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ADDENDUM TO THE DURHAM REGIONAL COUNCIL AGENDA

September 12, 2018

Adoption of Minutes

Committee of the Whole meeting minutes, September 5, 2018

Pages 175-206

Additional Correspondence

CC 17 Memorandum from Don Beaton, Commissioner of Corporate Services, re:
Procedural By-law Update (2018-COW-158)

Recommendation: Refer to Consideration of Item #19 of the 8th Report of the
Committee of the Whole presented to Regional Council on September 12, 2018

(A copy of this correspondence is attached, see pages 203-205)

CC 18 Memorandum from Susan Siopis, Commissioner of Works, re: Ontoro Boulevard
Area Petition for Water Supply Services, Town of Ajax

Recommendation: Receive for Information

(A copy of this correspondence is attached, see pages 206-210)



Corporate Services
Department

Interoffice Memorandum

TO: Members of Regional Council
FROM: D. Beaton, Commissioner of Corporate Services
DATE: September 12, 2018
RE: Procedural By-law Update (2018-COW-158)

At the September 5, 2018 Committee of the Whole meeting, Report #2018-COW-158 regarding revisions to Council's Procedural By-law was considered. During the meeting one amendment was made and staff was requested to prepare revised wording for Section 15.10 (b) for Council's consideration. The status related to each section is outlined below:

Amendment to Section 7.8 under Appointment of Committees

An amendment was passed to Section 7.8 to reflect that the appointment of members to Standing Committees be for a two year term, beginning with the first meeting after the Inaugural Council meeting and ending after the last Standing Committee meeting in December of the second year of the four year term, at which time new appointments be made. The following new Sections 7.8 and 7.9 have been included in the draft Procedural By-law to reflect the amendment approved at the Committee of the Whole meeting:

- "7.8 The term of the Members to Standing Committees shall be for a two year term with appointments to be made at the first meeting of Council after a regular election and in December of the second year of the four year term of Council."
- "7.9 The term of the Members to the Regional Municipality of Durham Police Services Board shall be for the term of the Council."

Request to revise Section 15.10 (b) under Other Business

Discussion ensued with respect to the proposed wording of new Section 15.10 (b) and it was requested that staff prepare revised wording for the September 12, 2018 Regional Council meeting.

As outlined in Section 5.1 (f) of Report #2018-COW-158, providing direction by resolution for requests that require the gathering of a substantial amount of information or that require significant staff time is of benefit as it provides clear direction and will assist staff when responding to requests which impact multiple departments or divisions. It also aligns

with the Region's continued efforts to address accountability and transparency as this direction will be recorded in the minutes of the meeting and become a matter of public record. In terms of the procedure during a meeting, it would be up to the Chair of the meeting to decide when a motion is required and for the Department Head to identify requests for substantive information or those requiring additional clarity.

Staff has reviewed the wording used in Section 10.15 (b) and present the following two options for Council's consideration:

Option 1 – Require motion for requests for substantive gathering of information or the preparation of reports from staff

"15.10 (b) All requests for substantive gathering of information or the preparation of reports from staff shall require the approval of a majority of the Members present at a meeting and such requests shall identify the appropriate Department and the objective(s) of the report."

Option 2 – Require motion only for requests for reports from staff

"15.10 (b) All requests for reports from staff shall require the approval of a majority of the Members present at a meeting and such requests shall identify the appropriate Department and the objective(s) of the report."

Also attached is a revised page 3 to Report #2018-COW-158 to clarify that the revision outlined in section 4.1 (f) of the report relates to an amendment to the procedures for a delegated hearing or meeting to reflect the Standing Committee governance structure (Section 9.1 of the Procedural By-law).

Original signed by

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

- (a) Correspondence received by the Clerk will be included in the Council Information Package for the information of Council. Correspondence which requires action by Council will be included on a Council or Committee agenda. For example, if the correspondence is on a subject within the purview of a Committee it will be referred directly to that Committee. It is also recommended that correspondence from an area municipality within the Region of Durham requesting or requiring action by Council be included on the next agenda of the appropriate Committee.
- (b) Delegation requests will be directed by the Clerk to the appropriate Committee of Council and may be heard at Council provided that they have first appeared before the Committee responsible for the matter. A delegation that did not appear before a Committee will require a two-thirds majority vote to be heard by Council, except where the matter to be addressed is put forward directly to Council without first being considered by Committee. It is also recommended that delegations only be permitted to appear at a Committee of the Whole meeting if the subject matter is included on the agenda, which is the same as the previous requirement for appearing at Joint Committee meetings. As well, it is recommended that delegation requests received after Wednesday noon the week prior to the meeting only be added to the addendum if the subject matter is included on the agenda for the meeting. If the subject matter is not included on the agenda for the meeting, the request will be placed on the agenda of the next regular meeting of the applicable Committee.

4. Proposed Revisions to the Procedural By-law

- 4.1 The following revisions to the Procedural By-law are necessary to incorporate the return to a Standing Committee governance structure and to replace Joint Committees with Committee of the Whole include:
 - (a) Amendments to the definitions of Committee, Committee Chair, Committee of the Whole, Committee Vice-Chair, and Member [Section 1];
 - (b) Amendment to provide that the Regional Chair is not eligible to be a Standing Committee Chair or Vice-Chair [Section 3];
 - (c) Changes to the order of proceedings at the first meeting of Council [Section 6];
 - (d) Changes to the process for appointment of Committees [Section 7];
 - (e) Changes to reflect the new meeting schedule and clarification that regular meetings are not held in July and August [Sections 8.2, 22.2 and 25.2];
 - (f) Amendment to **delegated hearing or meeting to** reflect Standing Committee governance structure [Section 9.1];
 - (g) Changes to the order of proceedings in Council, Committee of the Whole and Standing Committees [Sections 14.1, 23.3 and 26.3];
 - (h) Changes to practices for communications to reflect Standing Committee governance structure and Council Information Package process [Section 15.4];



Interoffice Memorandum

Date: September 12, 2018

To: All Members of Regional Council

From: Susan Siopis, Commissioner of Works

Copy: Garry Cubitt, CAO

Subject: Ontoro Boulevard Area Petition
For Water Supply Services, Town of Ajax

Works
Department

There were several questions raised related to the water supply petition to service the Ontoro Boulevard area at the Committee of the Whole meeting on September 5, 2018. The following answers are provided to address questions raised by Regional Council members resulting from the delegations on this matter.

1. If petition fails, can another petition be initiated? Is there a time period to initiate a new second petition?

If a petition fails, the Regulation is silent on initiating another petition and does not state any timeline to initiate a second petition. Based on a review by the Corporate Services-Legal Division, if a servicing petition is conducted and it fails, then the Clerk certifies the petition results as being final and binding for the initial petition. This means that another petition may be conducted and there is no time or waiting period stipulated in the Regulation regarding initiating a second petition.

2. If the result of the petition is successful, can the project proceed with a revised financial plan other than what the residents responded to? (i.e. financial relief through grants, revised full cost recovery plan or different terms/interest for payment)

If the petition results are in favour of a project and costs to be borne by the residents are reduced, then yes the Region can approve the by-law and give notice to the residents with those revised calculations. Presumably, it would be unlikely that the residents will object if their cost share of the project is being reduced in the proposed by-law versus the proposed charges in the petition process.

Please note that Part VI, Item 33 of the Water Supply System By-Law, states that;

“Frontage charges are subject to reduction in specified areas within the Regional Municipality of Durham where grant funding, or financial assistance has been provided by the Province of Ontario, its ministries or agencies.”

In summary, the petition would still be valid if there is a change in the project funding as noted above, as it is unlikely that a property owner would object in this situation.

3. Has the Region reviewed well interference potential impacts related to development servicing of residential subdivision to the west?

Upon receipt of well complaints through the Town of Ajax or directly to the Region, Regional staff reviewed the potential of well interference impacts related the servicing of development to the west. The residential subdivision to the west of Ontoro Boulevard and Range Road is located within the Carruthers Creek Watershed. Private wells along Ontoro Boulevard and Range Road are located within a different watershed known as the Warbler Creek Watershed. The development's servicing could not have impacted the private wells along Ontoro Boulevard and Range Road, as shallow groundwater flow does not cross watershed boundaries. There is no new development immediately north and adjacent of the Ontoro Boulevard and Range Road area as this area is not within the urban boundary.

4. What is the property value of all the large vacant properties in terms of the total property value for all 44 properties in question?

There are nine vacant properties in the area. The value of these properties is approximately 26 per cent of the total value of all of the lands.

5. Is there a Regional policy/guideline with respect to implementation of full cost recovery for water supply services?

Almost all local watermains and service connections are constructed through agreements with developers. The approved Region Share Policy for Regional services states;

“for an internal service which is required to service the subdivision, the subdivider shall pay 100 per cent of the cost.”

This cost is recovered by the developer through the purchase price of the home. So, for almost all local watermains and service connections constructed in the Region, full cost recovery applies.

In the rare occasion when local watermains and service connections are extended into existing developed areas, the Water Supply System By-law 89-2003 applies. Part VII of the by-law is entitled Extensions of the Regional Water Supply System. This section states;

“Extensions of the Water Supply System may be undertaken upon such terms and conditions as Regional Council may from time to time impose”, and;

“Where the Regional Water Supply System has been extended, owners of lots abutting such extension shall pay the Frontage Charges in accordance with Part VI and Schedule E.”

Regional Frontage Charges were last updated within the 2018 Water and Sanitary Sewer User Rate Report #2017-COW-256. This report states;

“Any frontage charges for non-standard main sizes or any extraordinary circumstances be assessed by the Commissioners of Finance and Works on a case by case basis to ensure full recovery.”

The User Rate Report #2017-COW-256 also notes that the water and sewage user rates are an important part of a full cost recovery strategy for Regional water and sewage systems.

There are many extraordinary circumstances in this instance given that the area was never planned to be connected to the water supply system and, depending on when the houses were constructed, may not have even paid the Regional Water Supply Development Charge.

6. What was the cost recovery for other petition projects?

Petition projects are rare as the Region has only implemented one project in the last ten years. Historically, frontage charges for petition projects were only recovering approximately half of the costs. However, in 2015 Regional Council approved adjustments to the Region's frontage charges to move the Region towards achieving a full cost recovery rate in order to minimize the impact on user rates.

7. What is the value of frontage charges for lands owned by Town of Ajax or conservation authority - CLOCA?

The Town of Ajax owns two properties. The estimated Frontage Charges for these are \$58,463.85 and \$88,918.40 resulting in a total of \$147,382.25.

The estimated Frontage Charge for CLOCA is \$84,472.48.

8. Can frontage charges be deferred for vacant properties?

The Water Supply System By-law states;

“extensions of the Water Supply System may be undertaken upon such terms and conditions as Regional Council may from time to time impose.”

The Region’s practice has been to collect frontage charges upfront or under a 10 year payment option.

9. What is the origin of the six per cent rate of interest charged?

The rate was established by the Region and approved as part of Schedule E - Frontage Charges in Regional By-law 89-2003 titled Water Supply System.

It is important to note that property owners have been provided an estimate of project costs and frontage charges based on the water supply servicing concept for the area. Property owners will be responsible for costs based on actual project costs based on a public construction tender which may be lower or higher subject to the timing and project approvals for implementation.

We trust the above noted responses have clarified the information and process related to the water supply servicing petition for the Ontoro Boulevard area.

Original signed by:

Susan Siopis, P. Eng.
Commissioner of Works