

SECTION 1

The Regional Municipality of Durham

MINUTES

COMMITTEE OF THE WHOLE

Wednesday, March 7, 2018

A meeting of the Committee of the Whole was held on Wednesday, March 7, 2018 in the Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:02 AM.

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

Present: Morning Session 9:02 AM to 12:12 PM

All members of the Committee of the Whole were present with the exception of Councillors Carter, McQuaid-England and Regional Chair Anderson

Councillor McQuaid-England was absent due to a family matter

Afternoon Session 1:00 PM to 2:57 PM

All members of the Committee of the Whole were present with the exception of Councillors Carter, McQuaid-England and Regional Chair Anderson

Councillor Parish left the meeting at 2:36 PM

Staff

Present: G.H. Cubitt, C. Bandel, D. Beaton, B. Bridgeman, K. Chakravarthy, R.J. Clapp, J. Demanuele, H. Drouin, A. Gibson, S. Gill, C. Goodchild, K. Gorman, J. Harness, J. Hunt, R. Inacio, R. Jagannathan, M. Januskiewicz, R.J. Kyle, W. Leonard, G. Muller, S. Munns, J. Paquette, V. Patterson, N. Prasad, J. Presta, S. Rashad, K. Ryan, N. Rutherford, J. Santos, M. Seppala, M. Simpson, S. Siopis, C. Tennisco, and R. Walton

Councillor Rowett, Acting-Chair, on behalf of Regional Council, congratulated Garry Cubitt on his 25 years of service to Durham Region as its Chief Administrative Officer.

Councillor Drew reflected on the recent passing of former Scugog Mayor Howard Hall.

1. Declarations of Interest

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

- i) Item 7.4 F) Report #2018-COW-42: Approval for Unbudgeted Capital to Undertake Detailed Design of Watermain Replacement Along Kingston Road (Highway 2) As Part of the Bus Rapid Transit Program From Delta Boulevard to Merritton Road and from Dixie Road to Liverpool Road, in the City of Pickering; and

- ii) Item 10.1 A) Confidential Report #2018-COW-48: from the Director of Legal Services - Corporate Services Department – Litigation/Potential Litigation, including matters before Administrative Tribunals, affecting the Regional Corporation, and advice that is subject to solicitor-client privilege with respect to the transit unfunded liabilities litigation between the Region of Durham and the City of Oshawa.

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

Councillor Joe Neal made a declaration of interest under the *Municipal Conflict of Interest Act* with respect to Report #2018-COW-33: Issuance of an Encroachment Agreement on Simcoe Street North (Regional Road 2), in the City of Oshawa. He indicated that the matter relates to his law practice.

2. Statutory Public Meetings

There were no Statutory Public meetings required.

3. Delegations

Moved by Councillor Henry, Seconded by Councillor Jordan,
That the Rules of Procedure be suspended in order to hear Ana Marple as a delegation.

CARRIED on a 2/3rds vote

- 3.1 Marilyn Pearce, Project Coordinator, and Brenda Metcalfe, Vice-Chair, Durham Farm Connections, re: Canada 150 Farm Families of Durham project results

Moved by Councillor Drew, Seconded by Councillor Drumm,
That Marilyn Pearce be granted an extension of the 5 minute time limit in order to finish her delegation.

CARRIED

M. Pearce and B. Metcalfe appeared before the Committee with respect to the Durham Farm Connections Canada 150 Farm Families of Durham project. She provided a PowerPoint presentation video on Durham's 150 heritage families, entitled 'Canadian Farm Family'.

M. Pearce stated that the Project identifies farm families in Durham that have been farming since the early 1800's; and educates the public on the significance of these families. She provided an overview on the histories of the farm families recognized for their longevity, investment and technology. She added that these farm families were recognized at a Celebrate Agriculture Gala. She emphasized the importance of engaging and educating the younger farmers to preserve the history, heritage and product sustainability of farming in Durham Region.

M. Pearce stated that Durham Region currently has 9 members inducted into the Canadian Agricultural Hall of Fame; and is well positioned to keep the farm industry alive.

M. Pearce responded to questions of the Committee.

3.2 Mary Ann Found, Chair, Durham Farm Connections, re: Review of 2017 accomplishments and 2018 program highlights

M. Found appeared before the Committee with respect to the Durham Farm Connections. She provided a PowerPoint presentation on the Durham Farm Connections 2017 accomplishments and 2018 programs highlights.

M. Found stated that Durham Farm Connections started in 2006. Its primary endeavor is to target and educate the community, particularly children through a grade 3 'Primary Education Program' on farming and where their food comes from; and, high school students through a 'High School Education & Career Program' on the environmental and technological impacts of agriculture.

M. Found provided an overview of the mobile farm education exhibit comprised of static displays and interactive activities; and, 'Aggie' an interactive farm robot to enhance the knowledge, understanding and appreciation of agriculture and the agri-food industry in Durham Region.

Moved by Councillor Henry, Seconded by Councillor Woo,
That Mary Ann Found be granted a one-time 2 minute extension
in order to finish her delegation.

CARRIED

M. Found informed the Committee that Durham Farm Connections, in conjunction with Durham Farm Fresh, is currently looking for a permanent Agriculture Education and Event Centre to host its various programs, serve as a meeting location and showcase agriculture within Durham Region.

M. Found, M. Pearce and T. Coleman responded to questions of the Committee.

3.3 Tom Coleman, President, Durham Farm Fresh Marketing Association, re: Review of 2017 accomplishments and 2018 program highlights

Mr. Coleman provided an overview of the Durham Farm Fresh Marketing Association 2017 accomplishments and 2018 program highlights. He stated that the Durham Farm Fresh Marketing Association started in 1993 and its aim is to improve awareness and economics of agriculture in Durham Region.

T. Coleman highlighted the various activities of Durham Farm Fresh Marketing Association (DFFMA) in 2017 as well as some of the proposed activities in their 2018 Workplan identified in the Region of Durham Agricultural Strategy.

T. Coleman provided an overview of their actions to be implemented in partnership with the Region of Durham Economic Development Division to promote outreach and education; and support an agriculture labour force in the region.

T. Coleman stated that the year 2018 marks the 25th anniversary of the Durham Farm Fresh Marketing Association. He added that, as part of the celebrations, DFFMA will update its brochure and website, and host its annual 'Find Your Flavor' campaign in the Fall.

T. Coleman also provided an update on the Marketplace Canadian Broadcasting Corporation (CBC) article titled, 'People are being duped' regarding the Peterborough Farmers' Market. He stated that the Association immediately convened to address the matter and a Code of Conduct was drafted by the Association, for signing by all the members.

T. Coleman and M. Found responded to questions of the Committee.

3.4 Ana Marple, Ajax resident, re: Information Report #2018-INFO-29, Update Report on Water Quality in Private Wells in the Range Road/Ontoro Boulevard Area, in the Town of Ajax [Item 7.3 B]

A. Marple appeared before the Committee with regards to Information Report #2018-INFO-28: Update Report on Water Quality in Private Wells in the Range Road/Ontoro Boulevard Area, in the Town of Ajax. She advised she lives at 1 Ontoro Boulevard and is speaking on behalf of the residents in the Ontoro Boulevard and Range Road community in response to the Report findings that municipal services could not be extended into the area.

A. Marple cited to the Committee her letter forwarded to Regional staff in March, 2018. Details in the letter included, but are not limited to, the gravity of the community's situation for many years; the 2008 Jagger Hims Environmental Consulting and Engineering Firm report concluding that a municipal or communal water supply be provided to the residents in their community; the current aesthetic water issues; and the requirements to drill a well.

A. Marple questioned the health effects from prolonged exposure to water with such a high content of iron, barium, sodium and total dissolved solids, and whether during the re construction of Range Road an above ground pipe could be installed to bring water into the community.

Moved by Councillor Henry, Seconded by Councillor Collier,
That A. Marple be granted a one-time 2 minute extension in order to finish her delegation.

CARRIED

A. Marple stated that she is hopeful accommodations could be made to change this situation even though the community is outside the urban boundary and within the Provincial Greenbelt Plan. She provided an overview of the subdivision development to the west of the community; the expansion of the Waterfront Trail; and the construction and widening of Bayly and Victoria Streets to the east; and, the Highway 407 project, all of which have an impact on her neighborhood.

A. Marple responded to questions of the Committee.

Moved by Councillor Jordan, Seconded by Councillor Collier,
That the order of the agenda be altered in order to consider Report #2018-INFO-29 of the Commissioner of Works after the Presentation from Ms. Michelle Albert and Regional Councillor Pidwerbecki to Works staff.

CARRIED

4. Presentations

- 4.1 Ms. Michelle Albert, Past President, Ontario Public Works Association (OPWA), and Regional Councillor Nester Pidwerbecki, re: Presentation of the 2017 OPWA Project of the Year Award (Environment, \$10 Million to \$50 Million Category) for the Nonquon Water Pollution Control Plant Project to the following recipients: S. Siopis, Commissioner of Works, J. Presta, Director of Environmental Services, and R. Jagannathan, Director of Transportation and Field Services
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Ms. Michelle Albert, Past President, Ontario Public Works Association (OPWA) and Regional Councillor Pidwerbecki presented the 2017 Ontario Public Works Association Project of the Year Award for Durham to S. Siopis, J. Presta, J. Demanuele and R. Jagannathan of the Region of Durham Works Department. This award was established to promote excellence in the management and administration of public works projects by recognizing the alliance between the managing agency, the consultant, architect, engineer and the contractor who, working together, complete public works projects. The 2017 winner in the category of structures from \$10 million to \$50 million went to the Nonquon Water Pollution Control Plant Project.

Works

7.3 Communications

- B) Information Report #2018-INFO-29: Update Report on Water Quality in Private Wells in the Range Road/Ontoro Boulevard Area, in the Town of Ajax

Staff responded to questions with regards to the supply of municipal water to the residents of the Range Road/Ontoro Boulevard area, in the Town of Ajax; whether there are health issues related to the water quality; standards for municipal water drinking systems; whether hydrogeological studies specific to well interference have been undertaken; whether urban boundaries still exist; the Durham Greenbelt Plan; and whether the Region has authority to put water services in the area without objection from the Province. Works staff was asked to look into whether there is technology in place to have a pipe placed above ground to provide usable water to the residents of the Range Road/Ontoro Boulevard area as well as whether the province would have to be notified if a communal well was installed. Legal staff was asked by Councillor Collier to advise whether the petition signed by 23 residents of the Range Road/Ontoro Boulevard area in 2005 with regards to the construction of a watermain to service their properties is still valid.

Moved by Councillor Jordan, Seconded by Councillor Collier,

- A) That Report #2018-INFO-29 of the Commissioner of Works and Ana Marples' correspondence be referred to Works staff to allow staff to seek guidance from the Province as to the provision of municipal water to the residents in the Range Road/Ontoro Boulevard area;
- B) That staff report back by May on potential options once guidance from the Province has been received; and

- C) That a meeting be convened with the residents, local and Regional Councillors, Ajax Planning staff and other stakeholders as soon as further direction has been determined.

CARRIED UNANIMOUSLY ON THE
FOLLOWING RECORDED VOTE:

Yes

No

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

Members Absent: Councillor Carter
Councillor McQuaid-England
Regional Chair Anderson

Declarations of Interest: None

5. Health & Social Services

Health

5.1 Communications

There were no communications to consider.

5.2 Reports

There were no Health reports to consider.

Social Services

5.3 Communications

There were no communications to consider.

5.4 Reports

There were no Social Services reports to consider.

6. Planning & Economic Development

Councillor O'Connor assumed the chair for the Planning & Economic Development section of the Committee of the Whole.

Planning

6.1 Communications

There were no communications to consider.

6.2 Reports

- A) Durham Trail Coordinating Committee (DTCC) Membership Appointment, File: 01-40 (2018-COW-35)
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Moved by Councillor Henry, Seconded by Councillor Grant,
That we recommend to Council:

- A) That the appointment of Mr. Phil Smith, as Area Municipal Citizen Volunteer from the Township of Uxbridge, be confirmed;
- B) That Mr. Smith be advised of his appointment; and

- C) That a copy of Report #2018-COW-35 of the Commissioner of Planning and Economic Development be forwarded to the Township of Uxbridge and Durham Trail Coordinating Committee.

CARRIED

- B) Proposed Methodology for Land Needs Assessment for the Greater Golden Horseshoe, File D12-01-20, Environmental Bill of Rights Registry #013-2016 (2018-COW-44)

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

That Report #2018-COW-44 of the Commissioner of Planning and Economic Development, be endorsed and submitted to the Ministry of Municipal Affairs – Ontario Growth Secretariat as Durham Region’s response to Environmental Bill of Rights Registry No. 013-2016 regarding the Proposed Methodology for Land Needs Assessment for the Greater Golden Horseshoe, including the following key comments and recommendations:

- A) That the Province release any further guidance material for assessments or studies related to the Land Needs Methodology immediately to allow municipalities to align their municipal comprehensive review processes;
- B) That the land area and population density of rural settlement areas (undelineated Built-up Areas) not be factored into the designated Greenfield areas calculation, but rather form part of the rural areas calculation;
- C) That the Province provide clarification on the process, timing and required supporting documentation for municipalities that may wish to request an alternative density target;
- D) That the Province allow flexibility in the land needs assessment to enable housing unit mix to be considered through the Methodology;
- E) That the assumption related to turnover of housing stock owned by seniors aged 65+ in the Community Area Land need component of the land needs assessment be reconsidered;
- F) That the Province re-examine the rigidity of the requirement to consider employment land conversions prior to settlement area boundary expansions to accommodate additional Community Area Land need;

- G) That the Province consider undertaking further research and analysis regarding future employment trends for the benefit of all Greater Golden Horseshoe municipalities when undertaking their Employment Strategies;
- H) That the Province provide a commitment for the timely review and response of submitted material related to land needs assessments, in order for municipalities to comply with the province's timelines to achieve conformity with Provincial Plans; and
- I) That a copy of Report #2018-COW-44 of the Commissioner of Planning and Economic Development be forwarded to Durham's area municipalities.

CARRIED LATER IN THE MEETING (SEE FOLLOWING MOTIONS)

Moved by Councillor Parish, Seconded by Councillor Collier,
That the main motion of Councillors Henry and Grant be amended by deleting Recommendation D) of Report #2018-COW-44 of the Commissioner of Planning and Economic Development.

MOTION DEFEATED ON A RECORDED VOTE (SEE FOLLOWING MOTION AND RECORDED VOTE)

Moved by Councillor Roy, Seconded by Councillor Ryan,
That the question be now put.

CARRIED ON A 2/3rds VOTE

The foregoing amending motion of Councillors Parish and Collier was then put to a vote and DEFEATED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Collier
Councillor Jordan
Councillor Parish

No

Councillor Aker
Councillor Ashe
Councillor Ballinger
Councillor Chapman
Councillor Drew
Councillor Drumm
Councillor Foster
Councillor Gleed
Councillor Grant
Councillor Henry
Councillor McLean
Councillor Mitchell
Councillor Joe Neal

Councillor John Neal
Councillor O'Connor
Councillor Pickles
Councillor Pidwerbecki
Councillor Roy
Councillor Ryan
Councillor Sanders
Councillor Smith
Councillor Woo
Councillor Rowett, Acting Chair

Members Absent: Councillor Carter
Councillor McQuaid-England
Regional Chair Anderson

Declarations of Interest: None

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

Economic Development

6.3 Communications

There were no communications to consider.

6.4 Reports

- A) Durham Region 2019 Ontario Parasport Games – Ontario Transfer Payment Agreement ([2018-COW-47](#))

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

That the Regional Chair and Regional Clerk be authorized to execute the Ontario Transfer Payment Agreement (TPA) between the Minister of Tourism, Culture and Sport (MTCS) and The Regional Municipality of Durham for the Durham Region 2019 Ontario Parasport Games.

CARRIED

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

The Committee recessed at 12:12 PM and reconvened at 1:00 PM.

7. Works

Councillor Pidwerbecki assumed the chair for the Works section of the Committee of the Whole.

Waste

7.1 Communications

There were no communications to consider.

7.2 Reports

- A) Approval to Award a Negotiated Sole Source Contract Extension with Miller Waste Systems for the Curbside Collection of Non-Hazardous Waste, Recyclables and Organic Waste from Residences and Multi-Residential Buildings in the Townships of Brock, Scugog and [Uxbridge and the Municipality of Clarington \(2018-COW-43\)](#)

Staff responded to questions with regards to details of the extension of the contract with Miller Waste Systems; whether there is a cancellation clause in the contract; details of the inflationary price increase from 2008; transition timelines for the Blue Box Program Plan; and waste management in the municipalities of Ajax and Pickering. Councillor Joe Neal requested that he be provided with a statement outlining the value of the contract with Miller Waste since its inception before the next meeting of Regional Council.

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

- A) That a sole source negotiated two year extension to Regional Contract C001801 be awarded to Miller Waste Systems for the Curbside Collection of Non-Hazardous Waste, Recyclables and Organic Waste from residences and multi-residential buildings in the Townships of Brock, Scugog, Uxbridge and the Municipality of Clarington at an estimated annual cost of \$9,140,000*; and
- B) That the Commissioner of Finance be authorized to execute the necessary amendments to the existing contract.
(* before applicable taxes

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes
Councillor Aker
Councillor Ashe

No
Councillor Joe Neal
Councillor John Neal

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

Members Absent: Councillor Carter
Councillor McQuaid-England
Regional Chair Anderson

Declarations of Interest: None

Works

7.3 Communications

- A) Information Report #2018-INFO-28: Proposed Draft Backflow Prevention Program and By-Law

Staff responded to questions with regards to clarification of backflow preventers related to basement flooding in residential units versus backflow prevention in industrial, commercial and institutional facilities, and multi-residential buildings; available resources and timelines to implement the program; costs to the owners of the properties; comparisons with other municipalities with regards to timing; and details of services and costs provided by qualified experts.

Moved by Councillor Collier, Seconded by Councillor Henry,
That Information Report #2018-INFO-28 of the
Commissioner of Works be received for information.
CARRIED

- B) Information Report #2018-INFO-29: Update Report on Water Quality in Private Wells in the Range Road/Ontoro Boulevard Area, in the Town of Ajax

This matter was considered earlier in the meeting. Refer to Item 7.3 B) on pages 6 and 7 of these minutes.

7.4 Reports

- A) Issuance of an Encroachment Agreement on Simcoe Street North (Regional Road 2), in the City of Oshawa (2018-COW-33)

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

- A) That the Encroachment Agreement negotiated with Dr. P.G. Riordan Building Limited permitting the encroachment of an existing pylon sign located at 973 Simcoe Street North, City of Oshawa extending 3.55 metres (11.64 feet) within the Simcoe Street (Regional Road 2) road allowance be approved; and
- B) That the Regional Chair and Clerk be authorized to execute all documents associated with this agreement.

CARRIED

- B) The Regional Municipality of Durham's Drinking Water Systems Annual 2017 Summary Report (2018-COW-34)

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

- A) That the 2017 Summary Report for the Regional Municipality of Durham Drinking Water Systems be received for information;
- B) That receipt of this report be confirmed by resolution of Regional Council; and
- C) That a copy of this resolution will be forwarded to the Ontario Ministry of the Environment and Climate Change's York-Durham District Office to indicate the conditions of Schedule 22 of Ontario Regulation 170/03 have been fulfilled.

CARRIED

C) Amendments to Regional Traffic and Parking By-laws
(2018-COW-37)

Staff responded to questions regarding the possibility of installing signage on King Street, between Keewatin Street and Harmony Road in Oshawa to notify drivers of the slope and the speed limit.

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

- A) That Corporate Services – Legal Services be directed to prepare an amending by-law to amend By-Laws 46-2017, 77-2017 and 44-2006, generally in the form included as Attachment #1 to Report #2018-COW-37 of the Commissioner of Works, for presentation to Regional Council for passage; and
- B) That staff be authorized to take all steps required and necessary to give effect to the amendments contemplated to By-Law #44-2006 as indicated in the form included as Attachment #1 to Report #2018-COW-37.

CARRIED

D) Participation in the National Sciences and Engineering Research Council, Industrial Research Chair in Addressing Emerging Challenges in Drinking Water Treatment and Supply, at the University of Waterloo, Waterloo Ontario (2018-COW-40)

Staff responded to questions regarding tangible results of the research conducted by the Department of Engineering at the University of Waterloo since 2003.

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

- A) That the Regional Municipality of Durham renew the partnership agreement for continued participation as a municipal partner of the National Sciences and Engineering Research Council, Industrial Research Chair, in Advancing Treatment and Reducing Risk in Water Treatment, at the University of Waterloo at a cost of \$15,000 annually from 2018 to 2022 (\$75,000 in total);
- B) That financing in the amount of \$75,000 be provided from within the annual Water Supply System Operating Budgets from 2018 to 2022; and

- C) That the Regional Chair and Clerk be authorized to execute the partnership agreement.

CARRIED

- E) Approval for Sole Source Procurement for the Supply of Equipment and Materials to be Specified within Proposed Regional Municipality of Durham Contract D2018-046, for the Upgrade of the Disinfection System at the Newcastle Water Supply Plant, in the Municipality of Clarington ([2018-COW-41](#))
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Moved by Councillor Henry, Seconded by Councillor Parish,
That we recommend to Council:

That approval be granted to specify Trojan Technologies as the sole manufacturer and supplier of Ultra-Violet Disinfection equipment and materials for the upgrade of the disinfection system at the Newcastle Water Supply Plant, within the proposed Regional Municipality of Durham Contract D2018-046 (estimated value of \$350,000*).

(*) including disbursements and before applicable taxes

CARRIED

- F) Approval for Unbudgeted Capital to Undertake Detailed Design of Watermain Replacement Along Kingston Road (Highway 2) As Part of the Bus Rapid Transit Program from Delta Boulevard to Merritton Road and from Dixie Road to Liverpool Road, in the City of Pickering ([2018-COW-42](#))
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Moved by Councillor Henry, Seconded by Councillor Parish,
That we recommend to Council:

- A) That approval be granted for unbudgeted capital work in the amount of \$130,000 to undertake detailed design of watermain replacement along Kingston Road (Highway 2) as part of the Bus Rapid Transit Program from Delta Boulevard to Merritton Road and from Dixie Road to Liverpool Road in the City of Pickering; and
- B) That financing in the amount of \$130,000 for the detailed design of the proposed replacement of the watermain be provided as follows:

2018 Water Supply System Capital Budget

Item #17C – Town of Whitby Road Program (W1899)

User Revenue	<u>\$130,000</u>
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CARRIED

8. Finance & Administration

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

Finance

8.1 Communications

There were no communications to consider.

8.2 Reports

A) Region of Durham's Revised Program Delivery and Fiscal Plan for the Social Infrastructure Fund Program – Year 3 (2018-COW-45)

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

A) That with respect to the Federal-Provincial Social Infrastructure Fund – Investment in Affordable Housing Program (SIF-IAH) – Year 3 Rental Housing Component:

- i) A Request For Proposal utilizing \$2,648,300 in 100 per cent federal-provincial capital funding under Year 3 of the Rental Housing Component of the SIF-IAH be issued to solicit eligible development proposals for the construction of approximately 16 to 20 affordable housing rental units;
- ii) Municipal property taxes for approved projects be adjusted using the residential property tax rate for approved projects over the twenty-year affordability period of the program;
- iii) Regional development charges, normally due at the time of building permit, be deferred from building permit issuance to occupancy permit issuance for any successful proposal awarded under the SIF-IAH Program – Year 3 Rental Housing Component;

B) That no Regional administration costs be recovered from the Region's allocation of Year 3 SIF-IAH funding in order to maximize the funding available for the development of new affordable rental housing units; and

- C) That the Regional Chair and Regional Clerk be authorized to enter into an amending agreement with Habitat for Humanity Durham for the shared administration of the Home Ownership Component of the SIF-IAH and with eligible purchasers for down payment assistance of up to \$25,000 per household for four units to a maximum of \$100,000, in a manner consistent with the funds made available to the previous homeowners under the Investment in Affordable Housing programs.

CARRIED

- B) The Remuneration and Expenses in 2017 of Members of Regional Council and Regional Council Appointees to Local Boards, as Required by Section 284(1) of the Municipal Act, 2001, S.O. 2001, c. 25 (2018-COW-46)

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

That Report #2018-COW-46 of the Commissioner of Finance be received for information.

CARRIED

Other Business – Finance

- A) Clarification of Property Tax Collection

Councillor Drew requested clarification with regards to the following questions related to property tax: can property taxes be collected based on population or other service drivers; are residential or rural properties within the Greenbelt charged the same tax rate as properties outside the Greenbelt; and is it accurate and the most appropriate basis to use property tax rates to compare the competitiveness of residential properties between municipalities and regions.

- B) Municipal Insurance Pool

Councillor Joe Neal inquired about frequent claims made to the municipal insurance pool and the effect on municipalities. He also inquired whether the municipal pool documents are publicly available.

Administration

- 8.3 Communications

There were no communications to consider.

8.4 Reports

- A) Delegation of Authority to initiate acceptance into the Apple and Google Developer Programs (2018-COW-38)
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Moved by Councillor Henry, Seconded by Councillor Collier,
That we recommend to Council:

- A) That the Corporate Services – Information Technology division through the Chief Information Officer be authorized to accept, via online submission form, the Terms of Service required to participate in Apple Developer Program and Google Developer Program;
- B) That the Corporate Services – Information Technology division through the Chief Information Officer be authorized to execute, via online submission form, all legal agreements and amendments required to participate in Apple Developer Program and Google Play Developer Program subject to a review and acceptance of the terms by the Director of Legal Services;
- C) That Corporate Services – Information Technology division be authorized to develop, manage and support, Durham Region mobile application submissions to the Apple Store via Apple Developer Program and Google Play via Google Play Developer Program;
- D) That the annual fees required to participate in Apple Developer Program and Google Play Developer Program be funded through the operational accounts for Corporate Services – Information Technology; and
- E) That Corporate Services – Information Technology division through the Chief Information Officer be authorized to accept additional software developer programs that would be utilized by the Region of Durham, with support from Corporate Services – Legal Services.

CARRIED

- B) First Meeting of Regional Council following the 2018 Municipal Elections (2018-COW-39)
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Moved by Councillor Henry, Seconded by Councillor Collier,
That we recommend to Council:

- A) That the Regional Clerk be directed to prepare a by-law to provide for the First Meeting of Regional Council to be held on Wednesday, December 5, 2018 at 10:00 A.M. in the Council Chambers, Regional Headquarters Building, Whitby; and
- B) That a copy of Report #2018-COW-39 of the Commissioner of Corporate Services be forwarded to the Clerks of the Area Municipalities for their information.

CARRIED

Other Business – Administration

A) Questionnaire Regarding Committee Governance Structure

Councillor Parish inquired when the results and recommendations from the Committee Governance Structure will be presented to Committee. D. Beaton advised a report would be brought back on this matter by May.

B) Policy regarding information available to Regional Councillors

Councillor Joe Neal inquired when a policy regarding Regional Councillors accessing certain information without having to submit Freedom of Information Requests would be brought forward. D. Beaton advised a report would be brought forward on this matter at the May Committee of the Whole meeting.

9. Other Business

There were no items of Other Business.

10. Confidential Matters

10.1 Reports

- A) Confidential Report from the Director of Legal Services - Corporate Services Department – Litigation/Potential Litigation, including matters before Administrative Tribunals, affecting the Regional Corporation, and advice that is subject to solicitor-client privilege with respect to the transit unfunded liabilities litigation between the Region of Durham and the City of Oshawa. (2018-COW-48)

10.2 Communications

- A) Confidential Memorandum from D. Beaton, Commissioner of Corporate Services and J. Hunt, Director, Legal Services, Corporate Services – Litigation/Potential Litigation, including matters before Administrative Tribunals, affecting the Regional Corporation and advice that is subject to solicitor-client privilege with respect to the transit unfunded liabilities litigation between the Region of Durham and the City of Oshawa
-

Confidential Report #2018-COW-48 of the Director of Legal Services (Item 10.1 A) was considered in conjunction with the Confidential Memorandum (Item 10.2 A) from the Director of Legal Services.

Moved by Councillor Parish, Seconded by Councillor O'Connor,
That the meeting be closed to the public in order to discuss a matter that is subject to litigation/potential litigation, including matters before Administrative Tribunals, affecting the Regional Corporation, and advice that is subject to solicitor-client privilege with respect to the transit unfunded liabilities litigation between the Region of Durham and the City of Oshawa.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Ashe
Councillor Ballinger
Councillor Chapman
Councillor Collier
Councillor Drew
Councillor Foster
Councillor Gleed
Councillor Grant
Councillor Henry
Councillor Jordan
Councillor McLean
Councillor Mitchell
Councillor Joe Neal
Councillor O'Connor
Councillor Parish
Councillor Pickles
Councillor Pidwerbecki
Councillor Roy
Councillor Ryan
Councillor Sanders
Councillor Smith

No

Councillor Aker
Councillor John Neal

Councillor Woo
Councillor Rowett, Acting Chair

Members Absent: Councillor Carter
Councillor Drumm
Councillor McQuaid-England
Regional Chair Anderson

Declarations of Interest: None

(Refer to the March 7, 2018 closed Committee of the Whole meeting minutes).

Moved by Councillor Parish, Seconded by Councillor McLean,
That the Committee rise from the Closed meeting and
report.

CARRIED

Acting Chair Rowett advised that in the closed meeting session, questions were raised regarding litigation and no direction was given to staff with respect to Confidential Report #2018-COW-48 and the Confidential Memorandum from the Director of Legal Services.

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

That an Ad Hoc Committee of Council be struck, consisting of seven members of Regional Council, to negotiate a settlement of the Transit unfunded liabilities litigation between the Region of Durham and the City of Oshawa and report back to Council with a proposed settlement.

CARRIED LATER IN THE MEETING (SEE
FOLLOWING MOTIONS AND RECORDED
VOTE)

Discussion ensued with regards to holding a special meeting of Regional Council before the April 2, 2018 arbitration; the composition of an Ad Hoc committee; whether one municipality can be excluded from discussions; the mandate that will be given to the Ad Hoc committee; the notice requirements for a Special Council meeting; and the importance of any motion made to be ratified at a Special Council meeting before the scheduled Council meeting of March 21, 2018.

Moved by Councillor Chapman, Seconded by Councillor Collier,
That the question be now put.

CARRIED ON A 2/3rds VOTE

The foregoing motion of Councillors Joe Neal and Aker was then put
to a vote and was CARRIED ON THE FOLLOWING RECORDED
VOTE:

Yes

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

No

Councillor Mitchell
Councillor Woo

Members Absent: Councillor Carter
Councillor Drumm
Councillor McQuaid-England
Councillor John Neal
Councillor Parish
Regional Chair Anderson

Declarations of Interest: None

Moved by Councillor Ryan, Seconded by Councillor Roy,
That we recommend to Council:

That the Mayors, or their designates, who are also members of Regional Council, from the Town of Ajax, the Township of Brock, the Municipality of Clarington, the City of Pickering, the Township of Scugog, the Township of Uxbridge, and the Town of Whitby be appointed to the Ad Hoc Committee, and that such members be available during the March Break.

CARRIED

Discussion ensued with regards to the importance of meeting to discuss the matter and the possibility of having the Special Council meeting on Friday, March 9, 2018 with the Ad Hoc Transit committee meeting immediately following the Special Council meeting.

Moved by Councillor Ryan, Seconded by Councillor Joe Neal,
That in accordance with section 8.3 b) of the Rules of Procedure By-law, a special meeting of Regional Council be held on Friday, March 9, 2018 to consider the above-mentioned recommendations and that this vote be considered a petition to the Regional Clerk.

CARRIED

[Subsequent to this meeting, Report #2018-COW-48 of the Director of Legal Services and the Confidential Memorandum from the Director of Legal Services was considered at a Special Meeting of Regional Council and by the Transit Ad Hoc Committee.]

[Refer to minutes of the Special Meeting of Regional Council held on March 9, 2018, and minutes of the Transit Ad Hoc Committee meeting held on March 9, 2018.]

11. Date of Next Meeting

The next regularly scheduled Committee of the Whole meeting will be held on Wednesday, April 4, 2018 at 9:00 AM in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

12. Adjournment

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

CARRIED

The meeting adjourned at 2:57 PM

Respectfully submitted,

Councillor Rowett, Acting Regional 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