfil the obligations of maintaining and ensuring the appropriate continuity of the Regional operations, including Durham Region Transit and the Durham Regional Local Housing Corporation, and that any such actions taken shall subsequently be reported upon to Regional Council.

Such delegation shall be in addition to and notwithstanding the provisions of the Region's Purchasing By-law (By-law No. 68-2000, as amended) and the Region's Budget Management Policy. In addition, the provisions of Section 16.3 to 16.10 of the Budget Management Policy (Delegation of Authority during Recess of Regional Council) shall be extended to apply in the event that the provisions of the Municipal Act, 2001 with respect to Restricted Acts after Nomination Day apply to the Region in the 2018 Municipal Election as if such period were a recess of Regional Council;

- GG) That as required by Provincial Legislation for asset management planning purposes including reporting requirements for the Federal gas tax, development charge background studies, Provincial grant funding applications and long term financial plans, the Commissioner of Finance be the designated executive lead; and
- HH) That in order to ensure the continued financial sustainability in the delivery of municipal services across the Region and given that there may be a timing difference in the matching of taxable assessment growth and the related property tax revenue from the Seaton community with the budgeted Regional operating costs to service this community, it is recommended that:
- i) The estimated increase in assessment growth for Seaton in 2018, generating an estimated \$0.6 million in property taxes, be deferred (Reserve Fund) for consideration in 2019 in order to align taxation revenue with anticipated increases in Regional operating costs related to Seaton; and
  - ii) A review to compare the anticipated Seaton-specific operating cost requirements with taxable assessment growth be undertaken annually as part of the Business Planning and Budget process to ensure the Seaton assessment growth is aligned with the related budgetary expenditures of Regional service requirements.



8. The Regional Municipality of Durham's Accessibility Advisory Committee's (AAC) 2018 Workplan (2018-COW-14)

---

That the 2018 Accessibility Advisory Committee's workplan as outlined in Attachment #1 to Report #2018-COW-14 of the Chief Administrative Officer, be approved.

9. The Regional Municipality of Durham's Accessibility Advisory Committee's 2017 Annual Report (2018-COW-15)

---

That Report #2018-COW-15 of the Chief Administrative Officer be received for information.

10. 2018 Municipal Elections Compliance Audit Committee (2018-COW-22)

---

A) That the Regional Clerk be granted delegated authority for the following four duties:

- i) Establish and approve the 2018 Compliance Audit Committee's terms of reference and administrative practices and procedures;
- ii) Establish membership criteria and qualifications required to ensure a competent Compliance Audit Committee can be formed, consistent with the *Municipal Elections Act, 1996*;
- iii) Recruit and appoint a roster of individuals eligible to be Compliance Audit Committee members;
- iv) Call and constitute a Compliance Audit Committee among the roster of appointed eligible members, in keeping with the Committee's terms of reference, and administrative practices and procedures; and

B) That the 2018 Compliance Audit Committee shall be deemed to be established as required under Section 88.37 of the Municipal Elections Act, 1996, once the Regional Clerk approves the Committee's Terms of Reference and the roster of eligible members to sit on the Compliance Audit Committee.

11. Extension of NEXTGEN Communications Interoperability and Radio System User Agreement to Ontario Power Generation (2018-COW-27)

---

A) That the NextGen Communications Interoperability and Radio System User Agreement be modified and extended to permit Ontario Power Generation to become a user; and

- B) That the Regional Chair and Clerk be authorized to execute any documents which are necessary to include Ontario Power Generation as a user in the NextGen Communications Interoperability and Radio System User Agreement on terms and conditions necessary to include them as a user, subject to the approval of Legal Services.

## **Planning & Economic Development**

### **12. Renaming of Regional Road 57 in the Municipality of Clarington (2018-COW-13)**

- A) That Regional Road 57 within the limits of the Municipality of Clarington be renamed to Bowmanville Avenue;
- B) That an appropriate street renaming By-law be brought forward and passed by Council at a later date when the timing of the Ministry of Transportation's overhead sign replacement program is known, so that the effective date of the Bowmanville Avenue street renaming generally coincides with the installation of the Ministry of Transportation's new signs at this Highway 401 interchange; and
- C) That a copy of the adopted by-law and Report #2018-COW-13 of the Commissioner of Planning and Economic Development be forwarded to the Municipality of Clarington, Township of Scugog, Ministry of Transportation, Durham Region Police Services, Region of Durham Paramedic Services, and all other stakeholders, for information.

### **13. Proposed regulations under the Planning Act related to inclusionary zoning, 2017 – Environmental Bill of Rights Registry #013-1977 (2018-COW-18)**

- A) That Report #2018-COW-18 of the Commissioner of Planning and Economic Development, Commissioner of Finance, and Commissioner of Social Services, be endorsed and submitted to the Ministry of Municipal Affairs as Durham Region's response to Environmental Bill of Rights Registry #013-1977 regarding proposed regulations related to inclusionary zoning under the Promoting Affordable Housing Act, 2016;
- B) That the following comments be addressed by the Province when finalizing the proposed regulations:
  - i) Allow municipalities greater flexibility to address local housing needs, including affordable rental housing;
  - ii) Remove the mandatory offering of financial contributions by municipalities in order to implement inclusionary zoning;
  - iii) Allow municipal discretion to include or exempt purpose-built rental developments from the application of an inclusionary zoning by-law;

- iv) Provide the ability for municipalities to establish the maximums for “unit set aside” and “offsite units” to serve the needs of their local housing markets;
  - v) Clarify if both upper and lower tier municipalities will be required to update their Official Plans with enabling policies related to inclusionary zoning;
  - vi) Participation by an upper tier municipality not be required in a two-tiered municipal structure, if a lower-tier municipality chooses to implement inclusionary zoning in their Official Plans;
  - vii) If an upper tier municipality chooses to participate in inclusionary zoning, clarification regarding the following be provided:
    - Whether the upper and/or lower tier municipality is expected to prepare the requisite municipal assessment report prior to embarking on Official Plan and Zoning By-law amendments to implement inclusionary zoning;
    - The flexibility for upper and/or lower tier municipalities to mutually agree who is responsible for paying the 40% difference between average market price and affordable price for all affordable housing units;
    - How inclusionary zoning agreements would be structured between upper and lower tier municipalities, and how the proceeds related to the equity of an affordable housing unit could be shared among the parties; and
    - Whether the upper and/or lower tier municipality bears the burden of administration responsibilities over the life of the program, which can be upwards of 20+ years;
  - viii) Provide background information and a rationale regarding the prescribed formula that requires municipalities to contribute 40% of the difference between the sum of the average market price for all the affordable housing units and the sum of the affordable price for all affordable housing units; and
- C) That a copy of Report #2018-COW-18 of the Commissioner of Planning and Economic Development, Commissioner of Finance, and Commissioner of Social Services, be forwarded to Durham’s area municipalities.

14. Pegasus Project – Establishing An Economic Development Partnership with Nuremberg, Germany (2018-COW-26)

That Regional Council approve-in-principle that staff from the Planning and Economic Development Department initiate an Economic Development Partnership with the Nuremberg Metropolitan Region, Germany, to work together to promote investment and trade between Durham Region and Nuremberg, and build foreign direct investment prospects.

## Works

15. Energy from Waste – Waste Management Advisory Committee Membership Extension (2018) (2018-COW-20)

- A) That the membership to the Energy from Waste – Waste Management Advisory Committee be extended by one year to the end of 2018; and
- B) That the Municipality of Clarington staff and Energy from Waste –Waste Management Committee members be advised of Regional Council's decision.

16. Declaration of Lands as Surplus and Approval to Exchange Lands with the City of Pickering and The Regional Municipality of York at 1250 Barnwood Square and Liverpool Road at Finch Avenue, in the City of Pickering (2018-COW-12)

- A) That property, being Parts 3 and 4 on 40R-29193 and Part 6 on 40R-29446 in the City of Pickering be declared surplus;
- B) That Part 4 on 40R-29193 be conveyed to the Regional Municipality of York for a nominal sum;
- C) That Part 3 on 40R-29193 and Part 6 on 40R-29446 be conveyed to the City of Pickering for a nominal sum; and
- D) That Regional staff take all steps required to complete the transfers as detailed in Recommendations B and C, and that the Regional Chair and Regional Clerk be authorized to execute any documents required to complete the conveyances.

17. Award of Request for Proposals #416-2017 for Vacuum Excavation Services Registry for Work at Various Locations within the Regional Municipality of Durham (2018-COW-16)

- A) That Request for Proposals #416-2017 be awarded to the five (5) selected contractors listed below to form the registry for the provision of vacuum excavation services having an estimated value of less than \$125,000 per project, for the period of three years from the date of award:

- Spring Grove Enterprises Ltd.
- Badger Daylighting LP
- Multi Vac Services Ltd.
- Sewer Technologies Inc.
- Wessuc Inc.; and

B) That the Commissioner of Finance be authorized to execute the necessary agreements.

18. Approval of Request for Pre-Qualification #1145-2017 for General Contractors for Recoating of All Levels of the Parking Garage at Regional Headquarters in the Town of Whitby (2018-COW-17)

---

A) That in accordance with Request for Pre-Qualification #1145-2017, the following contractors be pre-qualified for the tendering of the Recoating of all levels of the parking garage at Regional Headquarters in the Town of Whitby (Regional Tender T-1001-2018):

- Can Mar Contracting Limited
- Complete Concrete Restoration Limited
- Delbridge Contracting Limited
- Eagle Restoration Inc.
- Palmark Construction Limited
- Structural Contracting Limited; and

B) That the tender documents for the recoating of all levels of the parking garage at Regional Headquarters be issued and awarded only to the above noted contractors.

19. Approval for the Award of Contract in Excess of Allowable Limits for Registry Work for the Removal and Disposal of Surplus Fill at the Ajax/Pickering Works Depot Located at 2020 Salem Road (2018-COW-25)

---

A) That Contract Q347-2014 (A-110) – Remove and Dispose of Surplus Fill at 2020 Salem Road, at the Ajax/Pickering Works Depot be awarded to Eagleson Construction for the quoted lump sum price of \$137,500\*; and

B) That financing for this work be provided from within the Works Department's 2018 Approved Water Supply and Sanitary Sewerage Operating Budgets for Maintenance Operations and the Approved Capital Budget for the Replacement of Polybutylene Connections.  
(\*) before applicable taxes

## Other Business

20. Reduction of Fees for Unloading Septage at Water Pollution Control Plants
- A) That the fees for unloading septage at the Water Pollution Control Plants be reduced by 50% from January 1<sup>st</sup> of each year until the end of half-load season;
  - B) That staff review the current efficiencies in the speed of unloading the septage carriers; and
  - C) That staff explore the implementation of a metering system for the unloading of septage.

## Administration

21. Proposed negotiated settlement pertaining to litigation regarding the U-Pak Court Action being under Court File #CV-11-4271137 ([2018-COW-29](#))
- A) That the proposed negotiated settlement with the Plaintiff, U-Pak, in Court File #CV-11-4271137 be approved as detailed in Confidential Attachment #1 to Report #2018-COW-29 of the Commissioner of Works and Director of Legal Services;
  - B) That subject to approval of Recommendation A), payment of funds related to the settlement be subject to the execution of a Minutes of Settlement by the parties and a full and final release of the Region subject to the satisfaction of the Director of Legal Services, as detailed in Confidential Attachment #1 to Report #2018-COW-29 of the Commissioner of Works and Director of Legal Services; and
  - C) That the Commissioner of Works be authorized to sign Minutes of Settlement, and such other documents as may be required to carry out the terms of the settlement.

Respectfully submitted,  
Acting Chair Ryan

**UNFINISHED BUSINESS, OTHER BUSINESS & BY-LAWS**

**February 14, 2018**

Unfinished Business

1. At the February 6, 2018 Committee of the Whole meeting, consideration of the following report was tabled until the February 14, 2018 Council meeting:

Mobile Health Unit for At-Risk Populations, Including Those Using Opioids  
(2018-COW-28)

**RECOMMENDATION TO COUNCIL**

That Report #2018-COW-28 of the Commissioner and Medical Officer of Health be received for information.

Other Business

1. Appointment to the Lake Simcoe Region Conservation Authority (LSRCA)

**RECOMMENDATION TO COUNCIL**

That Council appoint Councillor John Grant to the Lake Simcoe Region Conservation Authority for the term of Council.

By-laws

- 02-2018 Being a by-law to approve and adopt the 2018 Business Plans and Budgets for General Purposes including the payment of all debt of the Regional Corporation falling due excluding current and capital expenditures and debts for Water Supply and Sanitary Sewage Works, Solid Waste Management and Durham Region Transit Commission.

This by-law implements the recommendations contained in Item #7 of the 2<sup>nd</sup> Report of the Committee of The Whole presented to Regional Council on February 14, 2018.

- 03-2018 Being a by-law to approve and adopt the 2018 Business Plans and Budgets for the Durham Region Transit Commission.

This by-law implements the recommendations contained in Item #7 of the 2<sup>nd</sup> Report of the Committee of The Whole presented to Regional Council on February 14, 2018.



- 04-2018 Being a by-law to approve and adopt the 2018 Business Plans and Budgets for Solid Waste Management.

This by-law implements the recommendations contained in Item #7 of the 2<sup>nd</sup> Report of the Committee of The Whole presented to Regional Council on February 14, 2018.

- 05-2018 Being a by-law to establish tax ratios for 2018 and to specify the percentage by which tax rates are to be reduced for prescribed property subclasses.

This by-law implements the recommendations contained in Item #5 of the 2<sup>nd</sup> Report of the Committee of The Whole presented to Regional Council on February 14, 2018.

- 06-2018 Being a by-law to set and levy rates of taxation for Regional General purposes for the year 2018.

This by-law implements the recommendations contained in Item #7 of the 2<sup>nd</sup> Report of the Committee of The Whole presented to Regional Council on February 14, 2018.

- 07-2018 Being a by-law to set and levy rates of taxation for the Durham Region Transit Commission for the year 2018.

This by-law implements the recommendations contained in Item #7 of the 2<sup>nd</sup> Report of the Committee of The Whole presented to Regional Council on February 14, 2018.

- 08-2018 Being a by-law to set and levy rates of taxation for Regional Solid Waste Management purposes for the year 2018.

This by-law implements the recommendations contained in Item #7 of the 2<sup>nd</sup> Report of the Committee of The Whole presented to Regional Council on February 14, 2018.

#### Confirming By-law

- 09-2018 Being a by-law to confirm the proceedings of Regional Council at their meeting held on February 14, 2018.