

SECTION 1

MINUTES
SPECIAL MEETING OF
THE REGIONAL COUNCIL OF DURHAM
Wednesday, July 25, 2018

The Council of The Regional Municipality of Durham met in the Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:00 AM

Roll Call: Morning Session 9:00 AM to 12:19 PM

All members of Council were present with the exception of Councillors Carter, Drumm, Grant, Jordan, McQuaid-England, Rowett
Councillor Ashe left the meeting at 12:09 PM
Councillor Grant attended the meeting at 9:13 AM
Councillor Jordan attended the meeting at 9:08 AM
Councillor Smith left the meeting at 12:09 PM

Chair O'Connor welcomed back to Regional Council, former Councillor Joseph Kolodzie from the City of Oshawa. Councillor Kolodzie is replacing Councillor Chapman.

Declarations of Interest

There were no declarations of interest.

Other Business

Moved by Councillor Henry, Seconded by Councillor Sanders,

(180) That the agenda be altered in order to introduce the following additional Reports as Items 3 and 4 under Other Business:

3. Confidential Report 2018-COW-151: Litigation/Potential Litigation before an Administrative Tribunal, and Advice that is Subject to Solicitor-Client Privilege, as it relates to on-going litigation for the Durham Region Transit Westney Facility Expansion; and
4. Report 2018-COW-152: Additional Financing and Tender Award for Regional Municipality of Durham Contract D2018-030 for the Construction of the Bus Rapid Transit Improvements on Regional Highway 2, between Westney Road and Harwood Avenue, in the Town of Ajax.

CARRIED UNANIMOUSLY

Moved by Councillor Collier, Seconded by Councillor Joe Neal,

- (181) That the order of the agenda be altered in order to consider Item 1, Confidential Report 2018-COW-150 of the Chief Administrative Officer later in the meeting, in order to go into a closed meeting as it relates to the appointment of a Commissioner of Finance and Treasurer.

CARRIED

Moved by Councillor Joe Neal, Seconded by Councillor Woo,

- (182) That the order of the agenda be altered in order to consider Item 3, Confidential Report 2018-COW-151 of the Director of Legal Services later in the meeting, in order to go into a closed meeting as it relates to on-going litigation for the Durham Region Transit Westney Facility Expansion.

CARRIED

Other Business

1. Confidential Report of the Chief Administrative Officer - personal matters about an identifiable individual as it relates to the appointment of a Commissioner of Finance and Treasurer (2018-COW-150)
[CARRIED]

That the recommendations contained in Confidential Report #2018-COW-150 of the Chief Administrative Officer be adopted.

2. Routine Disclosure and Active Dissemination By-law and Policy (2018-COW-139)
[CARRIED]

A) That the draft Routine Disclosure and Active Dissemination Policy (Attachment #1) be approved;

B) That copies of the Routine Disclosure and Active Dissemination – Guidelines for Regional Staff (Attachment #2) and the Access and Privacy – Guidelines for Councillors (Attachment #3) be received for information; and

C) That the draft Routine Disclosure and Active Dissemination By-law (Attachment #4) be approved.

3. Confidential Report from the Director of Legal Services – Litigation/Potential Litigation before an Administrative Tribunal, and Advice that is Subject to Solicitor-Client Privilege, as it relates to on-going litigation for the Durham Region Transit Westney Facility Expansion (2018-COW-151)
[CARRIED]

That the recommendations contained in Confidential Report #2018-COW-151 of the Director of Legal Services be adopted.

4. Additional Financing and Tender Award for Regional Municipality of Durham Contract D2018-030 for the Construction of the Bus Rapid Transit Improvements on Regional Highway 2, between Westney Road and Harwood Avenue, in the Town of Ajax (2018-COW-152)
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[CARRIED]

- A) That the low tender of KAPP Contracting Inc. in the amount of \$5,970,515.83*; be accepted for Regional Municipality of Durham Contract D2018-016 for the Construction of the Bus Rapid Transit Improvements on Regional Highway 2, between Westney Road and Harwood Avenue, in the Town of Ajax, resulting in a total estimated project cost of \$11,056,086*;
- B) That the previously approved project budget of \$10,107,268 be increased by \$948,818 to a revised total project budget of \$11,056,086;
- C) That the additional financing in the amount of \$948,818 be provided at the discretion of the Acting Commissioner of Finance; and
- D) That the Regional Clerk and Regional Chair and CEO be authorized to execute the necessary agreements.

Moved by Councillor Ryan, Seconded by Councillor Foster,

- (183) That the recommendations contained in Item 2 of Other Business, Report 2018-COW-139 as it relates to Routine Disclosure and Active Dissemination By-law and Policy, be adopted.

CARRIED

Moved by Councillor Pidwerbecki, Seconded by Councillor Henry,

- (184) That the recommendations contained in Item 4 of Other Business, Report 2018-COW-152 as it relates to Construction of the Bus Rapid Transit Improvements on Regional Highway 2, between Westney Road and Harwood Avenue, in the Town of Ajax, be adopted.

CARRIED

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

- (185) That the meeting be closed to the public in order to discuss matters that are subject to litigation/potential litigation before an Administrative Tribunal; advice that is subject to Solicitor-Client privilege; and personal matters about an identifiable individual, as it relates to on-going litigation for the Durham Region Transit Westney Facility, and the appointment of a Commissioner of Finance and Treasurer.

CARRIED

Moved by Councillor Henry, Seconded by Councillor Smith,
(186) That during the closed meeting session, the agenda be altered in order to consider Item 3, Confidential Report 2018-COW-151 of the Director of Legal Services prior to Item 1, Confidential Report 2018-COW-150 of the Chief Administrative Officer.
CARRIED

[Refer to the Closed Special Council meeting minutes of July 25, 2018.]

Moved by Councillor Grant, Seconded by Councillor Foster,
(187) That Council rise from the Closed meeting and report.
CARRIED

Regional Chair O'Connor advised that during the closed meeting session there was an exchange of information between Council and staff pertaining to employee negotiations as it relates to Item 1, Confidential Report 2018-COW-150, and on matters subject to solicitor-client privilege as it relates to Item 3, Confidential Report 2018-COW-151.

Moved by Councillor Ashe, Seconded by Councillor Foster,
(188) That the recommendations contained in Item 1, Confidential Report 2018-COW-150 of the Director of Legal Services, as it relates to the appointment of a Commissioner of Finance and Treasurer, be adopted.
CARRIED ON A RECORDED VOTE
LATER IN THE MEETING
(See Following Motions)

Moved by Councillor Collier, Seconded by Councillor Parish,
(189) That Item 1 of Other Business, Confidential Report #2018-COW-150 be tabled until the new Regional Council has been sworn in on December 5, 2018.
MOTION DEFEATED
ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Ballinger
Councillor Collier
Councillor Kolodzie
Councillor Joe Neal
Councillor John Neal
Councillor Parish

No

Councillor Aker
Councillor Ashe
Councillor Drew
Councillor Foster
Councillor Gleed
Councillor Grant
Councillor Henry
Councillor Jordan
Councillor McLean
Councillor Mitchell
Councillor Molloy
Councillor Pickles
Councillor Pidwerbecki
Councillor Roy

Councillor Ryan
Councillor Sanders
Councillor Smith
Councillor Woo
Regional Chair O'Connor

Members Absent: Councillor Carter
Councillor Drumm
Councillor McQuaid-England
Councillor Rowett

Declarations of Interest: None

The main motion (188) of Councillors Ashe and Foster to adopt the recommendations contained in Item 1 of Other Business was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes
Councillor Aker
Councillor Ashe
Councillor Drew
Councillor Foster
Councillor Gleed
Councillor Grant
Councillor Henry
Councillor Jordan
Councillor Kolodzie
Councillor McLean
Councillor Mitchell
Councillor Molloy
Councillor John Neal
Councillor Pickles
Councillor Pidwerbecki
Councillor Roy
Councillor Ryan
Councillor Sanders
Councillor Smith
Councillor Woo
Regional Chair O'Connor

No
Councillor Ballinger
Councillor Collier
Councillor Joe Neal
Councillor Parish

Members Absent: Councillor Carter
Councillor Drumm
Councillor McQuaid-England
Councillor Rowett

Declarations of Interest: None

Moved by Councillor Kolodzie, Seconded by Joe Neal,
(190) That the recommendations contained in Item 3, Confidential Report 2018-COW-151 of the Director of Legal Services, as it relates to on-going litigation for the Durham Region Transit Westney Facility, be adopted.

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

Moved by Councillor Joe Neal, Seconded by Councillor John Neal,
(191) That the main motion (188) of Councillors Kolodzie and Joe Neal to adopt the recommendations contained in Item 3 of Other Business be amended by adding the following as a new Part D):

D) That the amount to be paid by the Region be paid from the holdback originally retained by the Region.

MOTION DEFEATED

The main motion (190) of Councillors Kolodzie and Joe Neal to adopt the recommendations contained in Item 3 of Other Business was then put to a vote and CARRIED ON THE FOLLOWING RECORDED VOTE:

Yes

Councillor Aker
Councillor Ballinger
Councillor Collier
Councillor Drew
Councillor Foster
Councillor Gleed
Councillor Grant
Councillor Henry
Councillor Jordan
Councillor Kolodzie
Councillor McLean
Councillor Mitchell
Councillor Molloy
Councillor Pickles
Councillor Pidwerbecki
Councillor Roy
Councillor Ryan
Councillor Sanders
Regional Chair O'Connor

No

Councillor Joe Neal
Councillor John Neal
Councillor Parish
Councillor Woo

Members Absent:

Councillor Ashe
Councillor Carter
Councillor Drumm
Councillor McQuaid-England
Councillor Rowett
Councillor Smith

By-laws

40-2018 Being a by-law to appoint a Treasurer and Commissioner of Finance of The Regional Municipality of Durham.

This by-law will implement the recommendations contained in Item #1 of Other Business presented to Regional Council on July 25, 2018.

41-2018 Being a by-law to authorize the Routine Disclosure and Active Dissemination Policy.

This by-law implements the recommendations contained in Item #2 of Other Business presented to Regional Council on July 25, 2018.

Moved by Councillor Aker, Seconded by Councillor Kolodzie,
(192) That By-law Numbers 40-2018 and 41-2018 inclusive be passed.

CARRIED

Confirming By-law

42-2018 Being a by-law to confirm the proceedings of Regional Council at their meeting held on July 25, 2018.

Moved by Councillor Aker, Seconded by Councillor Kolodzie,
(193) That By-law Number 42-2018 being a by-law to confirm the proceedings of the Council of the Regional Municipality of Durham at their meeting held on July 25, 2018 be passed.

CARRIED

Adjournment

Moved by Councillor Pidwerbecki, Seconded by Councillor McLean,
(194) That the meeting be adjourned.

CARRIED

The meeting adjourned at 12:19 PM

Gerri Lynn O'Connor, Regional Chair & CEO

Ralph Walton, Regional Clerk